

Report To: **CITY COUNCIL**

Report Date: 4 June 2001

Meeting Date: 14 June 2001

Subject: **Citizen Appointments**

**Department Review:**

  
Doug Wuksinic  
General Manager of Corporate Services

**Recommended for Agenda:**

  
J.L. (Jim) Rule  
Chief Administrative Officer

**Report Authored by:** Thom Mowry, City Clerk

### Executive Summary:

Council at its meeting on Tuesday, May 22nd, 2001 completed the appointment of Fence Viewers and selected two of the four Directors for the Board of Greater Sudbury Utilities Inc. Council will first complete the election of the remaining two Directors and then proceed with the appointment of Livestock Evaluators and the Cemetery Advisory Panel, in that order.

Selection of the successful candidates will be by simultaneous written recorded vote on the ballots supplied by the Clerk. A revised voting booklet and ballots have been prepared and will be available at the Council meeting for each Member of Council.

These appointments, with the exception of the Board of Directors of Greater Sudbury Utilities Inc., will be for a period of three (3) years.

The appointments to the Board of Directors of Greater Sudbury Utilities Inc, will end November 30, 2001, as provided for in Council Resolution 2001-157 (2001-03-27).

Because of the limited number of applications received for appointment to the Coat of Arms Citizen Advisory Panel, the report recommends that Council permit staff and the Panel Chair, Councillor Petryna, to continue with the creation of a coat of arms for the present. Positions on this Panel can be included in future advertisements for Citizen Appointments. This recommendation appears as a Council Direction, *requiring only the consensus of Council.*

#### **Recommendation:**

**1 Resolution: (Board of Directors - Greater Sudbury Utilities Inc.)**

**That the following four (4) Citizens be appointed to the Board of Directors of Greater Sudbury Utilities Inc., for the period May 22nd, 2001 to and including November 30th, 2001**

**1. Deborah Cleminson**

**2. C.F. (Clary) Gatien**

**3. \_\_\_\_\_**

**4. \_\_\_\_\_**

200

2. (Resolution: Livestock Valuers):

That the following Three (3) Citizens be appointed as livestock valuers for the period May 22nd, 2001 to and including November 30, 2003.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

3. THAT By-law 2001-131A to appoint livestock valuers and to provide for their remuneration be enacted.

4. Recommendation: (Coat of Arms Citizen Advisory Panel)

That due to the limited number of applications received for appointment to the Coat of Arms Citizen Advisory Panel that Council permit staff and Councillor Petryna to continue with the creation of a coat of arms for the City of Greater Sudbury and that Councillors be encouraged to promote citizen participation on this Panel.

*(Council concurrence required.)*

201

5. Resolution: (Cemetery Advisory Panel)

THAT the following Six (6) Citizens be appointed to the Cemetery Advisory Panel for a three year term ending November 30, 2003:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

202

## **Background:**

### **Appointments and Term:**

The following Citizen Appointments are to be made by Council:

1. **Board of Directors, Greater Sudbury Utilities Inc. - 2 Citizen appointments remain to be made;**
2. **Livestock Valuers - 3 Citizen appointments to be made; and,**
3. **Cemetery Advisory Panel - 6 Citizen appointments to be made.**

With the exception of the appointments to the Board of Directors, Greater Sudbury Utilities Inc., each appointment will be for a period of three (3) years ending on November 30th, 2003.

Due to the limited number of applications received for appointment to the Coat of Arms Citizen Advisory Panel it is recommended that Council permit staff and Councillor Petryna to continue with the creation of a coat of arms for the City of Greater Sudbury and that Councillors be encouraged to promote citizen participation on this Panel.

### **Advertising:**

These positions were advertised in both official languages of the City of Greater Sudbury and in both community publications and the usual large circulation newspapers. Copies of the English and French language versions of these advertisements are attached to this report for the information of Members of Council.

### **General Criteria for Citizen Appointments:**

In order to be eligible for appointment, an applicant must be a resident of the City of Greater Sudbury who is an owner or tenant of land in the City of Greater Sudbury, or the spouse or same-sex partner of someone who is; a Canadian Citizen; and, at least 18 years old.

203

As well, it has been Council's policy that appointments and Panel Memberships be diverse, and broadly reflective of the Greater Sudbury Community (for example: age, gender, cultural background, occupation, and neighbourhood, where appropriate).

Council has also requested that staff suggest some general criteria for considering non-elective appointments. The following guidelines are suggested:

- Be people of competence, good will and sound, objective judgment;
- Be drawn from new and long-time Greater Sudbury residents alike;
- Be truly interested in the welfare of Greater Sudbury and all its residents;
- Be sensitive to the long-term as well as immediate impact of their decisions and recommendations;
- Be willing and able to devote the time and energy necessary to fulfill their responsibilities.

