



Corporation of the Township of Brock

Staff Report to the Members of Council

From: Fernando Lamanna
Position: Deputy CAO & Clerk
Title / Subject: Regional Council Vacancy
Date of Meeting: September 8, 2025
Report No: 2025-GG-016

1.0 Issue / Origin

With the recent acclamation of the then Regional Councillor Michael Jubb to the Office of Mayor, his previous position as Regional Councillor must now be addressed.

2.0 Background

In accordance with Section 259(1)(e) of the Municipal Act, 2001, (the "Act") The office of a Member of Council of a municipality becomes vacant, if the member is appointed or elected to fill any vacancy in any other office on the same council.

As such, Mayor Michael Jubb was sworn in on July 28, 2025 and therefore his previous seat as Regional Councillor is vacant and in accordance with Section 262(1) of the Act, Council is required to declare the seat vacant at its next meeting.

Section 263(1) of the Act states:

If a vacancy occurs in the office of a Member of Council, the municipality shall, subject to this section,

- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- (b) require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996.

In accordance with Section 263(5) of the Act, Council has 60 days from the declaration of vacancy to either appoint a person to fill the vacancy or pass a by-law requiring a by-election to be held to fill the vacancy.

Should Council choose to appoint, the process for making an appointment is not prescribed in the Act. As such, and in accordance with Section 270(1) of the Act, staff are recommending a new Council Vacancy Policy (Attached as Appendix "1") for adoption. This policy will provide for clear processes and procedures giving Council Members, interested candidates and the public assurance of accountability and transparency, related to appointments.

This report will outline three options for filling the vacancy:

- Option 1 – Appointment of a qualified individual who has consented to fill the office.
- Option 2 – Appointment by open call for qualified interested candidates.
- Option 3 – By-election.

3.0 Analysis

Option 1 – Appointment of a qualified individual who has consented to fill the office

In choosing this option, Council could appoint any qualified individual. This could include:

- The candidate who ran for the position that is vacant in the previous regular election, who received the next greatest number of votes but was not elected.
- Any candidate from the previous regular election that was not elected.
- A sitting Member of Council.
- A former Member of Council; or
- Any qualified individual, as there is no requirement to have previously run in a municipal election.

For any individual to be qualified to be appointed to fill the vacancy, a person must be:

- A Canadian citizen;
- At least 18 years of age;
- A resident of the Township of Brock, or be the owner or tenant of land, or the spouse of the owner or tenant of land;
- Not prohibited from voting in a municipal election by any legislation; and,
- Not prohibited from holding the office under the Act or any other legislation.

Timing would be dependent on the qualified individual being appointed. For instance, should a sitting Member of Council be appointed and that Member accepts the appointment, then the Oath of Office can be administered concurrently.

However, should Council appoint any other qualified individual, the Clerk would need to contact that individual, confirm their qualifications and seek acceptance to the appointment. The individual could then be appointed at the next Council meeting.

If that individual is unwilling to stand for the appointment, then the Clerk would be required to return to Council at the next meeting and seek another appointment of a qualified individual and repeat the process.

There would be no financial implication to this method of appointment, and minimal operational impact as governance will be continuous.

Option 2 – Appointment by open call for qualified interested candidates

Council could issue an open call for applications from qualified individuals interested in being appointed to Council, in accordance with the process and procedures outlined in the draft Council Vacancy Policy, attached as Appendix “1”.

The process involves having all interested qualified individuals submit an application and address Council at a Special Council Meeting, so that applicants are given the opportunity to address and respond to questions from Council. Following each applicant’s address, Council would then make the decision to appoint based on a transparent public process, and the Oath of Office administered at the Special Council Meeting.

If Council chooses this option, staff are recommending the following timelines:

Date(s)	Description
Monday September 8	<ul style="list-style-type: none"> • Council declares seat vacant
Tuesday September 9	<ul style="list-style-type: none"> • Application period for qualified interested candidates opens
September 9-26	<ul style="list-style-type: none"> • Clerk advertises three consecutive weeks in local papers and on website
Friday September 26 @ 4:00 p.m.	<ul style="list-style-type: none"> • Application period for qualified interested candidates closes
Wednesday October 8 @ 6:00 p.m.	<ul style="list-style-type: none"> • Special Council Meeting to appoint a qualified individual • Clerk administers Oath of Office

There would be approximately \$1,500 financial implication to this method of appointment to cover advertisement cost, and again there will be minimal operational impact as governance will be continuous.

