

Presented To:	Nominating Committee
Presented:	Tuesday, Jul 08, 2014
Report Date	Friday, Jun 27, 2014
Type:	Managers' Reports

## Request for Decision

### Appointment for the Position of Councillor - Ward 1

#### Recommendation

Recommendation #1:

THAT the City of Greater Sudbury accept the \_\_\_\_\_ applications received from \_\_\_\_\_, to fill the vacancy for Councillor Ward One (1).

Recommendation #2:

THAT the City of Greater Sudbury appoint \_\_\_\_\_ to fill the vacancy for Councillor Ward One (1), for the term ending November 30, 2014.

#### Background

At the June 24, 2014, City Council meeting, resolution CC2014-215 was passed, approving the vacancy of Ward One (1) to be filled by way of appointment, as described in Option 1 which was to hold an open and public process to seek interested and qualified candidates. Council also approved an expedited process to hold a Nominating Committee meeting prior to the July 8, 2014 regular scheduled City Council meeting. A copy of that report is attached for the information of the Committee.

Public Service announcements were issued with regards to the vacancy. A sample copy of the public information is attached. Interested applicants were required to meet all qualifications and file a complete application no later than Friday, July 4, 2014 at 2:00 p.m. in a process similar to that of a candidate in an election. In addition to the application form, applicants were also encouraged to submit a resume or similar document no more than two (2) pages in length, detailing qualifications and/or related experience.

#### Clerk's Review of Applications

*In accordance with Article 35 of the Municipal Elections Act, 1996, the Clerk shall review the application and, if satisfied that a person is qualified to be nominated, the City Clerk will certify the application. If not satisfied that a person is qualified to be nominated, the City Clerk will reject the application and notify both Council and the applicant. In accordance with the legislation, the Clerk's decision to certify or reject an application is final.*

#### Term

#### Signed By

**Report Prepared By**

Brigitte Sobush  
Deputy City Clerk  
*Digitally Signed Jun 27, 14*

**Recommended by the Department**

Caroline Hallsworth  
Executive Director, Administrative  
Services/City Clerk  
*Digitally Signed Jun 27, 14*

**Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Jun 27, 14*

The term of this appointment will end on November 30, 2014.

## **Selection**

Certified applications will be presented to the Nominating Committee of Council. Each applicant will be asked to make a presentation of no more than five (5) minutes to the Nominating Committee explaining their interest in and qualifications for the role.

Following the presentations, members of the Nominating Committee will vote by simultaneous recorded vote, as described in the Rules of Procedure By-law 235-2011. Article 45 of the Procedure by-law is attached for the convenience of Members of Council.

Once a selection has been made to fill the vacancy; a recommendation will be introduced confirming the appointment of the successful applicant.

Presented To:	City Council
Presented:	Tuesday, Jun 24, 2014
Report Date	Tuesday, Jun 17, 2014
Type:	Managers' Reports

## Request for Decision

### Council Vacancy - Ward One

#### Recommendation

That the City of Greater Sudbury, as required by the Municipal Act, declare the Office of the Councillor, Ward One to be vacant;

And that the City of Greater Sudbury fill the vacancy for Councillor Ward One for the term ending November 30, 2014 by way of appointment, as described in Option \_\_\_ of the report dated June 16, 2014 from the City Clerk.

#### **Executive Summary:**

As described in Legislation, Council must pass a resolution to declare the Council Seat for Ward One to be vacant and must appoint a citizen to fill that vacancy within 60 days of this declaration. This report outlines options for the process to fill the vacant seat on Council to ensure compliance with legislation. Councillor Cimino was acclaimed as Councillor in Ward One in 2010.

#### **Legislative Requirements:**

In accordance with the Municipal Act:

*258. (1) The following are not eligible to be elected as a member of a council or to hold office as a member of a council:*

*3. A member of the Assembly as provided in the Legislative Assembly Act or of the Senate or House of Commons of Canada*

*259. (1) The office of a member of council of a municipality becomes vacant if the member,*

*(a) becomes disqualified from holding the office of a member of council under section 256, 237 or 258.*

*262. (1) If the office of a member of a council becomes vacant under section 259, the council shall at its next meeting declare the office to be vacant, except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings.*

In accordance with the Legislative Assembly Act:

#### Signed By

##### **Report Prepared By**

Caroline Hallsworth  
Executive Director, Administrative  
Services/City Clerk  
*Digitally Signed Jun 17, 14*

##### **Recommended by the Department**

Caroline Hallsworth  
Executive Director, Administrative  
Services/City Clerk  
*Digitally Signed Jun 17, 14*

##### **Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Jun 17, 14*

9.(1) Subject to subsection (2), a member of the Assembly is not eligible to hold office as a member of the council of a municipality or as a member of a local board, as defined in the Municipal Affairs Act, of a municipality.

