

Agenda

Governance Working Group

5th Meeting of the Governance Working Group

October 28, 2019, 2:00 PM

Committee Room #4

Members

Councillors: J. Morgan (Chair), S. Hillier, A. Kayabaga, S. Lewis, P. Squire and M. van Holst, and C. Saunders (Secretary).

The City of London is committed to making every effort to provide alternate formats and communication supports for Council, Standing or Advisory Committee meetings and information, upon request. To make a request for any City service, please contact accessibility@london.ca or 519-661-2489 ext. 2425.

	Pages
1. Call to Order	
1.1 Disclosures of Pecuniary Interest	
2. Consent Items	
2.1 4th Report of the Governance Working Group	2
3. Items for Discussion	
3.1 Selection Process for the Appointment of Members to Various Committee, Civic Boards, and Commissions	4
4. Deferred Matters/Additional Business	
5. Adjournment	

Next Meeting: Monday, November 25, 2019, 2:00 p.m., Committee Room #4

4TH REPORT OF THE
GOVERNANCE WORKING GROUP

Meeting held on August 26, 2019, commencing at 2:03 PM, in Committee Room #4, Second Floor, London City Hall.

PRESENT: Councillors J. Morgan (Chair), S. Hillier, A. Kayabaga, S. Lewis, and M. Van Holst, and C. Saunders (Secretary).

ABSENT: Councillor P. Squire

ALSO PRESENT: M. Hayward, J. Raycroft and B. Westlake-Power.

1. CALL TO ORDER

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

1.2 3rd Report of the Governance Working Group

That the 3rd Report of the Governance Working Group from its meeting held on May 6, 2019 BE RECEIVED.

2. CONSENT ITEMS

None.

3. ITEMS FOR DISCUSSION

3.1 Proposed Electronic Voting System for Public Appointments to Advisory Committees, Boards and Commissions – demonstration and draft policy

Recommendation: That the City Clerk BE DIRECTED to bring forward to the next meeting of the Governance Working Group a revised proposed Policy providing for procedures to implement an electronic voting system for the consideration of Council and public appointments to Standing Committees, Advisory Committees, Boards and Commissions for further consideration that would include the following:

- a) the removal of the term “election” from the proposed Policy replace it with the term “selection process”;
- b) the requirement for candidates to be nominated for consideration of appointment at the Committee Meeting where the appointments are to be considered;
- c) the provision for batch elimination of the candidates with the lowest tied votes and those receiving no votes, where multiple candidates are to be appointed;
- d) the provision for single elimination of the lowest candidates where one candidate is to be appointed, except in circumstances where a candidate has been given no votes and in those circumstances, the candidate will be eliminated from subsequent rounds of voting, with the intent of achieving a minimum threshold of 50% plus 1 of the votes cast;

it being noted that the Governance Working Group (GWG) received a demonstration of the proposed electronic voting system from the Deputy Clerk and the Manager, Licensing and Elections.

4. DEFERRED MATTER/ADDITIONAL BUSINESS

None.

5. ADJOURNMENT

The meeting adjourned at 3:27 PM.

TO:	CHAIR AND MEMBERS GOVERNANCE WORKING GROUP MEETING ON OCTOBER 28, 2019
FROM:	CATHY SAUNDERS CITY CLERK
SUBJECT:	SELECTION PROCESS FOR THE APPOINTMENT OF MEMBERS TO VARIOUS COMMITTEES, CIVIC BOARDS, AND COMMISSIONS

RECOMMENDATION

That, on the recommendation of the City Clerk, the attached proposed by-law (Appendix "A") BE INTRODUCED at a future meeting of the Municipal Council to enact Council Policy, entitled "Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions" to clarify the selection process for appointments of members to Standing Committees of Council, Advisory Committees, and various Civic Boards and Commissions to which Council appoints members.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

BACKGROUND

The attached proposed by-law to enact Council Policy entitled "Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions" is being brought forward for consideration of adoption in order to provide necessary clarification to the public appointment process for vacancies and positions to which the Municipal Council appoints members.

The Civic Administration has been investigating ways of improving the selection process whereby candidates to fill a vacant position on a board, commission or committee are recommended to the Municipal Council for appointment. It is important that this process is conducted in a transparent manner in keeping with Section 244 of the *Municipal Act, 2001*, which states: "[e]xcept as provided in sections 233 and 238, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect."

