

COUNCILLOR RESIGNATION

Issue

Councillor Actemichuk has submitted her written resignation to the Town of Okotoks' Chief Administrative Officer (CAO) effective March 21, 2024.

Motion Proposed by Administration

OPTION 1 - That the Mayor send a letter to the Minister of Municipal Affairs requesting an order to extend the time to fill the vacancy to the next general election; or

OPTION 2 - That Administration be directed to provide a report with proposed dates to conduct a by-election within the 120 days required timeline.

Report, Analysis and Financial Implications

Councillor Actemichuk submitted her written resignation (attached) to the CAO on March 21, 2024, which is effective on the date of receipt.

As per section 161(4) of the *Municipal Government Act (MGA)*, the CAO must report the resignation at the first council meeting after receiving the resignation.

MGA section 162(b)(i) states that a council must hold a by-election to fill a vacancy on council unless the council consists of six (6) or more councillors and the vacancy occurs in the 18 months before a general election and there is only one (1) vacancy.

Councillor Actemichuk's resignation was received 19 months before a general election. Council has two options for consideration under the legislation.

OPTION 1

Under section 166(b) of the *MGA*, if a by-election is required and not held, the Minister may by order, extend the time for filling that vacancy to the next general election. The Mayor may write a letter to the Minister of Municipal Affairs requesting an order under this provision based on only being short 30 days of the 18-month period before a general election. This request could note that the Council consists of 6 members (with the vacancy) and is not based on a ward system. The cost of holding a by-election and mandatory training of a new Councillor would be approximately \$40,000, which is not currently in the 2024 approved budget. In the previous Council terms before a general election, the Minister of Municipal Affairs has approved orders granting these extension requests.

OPTION 2

Direct Administration to bring back a report with proposed by-election dates to comply with the holding of a by-election within the legislated 120 days.

Strategic Plan Goals

<input type="checkbox"/>	Responsibly Managed Growth	<input type="checkbox"/>	Demonstrated Environmental Leadership
<input type="checkbox"/>	Strong Local Economy		
<input checked="" type="checkbox"/>	Organizational Excellence	<input type="checkbox"/>	Enhanced Culture & Community Health

Equity/Diversity/Inclusivity Impacts and Strategy

n/a

Environmental Impacts

n/a

Governing Policies/Bylaws/Legislation or Agreements

MGA

Public Participation Strategy

n/a

Alternatives for Consideration

n/a

CAO Comments

A Councillor is required to resign in writing to the CAO. A written resignation was received on March 21, 2024. The question is if a by-election should be held. If this resignation would have been received on April 21, 2024, no by-election would be required. As it was received one month prior to the legislated time period, Council can request a waiver from the Minister of Municipal Affairs. Council will need to weigh effective democratic representation with the costs/impacts of a by-election to determine if it can make a compelling case to the Minister to override the by-election requirements in the *MGA*. Council direction is requested.

Attachment(s)

1. Councillor Actemichuk's Resignation – March 21, 2024

Prepared by:
Cathy Duplessis, CLGM
Legislative & Policy Services Manager
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