(2) Every person who is elected a member of the Assembly while holding an office referred to in subsection (1) may continue to hold such office, despite any other Act, until the end of the day on which the return of the election of such person to the Assembly is published in The Ontario Gazette under section 83 of the Election Act, at which time the member shall be deemed to have resigned such office.

In regards to the filling of vacancies, the Municipal Act states that:

263. (5)1. Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 262, the municipality shall,

i. appoint a person to fill the vacancy under subsection (1) or (4), or

ii. pass a by-law requiring a by-election be held to fill the vacancy under subsection (1).

3. Despite subsections (1) to (4), if a vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill the vacancy. 2001, c. 25, s. 263 (5).

There are however provisions in the Municipal Elections Act with regard to by-elections in a Municipal Election year:

65 (2) Despite any Act, no by-election shall be held to fill an office that becomes vacant after March 31 in the year of a regular election.

### **Expectations of Councillor, Ward One:**

Council is required to fill the vacancy in Ward One within 60 days of the vacancy being declared. The vacancy will be declared on June 24, 2014 and therefore the seat must be filled on or before August 22, 2014 at which time there will be approximately three months remaining in the term of office and only five Council meetings scheduled. As most standing committees do not meet after August of an election year, the new Councillor would not be expected to participate in Committees, except for Committees comprised of all members of Council.

### **Other Council Appointments:**

Councillor Cimino has been appointed by Council to sit on a number of other bodies. Those bodies which are still active are enumerated below. The need to appoint a replacement member and the process for doing so will depend on the governance structure of each of these bodies. For example, the participation of Members of Council on Advisory Panels is optional and there is no requirement for replacement of those members whereas the Terms of Reference for some of the other bodies, as for example the Hearing Committee of Council, requires the appointment of a replacement member. Correspondence will be sent by the Clerk to these various bodies advising them of this matter. Where a replacement appointment is required that matter will be brought forward to Council by way of a report.

- Hearing Committee
- Nickel District Conservation Authority Board
- Greater Sudbury Housing Corporation Board
- Greater Sudbury Public Library Board
- Biosolids Master Plan Technical Working Group
- Source Water Protection Committee
- Lakes Advisory Panel
- Children and Youth Roundtable Advisory Panel

### **Qualifications for Appointment, Councillor, Ward One:**

In accordance with the Municipal Elections Act the vacant seat must be filled by the appointment of a qualified person, which is defined in the Act as someone, who:

- Resides in the City of Greater Sudbury or is the owner or tenant of land in the City of Greater Sudbury or the spouse of such owner or tenant;
- Is a Canadian citizen;
- Is at least 18 years old;
- Is not prohibited from voting under the Municipal Elections Act, 1996 or otherwise by law; and
- Is not disqualified by the Municipal Elections Act, 1996 or any other Act from holding office.

Other municipalities, when filling a vacancy during the period of a Municipal Election, have also stipulated that in making the appointment, the Council does not wish to be perceived of as providing any advantage to candidates in that election, and that the Council would choose to only appoint an individual who is not and will not run for that seat in the upcoming Municipal Election. Hamilton and Toronto included these criteria in their considerations of recent appointments for vacant seats. Members of the Nominating Committee may wish to consider this factor and look for knowledge of municipalities and municipal operations as well as related governance experience, either by way of service on a prior Council, or on a public or private sector Board, when reviewing applications.

In all options, applications from all qualified candidates will be presented to the Nominating Committee of Council who will use a process of Simultaneous Recorded Vote (Procedure By-Law Articles 33.05 and 45.07) to select the qualified candidate. It is recommended that following the models used in other municipalities for appointments to the role of Councillor, that each qualified candidate is afforded the opportunity to make an address of no more than five minutes in length, to the Nominating Committee, prior to the voting.

### **Options for Appointment, Councillor, Ward One:**

Council has two options with regards to the Appointment of a Councillor in Ward One. The first option is to hold an open and public process to seek interested and qualified candidates who are not candidates in the 2014 Municipal Election. The second option is to use the applicants who formally applied through the process established for filling of the vacancy in Ward Eight, to fill both of the Council vacancies, being Ward Eight and Ward One.

