

(Updated) Ballard win leaves vacancy to fill on Council

By Brock Weir

Aurora could have a new Councillor as early as August 12.

As former councillor Chris Ballard prepares to head off to Queen's Park this summer, he leaves behind a vacancy on Aurora Council which has to be filled within 60 days. After a thorough debate on the matter on Tuesday night, that slot could be filled as early as the August Council meeting scheduled for August 12.

Councillors are set to use next week's Council meeting on Tuesday, June 24, to formally declare his seat vacant. At this week's General Committee meeting, Councillors approved an open nomination process for possible seat fillers, an a date to have everything wrapped up by. That decision is expected to be ratified on June 24.

According to the Municipal Act, Council now has 60 days to appoint someone to fill Ballard's seat. His seat must be formally declared vacant at the next meeting of Council and contenders for the appointment must be a Canadian Citizen, 18 years of age or older, and a resident of the community.

In the report before Councillors this week from Stephen Huycke, Clerk for the Town of Aurora, he recommends a wide-open appointment process permitting "any interested and qualified person" to apply for the job.

"All municipalities in the Greater Toronto Area, having authorized an appointment process to fill a vacancy, have filled their vacancies following an open call for qualified applicants and at least one public meeting to allow deputations from the applicants," said Mr. Huycke. "This ensures that the process is open and transparent when Council is exercising its obligation to appoint a person to an otherwise elected office."

This, he noted, was similar to how Richmond Hill filled a similar vacancy last year.

Alternatively, however, Mr. Huycke notes the process Aurora Council followed in 2008 following the resignation of councillor Grace Marsh. In that case, rather than making the application out to the public "and voting against going back to the public in a by-election, something which is legislatively out of the question in this instance due to such a short window between now and the October 27 municipal election" they went to the first runner up from the 2006 election results.

Vying for eight possible seats on Aurora Council, John Gallo placed ninth and was duly appointed to Council.

"If Council were to choose to appoint the Candidate from the 2010 Municipal Election who received the most votes but was not elected, the Clerk should be afforded the opportunity to confirm to his satisfaction that the Candidate is still qualified to hold office before his or her name is submitted to Council for approval."

In this case, that ninth place finisher is Stephen Granger, who served in the 2006 - 2010 term of Council, but was beaten to that coveted eighth place by Councillor Paul Pirri by just 21 votes following a recount.

Although there are no restrictions Mayor Geoffrey Dawe and the remaining seven Councillors can place on whomever they choose to fill Ballard's place, there is a sense from the many of the members that they want someone with experience around the Council table and preferably not someone who is planning to put their names forward for election on October 27.

MAYOR DAWE

"Given that I was a major proponent in having a by-election the last time Council had a vacant seat, which was a wide-open process and certainly transparent, whatever we do will be as open and transparent as possible," said Mayor Dawe.

60 days to fill that spot is, he said, a relatively short period of time, but there is enough time to gather a list of applicants and interested parties similar in a way they would fill a vacancy on a citizen advisory committee.

"You might have someone who has been a former Councillor and has no desire to run again, but would be willing to sit for a couple

of months, at least have experience in dealing with reports, and having a sense of the situation, he added. [Appointing someone already considering a council run] would, in my opinion, be giving an unfair advantage.

JOHN ABEL

Councillor Abel agreed with the principle of an unfair advantage and said as it is so close to the end of the term, appointing someone who is familiar with how things are done, such as an ex-Councillor, would be beneficial.

It should be very transparent and it should be someone with experience filling the role, familiar with the role, but not going to take advantage of increasing their visibility in the upcoming election, he said.

MICHAEL THOMPSON

Although his preference too would be someone familiar with the role, he said he welcomed further discussion around the Council table to get the ins and outs of the ideal person for the appointment and the rules around that. Looking for a guarantee that they would not put themselves forward for election later was something he said should be discussed, but he was skeptical whether any assurances could be made in that regard.

I don't want to give anyone unfair advantage going into the next election but we have to figure out what this process is going to look like, he said. I want to make sure that it is open and transparent, and people aren't going to second-guess Council.

EVELYN BUCK

From Councillor Evelyn Buck's perspective, no Council has the authority to ask prospective candidates for any kinds of assurances. She added each Councillor will have their own ideas and reasons for whichever option and candidate they might push for.

It couldn't be an objective choice, said Councillor Buck, noting her two preferred candidates would be Marsh, and former councillor (and Auroran columnist) Alison Collins-Mrakas because she has a great deal of respect for their competence and integrity. I don't believe Council has the right to ask anyone not to commit to being a candidate. I have seen it happen in the City of Toronto that someone has been chosen on the basis they wouldn't run in the next election and they did. There are no requirements for anyone to agree and we don't have the legal authority to do it, either.

SANDRA HUMFRYES

Ahead of this week's meeting, Councillor Humfries is undecided on who a possible replacement should be, or if she has a preference on whether or not the October election should be a factor. At this point, her main concern is finding someone who can hit the ground running.

I hope that we can have, for the last mile of our term, someone who is really going to be able to pitch in, be up on the latest issues and projects, so we can really gain that synergy with that individual and keep things moving, she says. It has to be an individual who has kept up with what is going on and interested in moving our business forward.

WENDY GAERTNER

Councillor Wendy Gaertner, along with Councillor Buck, are the only two members of the 2006-2010 term of Council left standing from the time when Marsh's vacancy had to be filled. In her view, that Council's decision to appoint the next runner-up was the right one then, and the right one now.

I would just go right down the list of people like we did with John Gallo, she said. We can't hold an election, I definitely don't think it is appropriate to appoint someone, so what are the choices? Anybody who is in the seat might be perceived to have an unfair advantage. According to the democratic process, I can't think of a more democratic way to fill that seat than to go from who the electors voted for the last time to be in this term of office.

Councillors John Gallo and Paul Pirri did not respond to requests for comment by press time.

HAVE YOUR SAY: Since a by-election is not an option in this case, how do you think Council should fill Ballard's vacancy? Who is your ideal candidate? Is there anyone you would like to see return to the Council table to finish off the remaining few months of the 2010-2014 term of Council? Send your thoughts to letters@auroran.com.