Option 3 – By-election

Council could choose to fill the vacancy through a by-election. The Act stipulates that nomination day for a by-election must be no less than 30 days and no more than 60 days, after Council passes a by-law for the by-election. Voting day must be scheduled 45 days after nomination day.

If Council chooses this option, staff will work to finalize dates for the by-election and present a by-law before the November 7 legislative deadline. The following timelines are a rough estimate for a by-election:

Date(s)	Description
Monday September 8	<ul style="list-style-type: none"> • Council declares seat vacant
September 22 – October 27	<ul style="list-style-type: none"> • By-law passed if by-election preferred
October 23 – November 21	<ul style="list-style-type: none"> • Nomination Day (close of nomination period 30 to 60 days after by-law)

Similar to the report presented to Council June 9, to fill the vacancy for the office of the Mayor, a by-election for the office of Regional Councillor would require the same efforts as a general election and is estimated to cost approximately \$120,000.

This option will have a significant impact on existing work plans as the focus will be on preparing for and running the by-election.

A by-election option would allow the public to directly select an individual to act as their representative in the office of Regional Councillor. However, it also results in an extended vacancy on Council and increased costs for the limited amount of time the vacancy needs to be filled, prior to the 2026 Municipal and School Board general election.

4.0 Related Policies / Procedures

The legislative provisions of filling a council vacancy is outlined in the Act. However, as noted earlier, there are no specified provisions for filling that vacancy by appointment, as such staff have prepared a new Council Vacancy Policy for consideration. This new policy will assist Council with step-by-step procedures when choosing to fill a vacancy by appointment.

5.0 Financial / Budget Assessment

As outlined in the report, each option to fill the vacancy has its own budgetary impact:

- Option 1 – Appointment of a qualified person \$0.00
- Option 2 – Appointment by open call \$1,500
- Option 3 – By-election \$120,000

Similar to the financial impact as outlined in the June 9th report, should Council choose Option 3 – By-election, the amount will be funded from the Election Reserve which has an estimated year end balance of \$110,000. Additional funds will be required to conduct the 2026 election and will need to be addressed in the 2026 budget.

Option 2 – Appointment by open call with an estimated cost of \$1,500 has minimal impact on the current Election Reserve, and have very little impact to carrying out the 2026 Municipal Elections.

5.1 Asset Management

There is no direct impact to asset management.

6.0 Climate Change Impacts

These is no direct impact to climate change.

7.0 Communications

This report is presented on a public agenda. Following, Council's decision on choosing an option to fill the vacancy, staff will carry out the necessary communications.

8.0 Conclusion

A by-election would be the most democratic option, giving the public a direct say in choosing their representative in the office of Regional Councillor. However, with the financial impact, timing of the by-election (9-10 months prior to a general election), and impact to current work plans, staff do not recommend this option.

Staff do recommend Option 2 – Appointment by call out, as this does have an element of public input, allowing any qualified individual to put the name forth for Council's consideration. Additionally, with the adoption of the new Council Vacancy Policy, the public can be assured that the process and procedure for appointing the new Regional Councillor is being conducted in an open and transparent manner.

9.0 Recommendation

Be It Resolved That Report No. 2025-08-18 "Regional Council Vacancy", be received; and

That Council declare the office of Regional Councillor, vacant; and

That Council approve the new Council Vacancy Policy as attached as Appendix "1" to Report No. 2025-GG-018; and

That Council direct the Clerk to conduct an appointment by open call for qualified interested candidates in accordance to the timelines set out in Report No. 2025-GG-018; and

That Council direct the Clerk to establish a Special Council meeting to be held on Wednesday, October 8, 2025 to consider and appoint an individual to the office of Regional Councillor.