#### **Option One: Hold an Open and Public Process to Seek Interested and Qualified Candidates**

If this option is selected, the City would advertise for interested applicants for the position of Councillor in Ward One.

Individuals would be required to attend the Clerk's Department in person, much as they do to file nomination papers in the Municipal Election, so that identification and eligibility can be verified. Applicants would be required to provide the following information:

- a) Consent of Nominee;
- b) Declaration of Qualification;
- c) Proof of name and qualifying address within the City of Greater Sudbury;
- d) Written statement declaring their intentions with regards to the 2014 Municipal Election;
- e) Applicants would also be encouraged to submit a resume or similar document, of no more than two pages in length, detailing their qualifications and/or related experience;
- f) MFIPPA consent allowing all the documentation associated with their application to be a matter of public record.

**Option Two: Appoint a Candidate from the Formal List of Applicants to the Ward Eight Vacancy**

In this option, rather than going through a wide open public process and in recognition that there is not much time remaining in the Council term, Council may wish to truncate the process of filling the vacancy in Ward One. There are thirteen applicants to the Vacancy in Ward Eight, the majority of whom do not live in that Ward, which suggests that a process for Ward One might attract some of the same candidates. However, caution should be exercised as there may be other individuals who are only interested in the Ward One vacancy who did not apply to the Ward Eight vacancy and who would be excluded should this option be selected.

Should Council select this option, Clerks Services staff will contact each of the applicants who applied to the Ward Eight Vacancy and confirm their interest in also being considered for the Vacancy in Ward One. If this option is selected, the Nominating Committee would deal with an addendum at their meeting of June 25th which addendum item would be the filling of the vacancy in Ward One.

**Timelines:**

The timelines associated with each of the two options that will be adhered in order to meet the sixty day period for filling of the vacant seat are as follows:

<b>Appointment Related Event</b>	<b>Option One</b>	<b>Option Two</b>
Declaration of Seat as Vacant and Staff report regarding process of filling vacancy	Tuesday, June 24, 2014	Tuesday, June 24, 2014
Advertising of Opportunity to Serve on Council	Week of June 30 – July 4, 2014	Not Applicable
Deadline for Interested Individuals to submit documentation and confirm interest	2:00 p.m. Friday, July 25, 2014	Not Applicable
Nominating Committee Meeting	Monday, August 11, 2014	Wednesday, June 25, 2014 (Addendum Item)

### **City Inviting Applications for the Office of Councillor Ward 1**

The City of Greater Sudbury Council has declared the office of Councillor, Ward 1, to be vacant. As required by legislation, Council is seeking eligible applications to fill the position. Citizens who are interested in serving on Council until November 30, 2014, and who meet the qualifications below are encouraged to apply.

To be considered for appointment, individuals must meet the following qualifications:

- Reside in the City of Greater Sudbury or is the owner or tenant of land in the City of Greater Sudbury or the spouse of such owner or tenant;
- Be a Canadian citizen;
- Be at least 18 years old;
- Not be prohibited from voting under the *Municipal Elections Act, 1996* or otherwise by law; and
- Not be disqualified by the *Municipal Elections Act, 1996* or any other Act from holding office.

The Nominating Committee of Council will consider each applicant's qualifications and look for knowledge of municipalities and municipal operations as well as related governance experience, either by way of service on a prior Council, or on a public or private sector Board. Applicants will be asked to state their intentions in the 2014 municipal election.

Application packages will be available at the City Clerk's Office at 200 Brady Street, Sudbury, online at [www.greatersudbury.ca](http://www.greatersudbury.ca) (*Inside City Hall*) or may be requested by email from [clerks@greatersudbury.ca](mailto:clerks@greatersudbury.ca)

Applicants must attend at the City Clerk's Office by Friday, July 4 at 2 p.m. in order to complete the application process by swearing their declaration of qualification and providing proof of identity. A successful candidate will be selected at a Nominating Committee meeting on July 8, 2014.

For more information on this position and the application process, please contact the City Clerk's Office by calling 3-1-1 or by emailing [clerks@greatersudbury.ca](mailto:clerks@greatersudbury.ca)

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Media contact:

Shannon Dowling, Corporate Communications  
City of Greater Sudbury, [705-674-4455](tel:705-674-4455) ext. 2539

## **La Ville lance l'appel aux candidatures pour le poste de conseiller municipal du quartier 1**

Le Conseil municipal de la Ville du Grand Sudbury a déclaré vacant le poste de conseiller municipal du quartier 1. Comme l'exige la loi, le conseil cherche des candidatures admissibles pour pourvoir ce poste. Le conseil encourage les personnes qui désirent siéger au conseil municipal jusqu'au 30 novembre 2014 et qui satisfont aux exigences ci-dessous à soumettre leur candidature.

