

City of Mississauga  
**Corporate Report**



<p>Date: February 28, 2024</p> <p>To: Mayor and Members of Council</p>	<p>Originator's files:</p>
<p>From: Diana Rusnov, Director, Legislative Services and City Clerk</p>	<p>Meeting date: March 20, 2024</p>

## Subject

Filling the Ward 5 Councillor Vacancy

## Recommendation

1. That further to the resignation of former Councillor of Ward 5, Carolyn Parrish, and in accordance with section 262 of the *Municipal Act, 2001*, as amended, Council declare the Ward 5 Councillor seat vacant at their March 20, 2024 Council meeting.
2. That, once the Ward 5 Councillor seat is declared vacant, Council direct staff to proceed with one of the following:
  - a. Put a process in place for the appointment of a person to fill the vacant Ward 5 seat until the end of the 2022 – 2026 term of Council; or
  - b. Direct staff to run a by-election to fill the Ward 5 vacancy.
3. That if Council directs staff to proceed with a by-election to fill the Ward 5 seat, they pass "A By-law to provide for a by-election for the Office of Councillor, Ward 5 for the City of Mississauga" at the March 20, 2024 Council meeting after the Ward 5 Councillor vacancy is declared; and
4. That the Clerk be directed to send a copy of Council's declaration of vacancy to the Region of Peel.

## Executive Summary

- Following the resignation of former Ward 5 Councillor, Carolyn Parrish, which was effective March 15, 2024 (attached as Appendix 1) Council must declare the Ward 5 seat vacant at the March 20, 2024 Council meeting
- Once the seat is declared vacant, Council has 60 days to either appoint a person to fill the vacancy, or pass a by-law requiring a by-election to be held
- If Council chooses to fill the Ward 5 Councillor vacancy by requiring a by-election, staff recommend that the by-election be run concurrently with the 2024 Mayoral by-election

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currently in process

## Background

On February 28, 2024, the City Clerk received the resignation of former Ward 5 Councillor, Carolyn Parrish. The resignation was effective March 15, 2024. Under section 262 of the [Municipal Act, 2001](#), as amended (the Act), if the office of a member of council becomes vacant, Council is required to declare the seat vacant at their next meeting.

Unlike with a vacancy for office of Mayor, under section 263 of the Act, once the seat is declared vacant, Council has the option to:

- 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](#), as amended (MEA)

Staff is requesting Council to determine which option they will choose to fill the Ward 5 vacancy. If Council requires a by-election “A by-law to provide for a by-election for the Office for Councillor, Ward 5 for the City of Mississauga” (attached as Appendix 2) must be added to the Council Agenda for March 20, 2024 and passed so that the Mayoral and Ward 5 by-elections can be run concurrently.

### RULES REGARDING A BY-ELECTION

The Act and the MEA, provide the legislative parameters within which the Clerk must run a by-election. The legislative requirements are as follows:

**Declaration of vacancy – the Act, s. 262(1):** Following the resignation of a member of Council, the vacancy must be declared at the next Council meeting.

**By-law to require a by-election – the Act, s. 263(5)1(ii):** Within 60 after the day a declaration of a vacancy is made, Council must pass a by-law requiring the Clerk to conduct a by-election (unless they choose to appoint someone to fill the vacancy).

**Nominations Open – MEA, s. 65(4)2:** The nomination period will begin the day the by-law requiring a by-election is passed.

**Nomination Day – MEA, s. 65(4)1(ii):** Nomination Day is the last day that nominations will be accepted. The Clerk is required to set the nomination period for no less than 30 days from the day the by-law requiring a by-election is passed and no more than 60 days from the day the by-law is passed.

**Election Day – MEA, s 65(4)3:** The final day of voting must be 45 days after Nomination Day.

#### RULES REGARDING AN APPOINTMENT

The legislation provides less guidance on the appointment process Council must use. Section 263(5) of the Act says that within 60 days after a declaration of vacancy is made, the municipality shall appoint a person to fill the vacancy or pass a by-law requiring a by-election.

If Council chooses to appoint an individual to fill the vacant seat, the proposed process and schedule are detailed in the Comments section below.

### Comments

As noted above the options to fill the Ward 5 Councillor vacancy is to either hold a by-election or alternatively fill the vacancy through an appointment process. Details for each option are provided as follows:

#### OPTION 1 - WARD 5 BY-ELECTION

Should Council choose to require a by-election to fill the Ward 5 vacancy, it is recommended that the by-election be run at the same time as the Mayoral by-election. This will allow for greater efficiencies as resources allocated to the Mayoral by-election could also be used for a Ward 5 by-election. Resources include amongst other things: election budget/funding; election related staff; election workers and election equipment.

