

Vacancy on Markham City Council Arising From 2018 Provincial Election

General Committee
June 12, 2018



Background

- On June 7, 2018, a Provincial Election was held in Ontario.
- 2 Markham City Councillors ran for Provincial Parliament:
 - Ward 6 Councillor Amanda Collucci
 - Ward 7 Councillor Logan Kanapathi
- Members of municipal Council were not required to resign their seat in order to run for Provincial Parliament in Ontario.
- Logan Kanapathi was elected MPP for Markham-Thornhill.



Purpose of Presentation

- Today's presentation will inform General Committee of possible next steps with respect to the filling of a vacancy on Markham City Council, resulting from the election of Ward 7 Councillor Logan Kanapathi to Provincial Parliament.



Legislative Framework Governing Council Vacancies

- A municipal Councillor that has been elected to Provincial Parliament is required to vacate their seat on Council.
- A provincially elected Councillor is deemed to have resigned their municipal seat immediately following the publication of the 2018 Provincial Election results in The Ontario Gazette (Section 83 of the Ontario Elections Act).
- They may instead choose to resign from municipal office by notifying (in writing) the City Clerk prior to the publication of election results in The Ontario Gazette) (Section 260 of the Municipal Act).



The Ontario Gazette
La Gazette de l'Ontario

Legislative Framework (Cont'd)

- As this Council vacancy occurs after March 31 in a Municipal Election year, the City is required to fill the seat by appointment & NOT through a by-election (Section 65 (2) of the Municipal Elections Act).
- The City is not required to fill a Council vacancy that occurs within 90 days before Voting Day of the 2018 Municipal Election (**July 24, 2018**).



Legislative Framework (Cont'd)

- If a provincially elected Councillor resigns following the release of unofficial election results on June 7th, Markham City Council must declare their seat vacant at its next meeting - **June 12, 2018** (Section 262 of the Municipal Act).
- If a provincially elected Councillor decides to wait until the official 2018 Provincial Election results are published in The Ontario Gazette, they are deemed to have resigned their seat that day & Markham City Council must declare the seat vacant at its next meeting (the Gazette publishes on the following dates in June: 9, 16, 23, 30).^{*} City Council meetings are scheduled for June 12 & June 26.

***If the 2018 Provincial Election results are not published by the Gazette until after June 26, 2018, the next scheduled City Council meeting is September 12, 2018 – this is within 90 days of the 2018 Municipal Election & therefore no appointment is required.**

Legislative Framework (Cont'd)

- Within 60 days of Markham City Council declaring the Ward 7 seat vacant, the City is required to fill the seat by appointment (Section 263 of the Municipal Act).
- The City has a [Council Vacancy Policy](#) that governs the appointment process for filling vacancies on Markham City Council.
- In accordance with the Policy, Council has the following appointment options:
 - a) Appoint an unsuccessful candidate for the Ward 7 seat in the most recent regular election (i.e. the 2014 Municipal Election); or,
 - b) Appoint any other qualified person (i.e., a Markham voter).

Council Vacancy Policy

- Council must decide which option to use for the appointment process.
- The City Clerk will facilitate the chosen appointment process.
- The person appointed will hold office until the end of the current term of Council (November 30, 2018).



Option A: Appointment of an Unsuccessful Candidate from the 2014 Municipal Election

- In **Option A**, Council will:
 - a) Appoint the Ward 7 candidate that received the second highest number of votes in the 2014 Municipal Election;
or,
 - b) Appoint any other of the unsuccessful Ward 7 candidates from the 2014 Municipal Election.



Option A (Cont'd)

- Unsuccessful Ward 7 candidates from the 2014 Municipal Election (listed in order of votes received):
 - Khalid Usman (3,539)
 - ***Shusmita Sharma (1,308)**
 - Sothy Sella (1,078)
 - ***Vasu Murugesu (160)**

***These Ward 7 candidates did not file financial statements for the 2014 Municipal Election & are therefore ineligible for appointment.**

Option A (Cont'd)

- To be considered for this appointment, a 2014 Ward 7 candidate must still be an eligible* Markham voter & must not otherwise be disqualified from holding office.
- It is the candidate's sole responsibility to meet any deadline or otherwise comply with any requirement established by Council or the City Clerk as part of the appointment process.
- Notice of Council's decision to appoint a 2014 candidate will be:
 - a) Posted on City's website & in local newspaper(s); &
 - b) Sent to the last known address of 2014 candidates.

*An eligible Markham voter is a Canadian citizen; &, at least 18 years of age; & a resident of Markham, or an owner or tenant of land in Markham, or the spouse of such owner or tenant; & not legally prohibited from voting; & not disqualified by any legislation from holding office.

Option A (Cont'd)

- 2014 candidates will be required to submit a written expression of interest to the City Clerk.
- The City Clerk shall examine all expressions of interest received from candidates by an established deadline to ensure the eligibility of the candidate.
- The City Clerk will certify a list of candidates eligible for appointment - candidates that do not meet the eligibility requirements will be notified in writing, & their names shall be provided to Council for information purposes only.

Option B: Appoint an Eligible Markham Voter

- In **Option B**, Council will fill the Ward 7 vacancy by appointment of an eligible Markham voter. Council will set the date of a meeting when this decision will be made.
- To be considered for this appointment, a candidate must be an eligible Markham voter & must not otherwise be disqualified from holding office.
- It is the candidate's sole responsibility to meet any deadline or otherwise comply with any requirement established by Council or the City Clerk as part of the appointment process.



Option B (Cont'd)

- Notice of Council's decision to appoint an eligible Markham voter will be:
 - a) Posted on the City's website & in local newspaper(s); &
 - b) Provided to ratepayer & community organizations.

- Notice will identify:
 - a) The eligibility requirements to fill the Ward 7 vacancy; &
 - b) Any application requirements established by City Clerk, including but not limited to:
 - i. Consent of Nominee Form or written expressions of interest;
 - ii. Statement of Qualification Form;
 - iii. Declaration of Eligibility; &
 - iv. Deadline for submissions (usually 2 weeks).



Option B (Cont'd)

- An Information Meeting may be organized by the City Clerk during the application period.
- All interested eligible voters must complete the application requirements established by the City Clerk.
- Following the submission deadline the City Clerk will certify the eligible candidates & provide notice to candidates of the date/time for the Council Appointment Meeting. This meeting will be conducted in accordance with the Council Vacancy Policy.

Next Steps

- 1) Council will declare the Ward 7 seat on Markham City Council vacant at its next Council meeting following: 1) the publication of the 2018 Provincial Election results in The Ontario Gazette; or 2) the receipt of a resignation letter from Councillor Kanapathi by the City Clerk.
- 2) Council will determine which option they would like to utilize to fill the Ward 7 vacancy on Council.
- 3) The City Clerk will be authorized & directed to take all necessary steps required to fill the Ward 7 vacancy in the manner selected by Council.





Questions