Advisory Committee appointments occurring mid-term will be recommended by the appropriate Standing Committee for consideration by Municipal Council, in accordance with the Council Policy "General Policy for Advisory Committees".

Appointments for boards, commissions and all other committees to which Council appoints members shall be recommended for consideration in accordance with the Council Procedure By-law and the relevant terms of reference, policy or by-law for that board, commission or committee.

Every effort to achieve consensus amongst Standing Committee members responsible for recommending candidates for appointment should be made prior to undertaking an electronic or manual selection process for recommending appointees. The City Clerk, or designate, will assist in the process by displaying a slate of potential appointees for each vacancy and by amending that list as consensus is achieved.

In the event consensus of the Standing Committee is achieved, the Chair of the Standing Committee responsible for recommending appointees will immediately call for a motion to recommend the appointment of the candidates for which consensus was reached, in accordance with the attached proposed Policy.

Where consensus is not achieved and the number of candidates recommended for appointment exceeds the number of positions available, all potential appointees' names for whom consensus has not been reached will be listed in alphabetical order on a ballot and a selection process will be conducted electronically in eScribe in accordance with the proposed Policy.

PREPARED BY:	RECOMMENDED BY:
JEANNIE RAYCROFT MANAGER, LICENSING & ELECTIONS	CATHY SAUNDERS CITY CLERK

APPENDIX “A”

Bill No.
2019

By-law No.

A by-law to enact a new Council Policy entitled “Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions” to provide clarity with respect to the selection and recommendation process for appointment of Members to various Committees, Civic Boards and Commissions.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 244 of the *Municipal Act, 2001* provides that except as provided in sections 233 and 238 of the *Municipal Act, 2001*, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect;

AND WHEREAS the Municipal Council wishes to enact a new Council Policy entitled “Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions” to provide clarity with respect to the selection and recommendation process for appointment of Members to various Committees, Civic Boards and Commissions;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Council Policy entitled “Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions”, attached hereto as Schedule “A” is hereby adopted.

2. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on , 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – 2019
Second Reading – 2019
Third Reading – 2019

SCHEDULE "A"



London
CANADA

Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions

Policy Name: Selection Process Policy for Appointing Members to Committees, Civic Boards and Commissions Policy

Legislative History: N/A

Last Review Date: October 21, 2019

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 The City of London is committed to ensuring the appointment of qualified candidates to boards, commissions and committees in a manner that is open, transparent, and equitable. This policy outlines the selection process by which candidates to fill a position on a board, commission or committee are selected for recommendation.

2. Definitions

For the purposes of this policy:

- 2.1 **"Absolute Majority"** – means fifty percent plus one (50% +1) of the available votes.
- 2.2 **"Clerk"** – means the City Clerk of the City of London, or designate.
- 2.3 **"Committee"** – means the Standing Committee responsible for recommending appointments for consideration by the Municipal Council or, in applicable circumstances, the Municipal Council.
- 2.4 **"Qualified Candidate"** – means an individual who has expressed an interest in filling a vacant position on a board, commission or committee and meets the relevant membership requirements.
- 2.5 **"Qualified Voter"** – means a member of the Committee or, in applicable circumstances, Municipal Council, qualified to make the appointment recommendation(s) to the Municipal Council.

3. Applicability

- 3.1 The policy shall apply to Committee members.

4. General

- 4.1 The names of candidates who have expressed an interest in filling a vacancy or a position to which the Municipal Council appoints members shall be placed on an agenda for consideration and a selection process to recommend a candidate to fill the position(s) shall be conducted in accordance with this policy.

5. Appointments

- 5.1 Appointments for boards, commissions and all committees to which Council appoints members shall be recommended for consideration in accordance with the Council Procedure By-law and the relevant terms of reference, policy or by-law for that board, commission or committee.
- 5.2 Advisory Committee appointments occurring mid-term shall be recommended for consideration in accordance with the Council Policy "General Policy for Advisory Committees".

6. Selection Process

- 6.1 Qualified candidates will be placed on a Committee Agenda as a slate for consideration by the Committee.

- 6.1.1 In accordance with the Council Procedure By-law, in the year of a municipal election, the Striking Committee shall meet to make recommendations for initial Qualified Candidate appointments to boards, commissions and advisory committees and shall submit its recommendations to the new Municipal Council through the Strategic Priorities and Policy Committee.

- 6.2 The Committee may, by consensus, accept a slate for the recommendation of Qualified Candidate(s) to fill the position(s).