The intent of these guidelines is to help focus on those characteristics in committee members which will facilitate the important and necessary work committees do.

**Criteria for Previous Appointments to Advisory Panels:**

In reviewing the applications for appointments to the Citizen and Leisure Services Advisory Panels and the Greater Sudbury Heritage Museum Advisory Board, the Nominating Committee applied the following criteria:

1. What expertise are we seeking in this Advisory Panel?
2. What skill sets does this individual have that meets the needs of this Advisory Panel? (examples might be planning, product or program expertise or committee experience)
3. Does this individual have the ability to bring contact, sensitivity and knowledge of the community need to this Advisory Panel?
4. Has this individual demonstrated an understanding of the issues addressed by this Advisory Panel?

5. How can we create an Advisory Panel whose members are representative of the diversity of experience, geography and demographics of our City?
6. Does this individual represent a particular constituency such as the business community or the user community or an interest group which has a relationship with this Advisory Panel?

Population and language profiles for the City of Greater Sudbury taken from the publication *Keyfacts*, prepared by the Economic, Development and Planning Services Department are attached for the assistance of Members of Council.

Photocopies of the Applications received for these appointments have been provided to Members of Council under separate cover. All that appears on the Agenda are the names of the Applicants and their addresses. Addresses have been included in order that Council can apply its policy of broad geographical representation.

The Deadline for all applications was 4:00 p.m., Friday, May 11, 2001.

**Board of Directors, Greater Sudbury Utilities Inc., Criteria for Appointment and Term:**

Articles 4.7 (Qualification of Directors) and 4.8 (Residency), of the *Amended and Restated Shareholder Declaration* (April, 2001) speaks to the criteria to be considered for the appointment of members of the Board of Directors for Greater Sudbury Utilities Inc., and its subsidiaries.

These two Articles provide in full as follows:

“4.7 Qualification of Directors - In addition to sound judgement and personal integrity, the qualifications of candidates for the Board or the board of directors of any Subsidiary may include:

- (a) awareness of public policy issues related to the Corporation or a Subsidiary, as applicable;
- (b) business expertise (including retail experience);
- (c) experience on boards of commercial corporations;
- (d) financial, legal, engineering, accounting and/or marketing experience;

205

- (e) regulated industry knowledge including, but not limited to, knowledge of municipal electric utilities; and,
  - (f) knowledge and experience with risk management strategy.”
- “4.8 Residency - Preference may be given to qualified candidates for the Board who are residents of the City, however, non-residents of the City shall not be excluded from serving as Board members.”

Council may wish to take the above criteria and establish a point rating that they can apply to each of the Applicants for these positions.

**The following chart has been prepared for illustrative purposes only.**



<b>RATING SYSTEM FOR JUDGING APPLICATIONS FOR THE POSITION OF DIRECTOR, GREATER SUDBURY UTILITIES INC.</b>		
<b><i>DESCRIPTION OF CRITERIA</i></b>		<b><i>POINTS</i></b>
1.	Owner or operator of a successful business of a reasonable size (including number of employees).	20
2.	Management experience requiring the formulation of business strategy and its implementation (part of the company's decision making process).	15
3.	Previous experience serving on a Community or other (non-elected) Public Board.	20
4.	Community achievements and leadership (representing a broad spectrum of community interests).	10
5.	Individual expertise and involvement in various fields including finance, law, engineering, accounting and/or marketing experience (but also able to take a broad view beyond their own professional horizons).	10
6.	Reflective of the Greater Sudbury Community (for example: age, gender, cultural background, occupation, and neighbourhood, where appropriate).	15
7.	Knowledge, understanding or prior experience with municipal electrical utilities and their governance, and/or an understanding of public policy with regard to regulated utilities.	10
<b>TOTAL POSSIBLE POINTS</b>		<b>100</b>

207

### **Term of Appointment for Board of Directors:**

In accordance with Council Resolution, 2001-157 (2001-03-27) the term of all members of the Board of Directors (with the exception of Members of Council) will end November 30th, 2001.

However, any member of the Board may serve on the Board of Directors for any number of successive terms as determined by the Shareholder (i.e, Council). In October, 2001 Council will have to determine if it wishes to reappoint the existing non-Council Directors and for what term, or to seek applications from the public.

### **Selection Procedure:**

A motion nominating all the applicants for the position of Director of the Greater Sudbury Utilities Inc. was introduced and adopted by Council at its May 22nd, 2001 meeting. Therefore, Council can simply proceed with the vote for the remaining two vacancies on this Board.

For the remaining positions, a motion containing the names of all of the above applicants for each appointment has been prepared for these appointments.

It is recommended that all of the applicants' names be placed in nomination by Council using one motion containing the names of all the applicants. Because of the number of applicants for these positions, the Mayor, as Chair, has the option of waiving the reading of the motion.

These appointments are to be filled in accordance with Article 36 of the Procedural By-law. A copy of Article 36 is attached to this report.

As there are more qualified applicants than positions available, Council's procedural rules call for a roll call vote of Members of Council. The usual manner of taking the vote is by a "voice" vote called by the Clerk.

At the May 22nd, 2001 meeting of Council agreed to conduct its selection process by way of a simultaneous written recorded vote.

Accordingly, a **revised** voting booklet and ballots have been prepared for each Member of Council. A sample of both the booklet and ballot is attached to this report. Each booklet lists (on the left page) each appointment to be made, the number of appointments to be made, a brief description of the appointment; and on the right hand page, the list of applicants.

A supply of ballots will be provided to each Member of Council. Councillors will simply write in their choices, the sheets will be then be collected and the results of each voting round read aloud. Voting will continue until a candidate receives the required number of votes and all vacancies are filled.

**Requirement for a By-Law for Livestock Valuers:**

All appointments will be confirmed by resolution with the exception of livestock valuers. This is a "statutory" appointment. As such, it is necessary that Council, once its has selected the successful appointees, pass a by-law confirming the appointments and fixing their rate of remuneration.

The amount of remuneration for livestock valuation has been fixed at \$60.00 per day (or portion thereof); this was the common rate in place in the former municipalities.

**Nomination and Voting Procedure:**

1. Again, it is recommended that all of the applicants' names be placed in nomination by Council using one motion containing the names of all the applicants. **The Mayor, as Chair, has the option of waiving the reading of the motion.**
2. **Where all Members of Council are in attendance, seven (7) votes are required to fill each vacancy.**
3. In the event all Members of Council are not in attendance, a Majority Voting Chart is attached for Council's reference.
4. If, on the first vote, no nominee receives the votes of more than one-half of the number of all Members of Council present (that is: 7 or more votes), then the nominee receiving the fewest number of votes is excluded from the voting.

The vote shall be taken again by the Clerk, and if necessary more than one vote, excluding in each successive vote the candidate who received the fewest number of votes in the preceding vote, until one candidate receives more than one-half the votes of the Members of Council present and voting.

5. Where the votes cast in any one ballot are **equal for all the nominees**:

- ➡ if there are three or more nominated or remaining, the Clerk shall, by lot, select one such candidate to be excluded from the subsequent voting;
- ➡ if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk.

6. **Where no applicant receives the majority required** for appointment on a roll call vote, and where **two or more applicants are tied with the least number of votes** a special roll call vote shall be taken to decide which of the tied applicants with the least number of votes shall be dropped from the list of names to be voted on in the next roll call vote.

The term **lot** means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a box and one name being drawn by the Clerk.

7. It is quite likely, because of the number of candidates seeking the vacancy, that on the first vote one or more candidates may not receive any votes. Those candidates receiving zero votes will all be excluded from the next round of voting.

8. When the number of nominee(s) required to fill the vacancy or vacancies on each vacancy receives 7 or more votes (assuming that all 13 Members of Council are in attendance), then an appropriate resolution shall be introduced for consideration by Council.

For the convenience of Members of Council a series of charts have been prepared and are appended to this Report which show examples of various tie votes.

**Letters of Appreciation:**

Letters of appreciation will be mailed to all those applicants who responded to Council's request for Citizen Appointments.



Attachments

# VOTING CHART

## Majority Vote

(7 Members of Council are required for quorum)

Number of Members Present and Voting	Majority Vote
13	7
12	7
11	6
10	6
9	5
8	5
7	4

EXAMPLES OF TIE VOTES  
(All Members of Council Present - Four Nominees)

Candidate	Votes Received
A	6
B	4
C	3
D	0

**Result: Candidate D is dropped from the next vote.**

Candidate	Votes Received
A	5
B	4
C	3
D	1

**Result: Candidate D is dropped from the next vote.**

EXAMPLES OF VOTES  
(All Members of Council Present)  
(Three Nominees Remaining)

Candidate	Votes Received
A	6
B	4
C	3

**Result: Candidate C is dropped from the next vote.**

Candidate	Votes Received
A	5
B	3
C	3
D	1

**Result:**

1. Candidate D is dropped.
2. A special roll call vote is taken to decide which of the tied Candidates B or C shall be dropped from the list of names to be voted on in the next roll call vote.
3. Then a roll call vote shall be taken of the remaining two Candidates: A and one of B or C.



