

## POLITICS AS USUAL: Here we go again!

**By Alison Collins-Mrakas**

Yet another municipality is faced with the reality of a Council that could choose to appoint someone to elected office and take away the electorate's right to choose who represents them.

A Council could once again opt for selection rather than election. I am, of course, talking about the appointment or bi-election situation in the City of Toronto. There is a vacancy now on Toronto City Council as a result of Deputy Mayor Holyday's very recent election as MPP for Etobicoke-Lakeshore and the Council has to decide what to do about it.

Leaving aside the larger issue of the ethics around Councillors trading up, as it were, from their sworn duty as Municipally elected officials to represent those that elected them to the grander stage of provincial office, there is the fact that there are about 14 months, or just under 30 per cent of the term left. That is not an insignificant amount of time.

Given the importance of the role and the length of the term still to be served, one would think that a by-election would be the defacto response to addressing the vacancy. But one would be wrong. There are a sizeable number of fairly prominent voices, including members of City Council making the same arguments that one hears over and over when the issue of municipal mid-term vacancies arise.

'It will cost too much.' 'It will take too much time.' 'We can just appoint a caretaker councillor.'

To all that I say 'nonsense!'

Think of it this way: if it is too expensive or time-consuming to have a by-election to fill a Council vacancy, then why does the same not hold true for Provincial or Federal vacancies? Municipal by-elections take about as much time and as much money as Provincial/Federal. Why then is appointment not an option considered for other levels of elected office? Why? Because it's undemocratic, that's why.

We have just had five by-elections to address five provincial vacancies. There were grumblings about summer by-elections and whether they are 'fair' or not. And grumblings about the cost and the time involved ? but not one voice argued that our MPPs could be, or should be, appointed.

It simply never crossed anyone's mind ? because it is inconceivable that we could have a member of the House of Commons occupy a seat without having earned it through voters' choice. So why doesn't the same hold true for municipal seats?

I have banged this drum before, but I will do it again because, frankly, nothing has changed yet. It is clear that the Municipal Act ? in particular section 263 ? needs to be amended immediately.

Council should not be permitted to choose between election or selection to fill council vacancies. They should be required to hold by-elections. Period. Appointments, if allowed at all, should be limited to the very specific circumstances already outlined in the Act. By requiring a by-election, these conflict-ridden, highly political decisions would be taken out of Councils' hands.

Further, once a vacancy is confirmed, Councils should be required to call an immediate meeting to put in motion the steps required to call a by-election. These meetings should be held regardless of the time of the year ? yes even the summer months! Look at the pickle Toronto is in.

Their Council is in the midst of their summer break. The next meeting isn't scheduled until October. Thus, the issue of what or how to deal with the vacancy will not even begin to be discussed for months ? that is, unless a majority of councillors agree to a special meeting called by the Mayor.

Fat chance of that! The largest city in the country will more than likely muddle about in legislative limbo because Councillors are not required under the Act to attend a meeting.

Finally, Councils should be required to set aside a nominal amount in their annual budgets to offset the costs of potential by-elections, much as they are required to set aside enough money to cover general municipal elections. By creating such a reserve, the issue of ?cost? is removed from the discussion as it would be a planned-for expense.

So, there you have it. A few common sense changes that should be made to the Municipal Act to address Council vacancies. Perhaps when the Province is done dealing with missing emails and gas plant cancellations, diluted chemotherapy drugs and ORNGE helicopters, they can get around to fixing municipal legislation. One can hope.

Until next week, stay informed, stay involved because this is after all, Our Town.