In order for voting for both by-elections to be held on the same day, the nomination period for the Ward 5 by-election must close on April 26, 2024 at the same time as the nomination period for the Mayoral by-election closes. This would provide a 37 day nomination period for the Ward 5 Councillor seat and is within the legislated timelines.

If Council chooses to pass a by-law requiring a by-election, the following schedule is proposed for the Ward 5 by-election:

Action	Date(s)
Council declares the Ward 5 Councillor seat vacant and a by-law requiring a by-election is passed	March 20, 2024
Nominations open at 3 p.m.	March 20, 2024
Nomination Day (the day nominations close)	April 26, 2024 at 2 p.m. (the same day as nominations close)

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	for the Mayoral by-election)
Advance Poll Days at the Civic Centre	May 24 and May 25, 2024
Advance Poll Days at various locations throughout the City	June 1 and June 2, 2024
Election Day	June 10, 2024

OPTION 2 - APPOINTMENT

An appointment to fill the Ward 5 Councillor vacancy must be done within 60 days after the vacancy is declared. The proposed schedule and process is as follows:

Action	Date(s)
Council declares the Ward 5 seat vacant.	March 20, 2024
<p>Application submissions open – those who are interested in being appointed will submit:</p> <ul style="list-style-type: none"> <li>• A nomination form</li> <li>• 25 endorsements from eligible Mississauga voters</li> <li>• Supporting documents if desired by Council</li> </ul> <p>Nomination packages will be submitted in the Office of the City Clerk by appointment.</p>	April 1, 2024
Application period closes.	April 22, 2024 at 2 p.m.
<p>The Council agenda is made available online and will include the applicants’ forms and supporting documentation.</p> <p>Endorsements will not be made available online, but will be circulated to Council and will be made available for viewing in the Office of the City Clerk upon request.</p>	May 9, 2024

<p>Each qualified applicant will be scheduled to present to Council for a maximum of five (5) minutes outlining their ‘why me’ and qualifications. The order of speaking will be in alphabetical order by candidate’s last name.</p> <p>Following each candidate’s deputation, Members of Council will each be entitled to ask questions of each candidate for up to 2 minutes. Candidates will have a maximum of 2 minutes to respond to each Councillor’s questions.</p> <p>Council shall convene in Closed Session to deliberate on the appointment.</p> <p>An appointment must occur within 60 days of the declaration of the seat being vacant – last day to appoint is May 15, 2024.</p> <p>Council shall vote on the appointment in open session. The candidate receiving the majority vote shall be appointed as Councillor for Ward 5.</p> <p>After the vote, Council shall enact a by-law confirming the appointment of the successful candidate to the office for the remainder of the term of the present Council.</p>	<p>May 15, 2024</p>
<p>The newly appointed Councillor shall take the Oath of Office and commence in their role as Ward 5 Councillor.</p>	<p>May 15, 2024</p>

**Financial Impact**

There is no financial impact associated with a Ward 5 by-election or an appointment process.

If Council chooses to fill the Ward 5 Councillor vacancy by requiring a by-election and the by-election runs concurrently with the Mayoral by-election, the by-election will be paid for with funds already allocated to the Mayoral by-election.

## Conclusion

With the resignation of former Councillor, Ward 5, Carolyn Parrish, Council is required to:

- Declare the Ward 5 Councillor seat vacant at the March 20, 2024 Council meeting; and,
- Decide whether to fill the vacancy by appointment or by-election.

If Council decides to fill the vacancy by requiring a by-election, Council must:

- Add “A By-law to provide for a by-election for the Office of Councillor, Ward 5 for the City of Mississauga” (attached as Appendix 2) to the Council Agenda for March 20, 2024; and,
- Pass “A By-law to provide for a by-election for the Office of Councillor, Ward 5 for the City of Mississauga” so that nominations can open on March 20, 2024 and the 2024 Mayoral by-election and Ward 5 by-election can be run at the same time.

If Council decides to fill the vacancy by appointment, the process and timing outlined in this report will be followed.

## Attachments

Appendix 1: Former Councillor, Ward 5, Carolyn Parrish – Resignation Letter

Appendix 2: Draft By-law to provide for a by-election for the Office of Councillor, Ward 5 for the City of Mississauga



Diana Rusnov, Director, Legislative Services and City Clerk

Prepared by: Laura Wilson, Manager, Elections and Vital Statistics