THE CONSEQUENCES OF SAMPLE TIE VOTES  
(All Members of Council Present -Five Nominees)

Candidate	Votes Received
A	3
B	4
C	2
D	2
E	2

**Result:**

1. A special roll call vote is taken to decide which of the tied Candidates (C, D, or E) shall be dropped from the list of nominees to be voted on in the next roll call vote.
2. Then a roll call vote shall be taken of the remaining four Candidates: A, B and two of C, D or E.

THE CONSEQUENCES OF SAMPLE ZERO VOTES  
(All Members of Council Present -Six Nominees)

Candidate	Votes Received
A	4
B	4
C	2
D	3
E	0
F	0

**Result:**

1. Candidates E and F are dropped from the next vote.
2. Then a roll call vote shall be taken of the remaining four Candidates: A, B, C and D.

## **ARTICLE 36**

### **APPOINTMENTS - BOARDS - COMMISSIONS - COMMITTEES - ADVISORY PANELS - CORPORATIONS**

#### **36.1      Made - by Council - procedure - set out**

Appointments to the various boards, commissions, committees, advisory panels and corporations of the Corporation shall be made by Council. In making such appointments, the procedure set out in this article shall apply unless otherwise provided in the shareholders declaration.

#### **36.2      Advertising - position - requirements - to local citizens**

At least 30 days prior to the Council meeting at which the appointment is scheduled for any board, commission or advisory committee, as the case may be, the Clerk shall place an advertisement in a local newspaper to run on at least two occasions and place an advertisement on radio or television or both, as the Clerk deems advisable, on at least one occasion outlining the position to be filled on such board, commission or advisory committee and inviting applications from interested citizens.

#### **36.3      Applications - in writing - time limitation**

All applications for appointment must be in writing and received by the Clerk at least four clear days prior to the meeting of Council concerned.

#### **36.4      Qualifications - of applicants - determined - by Clerk**

Unless otherwise authorized by by-law, all applicants must meet the same qualifications as electors in the municipality and the Clerk shall determine the qualifications of each applicant.

#### **36.5      Applications - qualifying - included - Council agenda**

Copies of all applications received for each position from qualifying applicants shall be included with the agenda material for the Council meeting concerned.

**36.6 Applicants - qualified - exact number - motion**

Where there are only the exact number of qualified applicants as required for any position or positions, a motion to appoint the applicants to the position or positions concerned shall be presented and voted upon.

**36.7 Applicants - qualified - more than required - selection**

If there are more qualified applicants than positions available, then Council shall select from the qualified applicants the ones to fill the position or positions concerned.

**36.8 Roll call vote - Council - taken - regarding applicants**

A roll call vote of the Council shall be taken with respect to the qualified applicants for each position available.

**36.9 Appointment - determined - by vote - exception**

If upon the first roll call vote no applicant receives the votes and the majority of members are present, the name of the applicant receiving the least number of votes shall be dropped and the members shall proceed to vote anew and so continue until either an applicant receives the votes of the majority of members present, at which time such applicant shall be declared appointed; or, it becomes apparent by reason of an equality of votes that no applicant can be appointed by the voting process.

**36.10 Voting - unsuccessful - position selected - by lot**

Where by reason of an equality of votes, it becomes apparent that no applicant can be appointed by the voting process, then the vacancy shall be filled by the applicant selected by lot by the Clerk.

**36.11 Special vote - applicants tied - least number of votes**

In the case where no applicant receives the majority required for appointment on a roll call vote, and where two or more applicants are tied with the least number of votes, a special roll call vote shall be taken to decide which of the tied applicants with the least number of votes shall be dropped from the list of names to be voted on in the next roll call vote.

**36.12 Staff member - appointment - conditions**

Except where prohibited by law, Council may appoint a member of staff to a board, commission or outside agency when no member of Council wishes to be appointed.

**36.13 Further votes**

If no person receives more than half the votes, the Clerk shall take another vote, excluding the person who received the fewest votes in the previous vote; if two or more persons received the fewest votes, the Clerk shall choose the person to be excluded by lot.

**36.14 Committee Appointments - ballots**

At the first regular meeting of a new Council, or as soon thereafter as is reasonable, Council shall appoint members to Committees by way of simultaneous, written, signed ballots which will be read aloud by the Clerk and recorded in the minutes.

**36.15 Ballots - destruction**

These ballots, as well as ballots used for simultaneous roll-call votes generally, may be destroyed by the Clerk and need not be retained following the confirmation of the minutes.