

Authority: Item 9, General Issues Committee
Report 15-022 (CL15004)
CM: Dec. 9, 2015

Bill No. 276

CITY OF HAMILTON

BY-LAW NO. 15-

To Require an Election to Fill a Vacancy in Ward Seven

WHEREAS Councillor Duvall being a member of the Council of the City of Hamilton for Ward 7 was elected a member of the Legislative Assembly of the Province of Ontario on October 19, 2015;

AND WHEREAS section 258 (1) 3. of the *Municipal Act, 2001* provides in part that a member of the Assembly as provided in the *Legislative Assembly Act* or a member of the House of Commons of Canada is not eligible to hold office as a member of a council;

AND WHEREAS by letter dated October 22, 2015 Councillor Duvall submitted his resignation as a member of the Hamilton City Council;

AND WHEREAS Hamilton City Council declared the Ward 7 seat on Council vacant on October 28, 2015 in accordance with the provisions of section 262 (1) the *Municipal Act, 2001*;

AND WHEREAS subsections (1) and (5) of section 263 of the *Municipal Act, 2001* provide that a declared vacancy on Council shall be filled by appointing a person who has consented to accept the office if appointed within 60 days from the date of declaration of vacancy or by passing a by-law to call an election within 60 days from the date of the declaration of vacancy;

AND WHEREAS the Council of the City of Hamilton deems it desirable to hold an election to fill the vacancy in the office of Councillor for Ward 7;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. It is hereby required that a by-election shall be held to fill the vacancy in the office of Councillor for Ward 7.
2. The Clerk is hereby authorized and directed to do all things necessary to give effect to this By-law in accordance with the provisions of the *Municipal Elections Act, 1996*.

PASSED this 9th day of December, 2015.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk