

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>120</b>
Section <b>Procedure &amp; Organization of Council</b>	Subject <b>Warden and Deputy Warden Policy</b>

## 1. APPLICATION

This policy establishes rules governing the election of a Warden and Deputy Warden by the members of the Council, and defines duties of the Warden and identifies the term of office of the Deputy Warden.

## 2. AUTHORITY FOR POLICY

Sections 12 and 16, *Municipal Government Act*, as amended

## 3. DEFINITION

In this policy, “majority” means a majority of Councillors who are present at the meeting.

## 4. ELECTION OF THE WARDEN

The Clerk shall preside as Chair of the meeting until such time as the Warden is elected. The Warden shall be elected by Council in accordance with the following process and rules:

- (1) The Clerk shall preside as Chair at any meeting or portion of any meeting during which a Warden is elected.
- (2) After announcing that the business of Council at the meeting is to elect a Warden, the Chair shall call for nominations. All nominations shall be made openly and publicly by raising of the hand to attract the attention of the Chair and announcing the nomination or seconding of a candidate when called upon.
- (3) A candidate may be nominated by any other Councillor, including a Councillor who is a nominator or seconder of a previously nominated candidate, or who is a previously nominated candidate.
- (4) The Chair shall ask if there is a seconder for the nomination. Any Councillor except the nominator and the candidate may second the nomination. Failure to obtain a seconder shall result in the nominee’s name not being included in the list of candidates to be voted upon.
- (5) Each nominee shall be asked if they consent to being nominated. If the nominee declines to give unconditional consent, the nominee’s name shall not be included in the list of candidates to be voted upon.
- (6) The Chair shall repeatedly call for additional nominations until, after calling three successive times without a successful nomination, the Chair shall announce that nominations are closed.
- (7) When there is only one candidate, the Chair shall call for a motion to elect the Warden, and the candidate shall be elected Warden if the motion passes by majority vote.
- (8) When there is more than one candidate to be voted upon, the Chair shall prepare ballots with each candidate’s name and shall distribute the ballots, one to each Councillor. Before the voting occurs, Council may by resolution appoint a scrutineer to verify the vote and to assist the Chair in connection with the vote.

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- (9) The councillors shall vote by placing a mark beside the candidate of their choice, and folding the ballot. A candidate may vote for himself or herself.
- (10) The ballots shall be collected and counted in a manner that preserves the confidentiality of each Councillor's ballot. The Chair shall only declare a ballot to be spoiled if the ballot does not disclose a clear preference in favour of any candidate.
- (11) If, after any vote, the Chair determines that a majority has voted for any one candidate, the Chair shall announce the name of the Warden so elected, but shall not announce the number of votes obtained by any candidate. Council may pass a motion authorizing the Chair to destroy the ballots.
- (12) If, after any vote, a majority has not voted for any one candidate, new ballots shall be prepared but the name of the candidate with the fewest number of votes on the previous vote shall be excluded from the new ballots. Voting shall continue in the same fashion until a Warden is declared elected by the Chair.
- (13) In the event of a tie or deadlock, the Chair shall fairly use the following methods firstly, in an effort to have the voting progress towards reducing the number of candidates to 2, and secondly in an effort to elect a Warden by a majority:
  - a) If, with no candidate elected by majority, there is more than one candidate in a tie with the fewest votes, all such candidates in the tie shall be excluded from the new ballot unless their exclusion would result in less than 2 candidates remaining upon the ballot.
  - b) The Chair shall ask if any candidate is prepared to withdraw his or her name from the next ballot.
  - c) Where three or more candidates remain, and one candidate had more votes than the others, a run-off ballot may be carried out amongst the others to see which candidate should progress to a final vote.
  - d) The Chair may call for a vote by ballot following the process and rules set out in 9, 10 and 11 of this section.
  - e) After every reasonable effort by the Chair to find a candidate with majority support, the deadlock shall be broken by having the Chair place the names of the candidates on equal size pieces of paper in a box and having one name being drawn by a person chosen by the Chair.
- (14) The term of office of the Warden shall be for a two-year period to be appointed as follows: at the special session of council after the general election; and at the regular November council session two years later.

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## 5. WARDEN

The Warden shall perform, enforce and carry out all acts, obligations and duties required of them by the *Municipal Government Act*; other acts of the Province of Nova Scotia, and the bylaws, policies and resolutions of Council.

## 6. DEPUTY WARDEN

- (a) At the first meeting of Council following: a general municipal election; Council receiving notice of the resignation of a Deputy Warden; the Deputy Warden's removal from office in accordance with this policy; or the office of the Deputy Warden otherwise becoming vacant, Council shall select from among its members a Deputy Warden in accordance with the process and rules set out in Section 4 of this policy for electing a Warden, with any necessary changes for the context.
- (b) The term of office of the Deputy Warden shall be for a two-year period to be appointed as follows: at the special session of council after the general election; and at the regular November council session two years later.
- (c) The Deputy Warden may resign and may cease to be qualified to hold office in the same manner as stipulated in respect of Councillors in applicable legislation.
- (d) The Deputy Warden may be removed from office by Council by a vote of two-thirds of the Council Members after 20 days notice in writing has been provided to the Clerk and Council Members.

## 7. REPEAL

*AM-1.2.3 Warden and Deputy Warden Policy*, adopted by Municipal Council of the County of Annapolis on April 18, 2023, is hereby repealed.

Municipal Clerk's Annotation for Official Policy Book I certify that this policy was adopted by Municipal Council as indicated below: <i>Seven (7) Day Notice</i> ..... <b><i>June 11, 2024</i></b> <i>Council Approval</i> ..... <b><i>June 18, 2024</i></b>	
<hr style="width: 25%; margin: 0 auto;"/> Municipal Clerk <i>At Annapolis Royal Nova Scotia</i>	<b><u>June 19, 2024</u></b> Date

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#### AMENDMENTS:

**2023/04/18**

##### **Section 1 [Delete the word “*additional*”]**

This policy establishes rules governing the election of a Warden and Deputy Warden by the members of the Council, and defines ~~additional~~ duties of the Warden and identifies the term of office of the Deputy Warden.

##### **Section 4 [Added new first sentence]**

The inaugural meeting of Council shall take place on the first business day following the 10-day appeal period of a municipal election. The Clerk shall preside as Chair of the meeting until such time as the Warden is elected. The Warden shall be elected by Council in accordance with the following process and rules:

##### **Sub-section 4(2) [Delete the words “*and secondings*”]**

- (2) After announcing that the business of Council at the meeting is to elect a Warden, the Chair shall call for nominations. All nominations ~~and secondings~~ shall be made openly and publicly by raising of the hand to attract the attention of the Chair and announcing the nomination or seconding of a candidate when called upon.

##### **Sub-section 4(5)**

##### **[Replace “*he or she*” with “*they*”; replace “*consents*” with “*consent*”]**

- (5) Each nominee shall be asked if ~~he or she~~ they ~~consents~~ to being nominated. If the nominee declines to give unconditional consent, the nominee’s name shall not be included in the list of candidates to be voted upon.

##### **Section 5 [Replace current section per below]**

##### **Deleted**

~~“In addition to any duties, responsibilities, powers or authority prescribed by applicable legislation, the Warden is the Chief Executive Officer of the Municipality and is the official spokesperson of the Council and the primary contact for the media.”~~

##### **Added**

*The Warden shall perform, enforce and carry out all acts, obligations and duties required of them by the Municipal Government Act; other acts of the Province of Nova Scotia, and the bylaws, policies and resolutions of Council.*

**2024/06/18**

##### **Approved Policy 120 Warden and Deputy Warden**

##### **Changes from Previous Policy (AM-1.2.3 Warden and Deputy Warden Policy)**

##### **In Section 4 deleted:**

~~The inaugural meeting of Council shall take place on the first business day following the 10-day appeal period of a municipal election.~~