

## City Agenda Report

**Report To: CITY COUNCIL**

**Report Date: 15 May 2001**

**Meeting Date: 22 May 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:

This Report provides for the following Citizen appointments:

- Fence viewers
- Livestock Evaluators
- Board of Directors,  
Greater Sudbury Utilities Inc.
- Coat of Arms Citizen Advisory Panel
- Cemetery Advisory Panel
- Inspecteurs de clôtures
- Inspecteurs de bétail
- Conseil d'administration,  
Services publics du Grand Sudbury inc.
- Comité consultatif de citoyens sur les armoiries
- Comité consultatif sur les cimetières

200

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.

A Member of Council has requested that voting for all of the above positions be by way of a written simultaneous written recorded vote. As such a voting booklet and ballots have been prepared for each Member of Council.

### **Recommendation:**

#### **1. Resolution: (Fence viewers):**

**That the following Six (6) Citizens be appointed as fence viewers for the period May 22nd, 2001 to and including November 30, 2003.**

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

2. THAT By-law 2001-130A to appoint fence viewers and to provide for their remuneration be enacted.

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

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

5. 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. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**7. 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.**

**8. 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. \_\_\_\_\_

## **Background:**

### **Appointments and Term:**

The following Citizen Appointments are to be made by Council at its Tuesday, May 22, 2001 meeting:

1. **Fence viewers - 6 Citizen appointments to be made;**
2. **Livestock Valuers - 3 Citizen appointments to be made;**
3. **Board of Directors, Greater Sudbury Utilities Inc. - 4 Citizen appointments to be made; and**
4. **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.

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;
- (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.**



**RATING SYSTEM FOR JUDGING APPLICATIONS FOR THE POSITION OF  
DIRECTOR, GREATER SUDBURY UTILITIES INC.**

<b>DESCRIPTION OF CRITERIA</b>		<b>POINTS</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>

**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:**

One motion containing the names of all of the above applicants for each appointment has been prepared for each series of 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.

However, Councillor Bradley has advised that he will be requesting that voting be by way of a simultaneous written recorded vote.

Accordingly, a 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 Fence Viewers and Livestock Valuers:**

All appointments will be confirmed by resolution with the exception of fence viewers and livestock valuers. These two appointments are "statutory" appointments. As such, it is necessary that Council, once its has selected the successful appointees, pass a by-law confirming the appointments and fixing the rate of remuneration for each of these positions.

In both instances the amount of remuneration has been fixed at \$60.00 per day (or portion thereof) for fence viewers and \$60.00 for each livestock valuation. These were common rates 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.

210

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)**

<b>Number of Members Present and Voting</b>	<b>Majority Vote</b>
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)

214

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.

215



**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.

**Fence viewers - Inspecteurs de clôtures**  
**6 Citizens to be appointed - nomination de six citoyens**  
**Term of Appointment - November 30, 2003**  
**Durée du mandat: 30 novembre 2003**  
***Each Member is entitled to three (6) votes***

	<b>Applicant's Name</b>	<b>Address</b>
1	David R. Bowman	55 Kipling Court, Sudbury
2	Norman Brown	123 St. George Street, Sudbury
3	Joe Cimino	947 Robinson Drive, Sudbury
4	Michel Desgroseilliers	20 - 300 Edwards Street, Chelmsford
5	Patricia (Pat) A. Douglas	#3 - 281 Albinson Street, Sudbury
6	Barry D. Farstad	1538 East Street, Val Thérèse
7	Jan Fenton	#301 - 265 Wellington Heights, Sudbury
8	Lino Filippini	311 Martha Street, Hanmer
9	Lorraine Glover	7 Bruere Street, Chelmsford
10	Herb C. Grubber	344 Laval Street, Sudbury
11	Chiman T. Harsora	1268 Lakewood Drive, Sudbury
12	Philippe Hébert	3035 Bancroft Drive, Sudbury
13	Ralph Horn	585 Bruce Avenue, Sudbury
14	Gary Hubley	131 Hyland Drive, Sudbury
15	Jim Ilnitski	339 Poplar Street
16	Sharon Joliat	84 Gilles Court, Dowling
17	Ron Joly	3250 Ranger Street, Sudbury
18	Lillianne Lalonde	#1 - 166 Amadorie Lane, Garson
19	Marcel Legault	4181 Marlene Crescent, Hanmer