Pour être admissible à la nomination, il faut répondre à ces conditions :

- Résider dans la Ville du Grand Sudbury ou être propriétaire ou locataire de biens-fonds dans le Grand Sudbury ou son conjoint;
- Avoir la citoyenneté canadienne;
- Avoir au moins 18 ans;
- Ne pas faire l'objet d'une interdiction de voter aux termes de la *Loi de 1996 sur les élections municipales* ou d'une autre interdiction légale;
- Ne pas être inhabile à occuper ce poste aux termes de la *Loi de 1996 sur les élections municipales* ou de toute autre interdiction légale.

Le comité des candidatures du conseil municipal examinera les compétences de chaque candidat ou candidate en tenant compte notamment de la connaissance des municipalités et des opérations municipales, ainsi que l'expérience pertinente en matière de gouvernance, soit d'avoir siégé à un conseil municipal antérieur ou à un conseil d'administration dans le secteur public ou privé. On demandera aux candidats et candidates d'indiquer leurs intentions en ce qui concerne l'élection municipale de 2014.

Les trousse de demande seront disponibles au Bureau du greffier municipal, 200, rue Brady, Sudbury (Ontario), en ligne au [www.grandsudbury.ca](http://www.grandsudbury.ca) (section « Hôtel de ville ») ou par courriel à [greffier@grandsudbury.ca](mailto:greffier@grandsudbury.ca).

Les personnes qui se portent candidates doivent se présenter au Bureau du greffier municipal d'ici le vendredi 4 juillet à 14 h pour terminer le processus de demande en prêtant serment relativement à leur déclaration de qualification et fournir la preuve d'identité. Une candidature sera retenue lors de la réunion du comité des candidatures le 8 juillet 2014.

Pour de plus amples renseignements sur ce poste et le processus de demande, veuillez communiquer avec le Bureau du greffier municipal au 3-1-1 ou à [greffier@grandsudbury.ca](mailto:greffier@grandsudbury.ca).

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Renseignements :  
Shannon Dowling, Communications corporatives  
Ville du Grand Sudbury, [705-674-4455](tel:705-674-4455), poste 2539



**ARTICLE 45. NOMINATING COMMITTEE****45.01 Mandate**

The Nominating Committee shall meet, as needed by Council, for the purpose of considering and recommending to Council citizen appointments to agencies, boards, advisory panels, and other bodies as required.

**45.02 Primary Objectives**

In making such appointments, the Nominating Committee shall take into consideration a balanced representation from communities of interest so as to be reflective of the geographical and demographic composition of the community.

**45.03 Membership**

The Nominating Committee shall be composed of all Members of Council and chaired by a Deputy Mayor.

**45.04 Term**

The term of the Nominating Committee shall coincide with the term of Council.

**45.05 Procedure**

In making such appointments, the procedure set out in this Article shall apply unless otherwise provided in a shareholders' declaration.

**45.06 Number of Applicants Matches Positions - Motion**

Where the number of applicants matches the positions to be filled, a motion to appoint the applicant(s) to the position(s) in question shall be presented and voted upon.

**45.07 Simultaneous Recorded Vote**

A simultaneous recorded vote shall be used to select the applicants to fill each position available, in accordance with Article 33.05, except that:

- (1) the Clerk need not read each ballot aloud nor record each individual vote; and
- (2) the ballots shall be retained as part of the minutes.

**45.08 Number of Applicants Exceeds Positions - Simultaneous Recorded Vote**

Where the number of applicants exceeds the number of positions available, a simultaneous recorded vote shall be conducted in accordance with Article 37.09.

**45.09 Term of Appointment – Local Boards**

The term of office of each citizen appointed to a Local Board shall be set out in the body's terms of reference and shall not exceed the term of Council, unless otherwise specified by statute. However for purposes of continuity, such citizen appointments shall remain in effect following a municipal election until their successors are appointed by the incoming Council.

**45.10 Term of Appointment – Staff**

Except where prohibited by statute, the Nominating Committee may recommend the appointment of a member of staff to a board or agency within its mandate in the place of a Member when no other Members are available to be appointed.