



Proposed Changes to Bylaw 9.16 – Vacancy

Proposed May 2018

To address issues that may arise from proposed longer council member terms of office, these changes are being proposed to the Vacancy section of the ACSLPA Bylaws to provide for better continuity of the Council and improved succession management.

Background

- Current situation
 - Currently, if a member of council vacates their position part-way through their term the vacancy may be filled by appointment or left vacant at the discretion of Council.
 - Vacancies are generally rare but can happen from time to time. The current two-year terms for council members decreases the likelihood and impact of vacancies.
- Issues to be addressed:
 - With the proposed change to three-year terms for members of council, the likelihood and impact of vacancies is increased.
 - It is desirable to have rules in place to address both short and longer-term vacancies, should one arise in the future.
 - The proposed amendment to terms of office for members of council includes consideration to move to a 1/3 turnover of council terms in any given year. Providing for continuity of the 1/3 turnover into the future requires forethought to manage vacancies that may arise (otherwise the pattern could be upset and would have no mechanism to be reset).
 - Amending this section of the Bylaws at this time makes sense since it is related to the proposed amendment to terms of office for members of council.
- Legislative Authority:
 - The Council may make bylaws respecting the terms of office of members of council and the filling of vacancies (HPA Section 132(1)(c)).
 - The Bylaws of the College authorize the Council to add to, amend or repeal, in whole or in part, the Bylaws after it has considered recommendations for changes and has considered feedback from the membership, such feedback to be solicited in any manner that the Council sees fit (Bylaws, 17.2)

Proposed Bylaw Change

- It is recommended that Section 9.16 of the bylaws, titled “Vacancy” be repealed in its entirety.
- It is recommended that provisions be added to deal with short-term vacancies, in which the impacts and options to address the vacancy are both limited due to the small duration. These provisions should allow for flexibility and speed of decision-making.
- It is recommended that provisions be added to deal with longer-term vacancies, in which the impacts and options to address the vacancy are broader due to the longer duration. These provisions should allow for due process to take its course.

Effect of the Proposed Bylaw Change

- This change should allow for better continuity for the Council and succession management should a vacancy arise due to longer council member terms.

Recommended Amendment to the Bylaws:

- That section 9.16 of the Bylaws be repealed in its entirety as follows:

~~9.16 — Vacancy~~

~~Where a vacancy occurs on Council, Council may appoint a person to fill that position for the remainder of the former Councillor’s term or they may choose to leave that office vacant. If such vacancy results in less than six (6) Regulated Members, the Public Members shall be no less than two.~~

Proposed wording for the Bylaws:

The amended section of the Bylaw would read, in its entirety as follows:

9.16 Vacancy

Where a vacancy occurs on Council, the following shall apply:

- 9.16.1 If there are more than 18 months left in the vacated council member’s term, the remainder of the term shall be filled during the next regularly scheduled election.
- 9.16.2 If there are less than 18 months left in the vacated Council member’s term, the Council may fill the remainder of the term by appointment, or they may choose to leave that office vacant unless such vacancy results in less than six (6) regulated members on Council.
- 9.16.3 Notwithstanding subsection 9.15.3, a newly-elected, acclaimed, or appointed person shall start their term on Council at the earliest reasonable opportunity and shall continue to hold office until the expiry of their term.