



COMMITTEE OF THE WHOLE

For meeting to be held on:
August 27, 2013

Submitted by:
Kathy Bunting,
County Clerk

For:
Action

Subject:

2013 INAUGURAL SESSION OF COUNTY COUNCIL

BACKGROUND:

The Rules of Procedure state as follows:

“The date of the Inaugural meeting of County Council each year shall be established by Council by the October Session preceding such Inaugural meeting.”

The date of the 2013 Inaugural was set in late 2012 with the publication of the County meeting calendar. The date is Thursday, December 5, 2013 followed by only one council meeting in December, being Tuesday, December 13, 2013.

ANALYSIS:

Middlesex County Council amended and approved the Rules of Procedure on January 9, 2007 which outlined the procedure. A copy of the “Election of Warden as Head of Council” from the Rules of Procedure is attached for your review.

Also attached are copies of the draft resolutions to appoint the Chair and Scrutineers, and the motion to elect the Warden for December 2013 to December 2014. I have also attached a copy of the Declaration of Office of the Warden for your review.

SUBJECT: 2013 INAUGURAL SESSION OF MIDDLESEX COUNTY COUNCIL

RECOMMENDATION:

That the program for the Thursday, December 5, 2013 Middlesex County Council Inaugural Meeting be approved as follows:

3:00 p.m. - Reception in the Middlesex Meeting Room, Middlesex County Building

4:00 p.m. - Music Program in the Council Chambers presented by Medway Madrigal Choir (to be confirmed)

4:30 p.m. - Inaugural Meeting of County Council to elect the Warden (using the Rules of Procedures, approved by Middlesex County Council January 7, 2007)

5:15 p.m. - Reception in the Middlesex Meeting Room following the election of the Warden for December 2013 to December 2014

6:15 p.m. - Dinner

Attachments

1. INAUGURAL MEETING & ELECTION OF WARDEN

- (A) **First council meeting** - The first meeting of a new council of a municipality after a regular election shall be held at the time set out in the municipality's procedure by-law but in any case not later than 31 days after its term commences.

(Municipal Act, 2001, S. 230)

The first or inaugural meeting of Middlesex County Council shall be held no later than the third Tuesday in December and the meeting shall be held at 2:00 o'clock in the afternoon.

The date of the inaugural meeting of Council shall be established by Council by the October Session preceding such Inaugural Meeting. The first meeting shall be held in the Council Chamber, Middlesex County Building.

- (B) **Certification by the Clerk of the lower tier municipality** - A person elected or appointed shall not take a seat on Middlesex County Council until the Clerk of the County has received the certificate from the Clerk of the lower tier municipality certifying the name of each person elected or appointed.

(Municipal Act 2001, S.232 (3) & (4))

- (C) **Declaration of office** – No business shall be conducted at the first meeting of Council until after the declarations of office have been made by all members who present themselves for that purpose.

(Municipal Act 2001, S.232 (5))

- (D) The Clerk shall preside, or if there is no Clerk, the members present shall select a member to preside, and the person so elected may vote as a member.

ELECTION OF WARDEN AS HEAD OF COUNCIL

- (E) Council shall, in each year of its term, appoint the Head of Council at its first meeting

(Municipal Act, 2001, S. 233(1))

- (F) Despite subsection (E), if the term of office of an appointed Head of Council is the same as the term of council, Council shall, in the first year of its term, appoint the Head of Council at its first meeting.
(Municipal Act, 2001, S. 233(2))
- (G) Council may, by by-law, passed at least six months prior to the end of its term, provide that the term of office the for Head of Council shall be the term of office of the Council of the County, and a by-law passed under this section shall not be repealed once a Head of Council has been appointed, until the succeeding Council of the County is deemed to be organized.
- (H) The Warden as the Head of Council shall be appointed pursuant to the procedure as follows:
- (i) The Clerk shall be the Presiding Officer.
 - (ii) By motion(s) a Past Warden will be appointed as Chair and two (2) Past Wardens will be appointed as scrutineers. The Chair and the scrutineers will be called to the Dias. The Clerk will exit the Dias.
 - (iii) Voting will be by secret ballot. *(Municipal Act, 2001, S. 233(5))*
 - (iv) A nomination ballot will be circulated to each Councillor to nominate a candidate(s).
 - (v) The Chair will announce the names of the nominees in alphabetical order.
 - (vi) Each nominee, in alphabetical order, will be given the opportunity to address members of County Council.
 - (vii) A majority of the total votes of Councillors will be required to appoint a candidate for the position of Warden. The exception will be in Item (xii) where a successful candidate will be picked having only 50% of the votes.
 - (viii) Each member of Council who is present will have one vote.
(Municipal Act, 2001, S. 233(4))
 - (ix) If there are more than two candidates and if, following a vote, the candidate with the most votes does not have a majority then the candidate with the least number of votes is eliminated. A subsequent vote(s) will be taken until one candidate has a majority of votes.
 - (x) If there are more than two candidates and no candidate has a majority of the votes, but there is a tie between candidates with the least number of votes, there will be a vote including only the candidates with the least number of votes, to eliminate one of them. In the event that this vote results in a tie, the Chair will by lot pick a candidate to be eliminated.

- (xi) If there are three or more candidates and the result of the vote is a tie, there will be another vote, and if the result remains a tie, the Chair will by lot pick a candidate to be eliminated.
 - (xii) If there are two candidates and the result of the vote is a two-way tie, there will be another vote, and if the result remains a two-way tie, the Chair will by lot pick the candidate for the position of Warden.
 - (xiii) A candidate may voluntarily withdraw his/her name at any time during the process.
 - (xiv) By motion, the ballots will be destroyed.
 - (xv) The successful candidate shall be appointed the Warden as the Head of Council for the Council of the Corporation of the County of Middlesex pursuant to Section (I)
 - (xv) The Chair and scrutineers will exit the Dias. The Clerk assumes the Chair, and is the Presiding Officer.
- (I) With the Clerk presiding the successful candidate, as determined in Section (H), will be duly moved and seconded the Warden, as the Head of Council, of the Corporation of the County of Middlesex.

Thursday, December 5, 2013

Moved by _____

Seconded by _____

That Past Warden _____ be appointed as Chair of the meeting to elect the Middlesex County Warden for the term of December 5, 2013 to December 1, 2014.

Thursday, December 5, 2013

Moved by _____

Seconded by _____

That Past Warden _____ and Past Warden _____ be appointed as scrutineers.

Thursday, December 5, 2013

Moved by _____

Seconded by _____

That the ballots be destroyed by the County Clerk.

Thursday, December 5, 2013

Moved by _____

Seconded by _____

That Councillor _____
be declared Warden, County of Middlesex for the term December
5, 2013 to December 1, 2014.

DECLARATION OF OFFICE
(Section 232 (1) of the *Municipal Act, 2001*)

I, _____, having been appointed to the office of Warden in the municipality of The Corporation of the County of Middlesex, do solemnly promise and declare that:

1. I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
3. I will disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*.
4. I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second.

And I make this solemn promise and declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me)	
in the Council Chambers)	
Middlesex County Building)	_____
London, Ontario)	signature of declarant
on December 5, 2013)	

Kathleen Bunting, County Clerk
Commissioner for taking Affidavits