Every effort shall be made to achieve consensus amongst Committee Members on recommended appointments. The Clerk shall assist in the process by displaying a slate of potential appointees to each vacancy, and by amending that slate as consensus is achieved.

In the event consensus is achieved, the Chair shall immediately call for a motion to recommend the appointment for the candidates' for which consensus was reached.

- 6.3 Where the number of candidates recommended for appointment exceeds the number of positions available, all potential appointees' names for whom consensus has not been reached shall be listed in alphabetical order on a ballot and a selection process shall be conducted in accordance with the procedure outlined in this policy.

6.4 Voting - one (1) position to be filled

Where there is one (1) position to be filled and the number of candidates recommended for appointment exceeds one (1), the following procedure shall be followed, for as many voting rounds as necessary:

- 6.4.1 Each Qualified Voter on the Committee may vote for one (1) candidate to be recommended for appointment. All votes will be tabulated electronically by the Clerk.

- 6.4.2 The candidate that receives an Absolute Majority of the available votes shall be recommended for appointment.

- 6.4.3 If after the first round of counting, one candidate does not receive an Absolute Majority of available votes, the candidate who received the least amount of votes and those with zero votes are removed from the slate and the vote is held again until one candidate to be recommended for appointment receives an Absolute Majority of the available votes.

6.5 Voting – more than one (1) position to be filled

Where the number of positions to be filled is greater than one (1) and the number of candidates recommended for appointment exceeds the number of positions available, the following procedure shall be followed, for as many voting rounds as necessary:

6.5.1 Each Qualified Voter on the Committee may vote for as many candidates for a position as there are positions to be filled, but may only vote once for each candidate. All votes will be tabulated electronically by the Clerk.

6.5.2 All candidates run against each other in a race for the required number of positions to be filled.

6.5.3 The candidates that receive the most votes shall be recommended for appointment, up to the required number of positions to be filled.

6.5.4 If after the first round of counting, recommended candidate(s) cannot be determined for all available positions, the candidates with the least amount of votes and those with zero votes are removed from the slate, and the vote is held again for all positions.

6.6 Resolution of tie – recommended candidate

In the event of a tie between two or more candidates who receive the same number of votes and cannot both or all be appointed to the position(s), the following procedure shall be followed with any modifications the Committee deems necessary:

6.6.1 A run-off vote between the tied candidates shall be conducted and tabulated electronically. The candidate(s) that receive(s) the most votes in the run-off shall be recommended for appointment.

6.6.2 In the event of a tie between the same two or more candidates in a run-off vote, the tie will be resolved by lot as follows and the candidate chosen by lot shall be declared eligible for recommendation:

a) The Clerk shall, in full view of the Committee, write the name of each tied candidate on a similar size paper, fold the papers with each candidate's name in two (2) equal parts and deposit these papers, in full view of all persons present, in an open-end box.

b) The Clerk shall ensure that the contents have been displaced sufficiently, and proceed to draw name(s) for the purpose of determining the candidate(s) who shall be recommended for appointment.

6.7 Resolution of tie – eliminated candidate

In the event of a tie for the eliminated candidate, the tie will be resolved by lot and the candidate chosen by lot is deemed to have the fewest votes and shall be eliminated from further consideration.

6.7.1 The tie is resolved by lot as follows:

- a) The Clerk, shall, in full view of the Committee write the name of each tied candidate on a similar size paper, fold the papers with each candidate's name in two (2) equal parts and deposit these papers, in full view of all persons present, in an open-end box.
- b) The Clerk, shall ensure that the contents have been displaced sufficiently, and proceed to draw only one (1) name for the purpose of determining the candidate who shall be eliminated from further consideration.

6.8 If it becomes apparent by reason of an equality of votes that no candidate can obtain sufficient votes to be recommended for appointment by the Committee, the Committee may repeat the selection process detailed in this policy with any necessary modifications in order to make a recommendation for appointment.

6.9 If it becomes impractical to tabulate the votes electronically, the selection process may be conducted and recorded manually in accordance with this Policy. The manual process shall follow the procedures outlined in sections 6.4 to 6.8 of this Policy, to the extent possible.

6.10 Once the number of candidates recommended for appointment equals the number of vacancies to be filled, the Chair shall immediately call for a motion to recommend the selected candidates for appointment.

6.11 The Clerk shall record the result and shall record how each Committee member voted in the selection process, and shall form a part of the public record.