**Fence viewers - Inspecteurs de clôtures**  
**6 Citizens to be appointed - nomination de six citoyens**  
**Term of Appointment - November 30, 2003**  
**Durée du mandat: 30 novembre 2003**  
***Each Member is entitled to three (6) votes***

<b>Applicant's Name</b>		<b>Address</b>
20	D'Arcy J.P. McAndrew	1943 Millwood Crescent, Sudbury
21	Jack McDonald	401 Elizabeth Street, Sudbury
22	Bryan McGregor	269 9th Avenue, Lively
23	Sylvio Montpellier	75 Abbe Street, Chelmsford
24	Lawrence Murray	2518 Dorsett Drive, Sudbury
25	Timothy J. Nordberg	2380 Hannah Lake Road, Sudbury
26	Maureen Oliver	97 Caruso Street, Coniston
27	Mark S. Smith	8 St. Peter Court, Lively
28	Michel Soenens	333 Bonin Street, Chelmsford
29	Delphine St. Jacques-Vigneault	15 Monique Crescent, Garson
30	Leona Redden	231 John Street, Sudbury
31	Gordon W. Rowe	384 St. Raphael Street, Sudbury

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**Livestock Valuers - Inspecteurs de bétail**  
**3 Citizens to be appointed - nomination de trois citoyens**  
**Term of Appointment - November 30, 2003**  
**Durée du mandat: 30 novembre 2003**  
***Each Member is entitled to three (3) votes***

	<b>Applicant's Name</b>	<b>Address</b>
1	Herb C. Grubber	344 Laval Street, Sudbury
2	Ron Joly	3250 Ranger Street, Sudbury
3	Lillianne Lalonde	166 Amadorie Lane, Unit #1, Garson
4	Sylvio Montpellier	75 Abbe Street, Chelmsford
5	Lawrence Murray	2518 Dorsett Drive
6	Michel Soenens	333 Bonin Street, Chelmsford

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**Board of Directors, Greater Sudbury Utilities Inc.**  
**Conseil d'administration, Services publics du Grand Sudbury inc.**  
**4 Citizens to be appointed - nomination de quatre citoyens**  
**Term of Appointment - November 30, 2001**  
**Durée du mandat: 30 novembre 2001**  
**Each Member is entitled to four (4) votes**

	<b>Applicant's Name</b>	<b>Address</b>
1	Alexander Bass	25 North Shore Black Lake Road, Lively
2	Michel Bertrand	71 Logan Avenue, Sudbury
3	Meredith Bradley	521 Montel Street, Sudbury
4	John Charbonneau	4770 Marguerite Street, Hanmer
5	Robert Chartrand	1171 O'Grady Street, Sudbury
6	Bruno J. Clauzier	102 Montcalm Street, Azilda
7	Deborah Cleminson	9 Neptune Avenue, Sudbury
8	Susan D. Cochrane	504 Kaireen Street, Sudbury
9	Brian N. Cottam	1372 Magnolia Blvd., Sudbury
10	Marc Couse	738 Prete Street, Sudbury
11	W. Richard Cowan	3978 Orange Road, Sudbury
12	Charles Dampier	580 Main Street, Lively
13	Susan B. de la Riva	2316 South Shore Road, Sudbury
14	Peter J. Dow	20 Collins Drive, Copper Cliff
15	Aurele Dutrisac	94 Seguin Street, Chelmsford
16	John Fera	13 Caruso Street, Coniston
17	Lisette Fortier	4772 Dill Lake Road, Sudbury