



Corporation of the Township of Brock

Staff Report to the Members of Council

From: Fernando Lamanna
Position: Deputy CAO & Clerk
Title / Subject: Ward 4 Council Vacancy
Date of Meeting: October 14, 2025
Report No: 2025-GG-025

1.0 Issue / Origin

With the recent appointment of Cria Pettingill to Regional Councillor, her previous position as Ward 4 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, Regional Councillor Cria Pettingill was sworn in on October 8, 2025 and therefore her previous seat as Ward 4 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.

Council at their meeting September 8, 2025 passed Council Vacancy Policy AP-47 providing 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 for Ward 4 Councillor:

- 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:

- Any candidate from the previous regular election that was not elected.
- 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.

Should Council choose to appoint any 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 Council Vacancy Policy AP-47.

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.

It should be noted that any one interested in submitting their name as a qualified individual does not have to reside or own property in Ward 4, but simply meet the qualification outlined above.

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

Date(s)	Description
Tuesday October 14	<ul style="list-style-type: none"> • Council declares seat vacant
Wednesday October 15	<ul style="list-style-type: none"> • Application period for qualified interested candidates opens
October 15-31	<ul style="list-style-type: none"> • Clerk advertises three consecutive weeks in local papers and on website
Friday October 31 @ 4:00 p.m.	<ul style="list-style-type: none"> • Application period for qualified interested candidates closes
Wednesday November 12 @ 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 December 13 legislative deadline. The following timelines are a rough estimate for a by-election:

Date(s)	Description
Tuesday October 14	<ul style="list-style-type: none"> • Council declares seat vacant
October 27 – November 24	<ul style="list-style-type: none"> • By-law passed if by-election preferred
November 26 – December 23	<ul style="list-style-type: none"> • Nomination Day (close of nomination period 30 to 60 days after by-law)
December 10 – February 5, 2026	<ul style="list-style-type: none"> • Voting Day (45 days after Nomination Day)

Unlike a by-election for Mayor or Regional Councillor that would require running the election across the entire municipality, the by-election for Ward 4 would be limited to the area covered by Ward 4, which currently has approximately 1,900 electors. A by-election for the office of Ward 4 Councillor would require significant effort and is estimated to cost approximately

\$30,000. 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 Ward 4 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

Municipal Act, 2001 and Council Vacancy Policy AP-47.

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 \$30,000

Similar to the financial impact as outlined in prior reports, 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 Ward 4 Councillor. However, with the financial impact, timing of the by-election (8 months or 13 Council meetings 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 Ward 4 Councillor is being conducted in an open and transparent manner.

9.0 Recommendation

Be It Resolved That Report No. 2025-GG-025 “Ward 4 Council Vacancy”, be received; and

That Council declare the office of Ward 4 Councillor, vacant; 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-025; and

That Council direct the Clerk to establish a Special Council meeting to be held on Wednesday, November 12, 2025, to consider and appoint an individual to the office of Ward 4 Councillor.