

Authority: Item 8, Corporate
Administration Committee
Report 04-010 (CL04005)
CM: June 30,2004

Bill No. 157

CITY OF HAMILTON

BY-LAW NO. 04-157

To Require:

AN ELECTION TO FILL A VACANCY IN WARDS TWO AND THIRTEEN

WHEREAS Councillor Horwath being a member of the Council of the City of Hamilton for Ward 2 was elected a member of the Legislative Assembly of the Province of Ontario on May 13,2004;

WHEREAS Councillor Powers being a member of the Council of the City of Hamilton for Ward 13 was elected a member of the House of Commons of Canada on June 28,2004

AND WHEREAS section 258 (1) 3. of the Municipal Act, 2001 provides in part that a member of the Assembly as provided in the Legislative Assembly Act or a member of the House of Commons of Canada is not eligible to hold office as a member of a council;

AND WHEREAS by letter dated May 17, 2004 Councillor Horwath submitted her resignation as a member of the Hamilton City Council;

AND WHEREAS by letter dated June 30, 2004 Councillor Powers has submitted his resignations as a member of the Hamilton City Council;

AND WHEREAS Hamilton City Council declared the Ward 2 seat on Council vacant on May 26, 2004 in accordance with the provisions of section 262 (1) the Municipal Act, 2001;

AND WHEREAS Hamilton City Council declared the Ward 13 seat on Council vacant on June 30, 2004 in accordance with the provisions of section 262 (1) the Municipal Act, 2001;

AND WHEREAS subsections (1) and (5) of section 263 of the Municipal Act, 2001 provide that a declared vacancy on Council shall be filled by appointing a person who has consented to accept the office if appointed within 60 days from the date of declaration of vacancy or by passing a by-law to call an election within 60 days from the date of the declaration of vacancy;

AND WHEREAS the Council of the City of Hamilton deems it desirable to hold an election to fill the vacancies in the offices of Councillor for Wards 2 and 13;

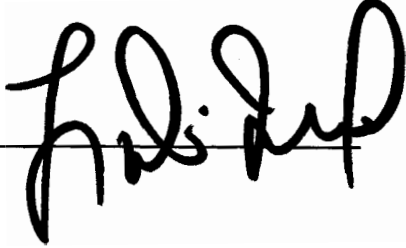
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. It is hereby required that a by-election shall be held to fill the vacancies in the offices of Councillor for Wards 2 and 13

2. The Clerk is hereby authorized and directed to do all things necessary to give effect to this By-law in accordance with the provisions of the Municipal Elections Act, 1996.

PASSED and ENACTED this 30th day of June, 2004.

MAYOR

A handwritten signature in black ink, appearing to be "H. D. ...", written over a horizontal line.

CITY CLERK

A handwritten signature in black ink, consisting of several thick, overlapping strokes, written over a horizontal line.