

Priorities
Committee
Agenda

to be held on
Wednesday, February 26th, 2003
at
7:00 p.m.

**Deputy Mayor
Dave Courtemanche
Chair**



**Community
Viability
Committee**

**Councillor
Gerry McIntaggart
Vice-Chair**



**Public &
Intergovernmental
Affairs Committee**



**Finance & Program
Accountability
Committee**



Priorities Committee AGENDA

ELEVENTH MEETING OF THE PRIORITIES COMMITTEE
TO BE HELD ON WEDNESDAY, 2003-02-26
AT 7:00 P.M. IN THE COUNCIL CHAMBER,
TOM DAVIES SQUARE, 200 BRADY STREET, SUDBURY

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

The Council Chamber of Tom Davies Square is Wheel Chair accessible. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. Persons requiring assistance are requested to contact the City Clerk's Office at least 24 hours in advance of the meeting if special arrangements are required. Please call (705) 671-2489, extension 2475. Telecommunications Device for the Deaf (TTY) (705) 688-3919. Copies of Agendas can be viewed on the City's web site at www.city.greatersudbury.on.ca.

DEPUTY MAYOR DAVE COURTEMANCHE, IN THE CHAIR

- i. Declarations of Pecuniary Interest

ANY ITEMS NOT DEALT WITH BY THE ADJOURNMENT HOUR OF 10:00 P.M. WILL BE CARRIED OVER TO THE WEDNESDAY, MARCH 12TH, 2003 MEETING OF THE PRIORITIES COMMITTEE.

PRESENTATIONS/DELEGATIONS

2. Report dated 2003-02-14, with attachments, from the General Manager of Economic Development & Planning Services regarding City of Greater Sudbury's Lake Water Quality Program.

- Mike Mirka, Chair
- L. McKinnon, Lake Water Quality Program Co-ordinator

(OVERHEAD PRESENTATION)

1-4

RECOMMENDATION:

THAT the City of Greater Sudbury's Lake Water Quality Program 2003 Annual Report and the Activities of the Greater Sudbury Lake Improvement Advisory Panel (GSLIAP) be received

3. Seniors' Presentation

- Constable Nicole Lekun, Greater Sudbury Police Service

4. New Municipal Act, Part 2

- R. Swiddle, City Solicitor **(OVERHEAD PRESENTATION)**

5. Report dated 2003-02-21, with attachment, from the General Manager of Corporate Services regarding 2003 Election Background Report.

{REPORT UNDER SEPARATE COVER} (OVERHEAD PRESENTATION)

5-10

- T. Mowry, City Clerk
- J. Nelson, Election Activities Supervisor
- R. St. Onge, Web Administrator/Developer

MANAGERS' REPORTS

{NONE}

CORRESPONDENCE - INFORMATION ONLY

6. Report dated 2003-02-11 from the General Manager of Corporate Services regarding Justice Statute Law Amendment Act, 2003, Contingency Fee Agreements.
(FOR INFORMATION) **11-12**

7. Report dated 2003-02-11 from the General Manager of Corporate Services regarding 2002 Investment Report.
(FOR INFORMATION) **13-14**

ADJOURNMENT (10:00 P.M.) (RESOLUTION PREPARED)

{MAJORITY REQUIRED TO PROCEED PAST 10:00 P.M.}

2003-02-21

**DEPUTY MAYOR DAVE COURTEMANCHE,
CHAIR**

**GLORIA WARD
COUNCIL SECRETARY**

Presentations and Delegations

Request for Recommendation Priorities Committee



Type of Decision

Meeting Date	Wednesday, February 26, 2003				Report Date	Tuesday, February 18, 2003			
Recommendation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input type="checkbox"/>	High	<input checked="" type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title

The City of Greater Sudbury's Lake Water Quality Program 2002 Annual Report and Activities of the Greater Sudbury Lake Improvement Advisory Panel (GSLIAP)

Policy Implications + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified

n/a

Background attached

Recommendation

That the City of Greater Sudbury's Lake Water Quality Program 2002 Annual Report and the Activities of the Greater Sudbury Lake Improvement Advisory Panel (GSLIAP) be received.

Recommendation attached

Recommended by the General Manager

Dary Nadorozny
D. Nadorozny
General Manager Economic Development and Planning Services

Recommended by the C.A.O.

M. Mieta
Mark Mieta
Chief Administrative Officer

1

Date: Wednesday, February 19, 2003

Report Authored By



Lana McKinnon
Lake Water Quality Program Co-ordinator

Division Review



W.E. Lautenbach
Director of Planning Services

EXECUTIVE SUMMARY

This is an information report that outlines the 2002 Annual Report of the Lake Water Quality Program. It describes outside funding sources, partnerships, and accomplishments of the 2002 program. It also summarizes the first year activities of the Greater Sudbury Lake Improvement Advisory Panel (GSLIAP).

INTRODUCTION

This report outlines the Lake Water Quality Program's 2002 Annual Report and the first year activities of the Greater Sudbury Lake Improvement Advisory Panel (GSLIAP) which was appointed by City Council just over a year ago. In addition to this report, copies of the 2002 Annual Report have been circulated under separate cover on this topic.

1) 2002 Lake Water Quality Program

In 2002, the City of Greater Sudbury' Lake Water Quality Program celebrated its second year of lake water quality monitoring and support of local lake stewardship groups. The program was a successful partnership with the Nickel District Conservation Authority, Human Resources Development Canada, the Urban Lakes Group of the Co-operative Freshwater Ecology Unit, and the Ministry of the Environment.

2) Summary of Activities

- Spring Phosphorus Sampling 33 lakes
- Summer Priority Lakes Sampling 26 lakes
- Number of lake stewardship groups 18
- Number of presentations to lake groups 3
- Aquatic insects survey 10 lakes
- Aquatic plants survey 7 lakes
- Number of water quality parameter tested 77
- Number of youth employment positions created 6

Date: Wednesday, February 19, 2003

3) Funding Sources

The year 2002 was the first year that the Lake Water Quality Program levied funding from outside sources. The City of Greater Sudbury's contribution to the Lake Water Quality Program was almost \$82,000.00 or 41% of the total program cost of \$196,082.49. The funding partners contributed just over \$114,000.00 or 59% of the remaining cost.

A) Funding Partners

- City of Greater Sudbury
- Nickel District Conservation Authority
- Human Resources Development Canada
- Urban Lakes Group – Co-operative Freshwater Ecology Unit
- Ontario Ministry of the Environment – Lake Partner Program and Sudbury Office
- Falconbridge Limited

B) Other Partners

- Co-operative Freshwater Ecology Unit
- Local Lake Stewardship Groups
- Southview Greenhouse Growers, Walden Growers, Adam&Eve's Garden and Patio Centre Inc
- Ontario Parks
- Department of Fisheries and Oceans Canada

4) Greater Sudbury Lake Improvement Advisory Panel (GSLIAP)

Invitations for citizens to participate were posted in local newspapers, and on January 15, 2002, City Council appointed 12 volunteers to the Greater Sudbury Lake Improvement Advisory Panel (GSLIAP). The GSLIAP consists of 2 city councillors, 6 citizens from the community and 6 local water quality experts from government and academia. So far, the panel as a whole has met 6 times including a visioning session. The GSLIAP unanimously decided to adopt the "City of Lakes" logo.

A) Visioning Session

At the first meeting of GSLIAP, the panel members agreed to engage in a visioning session that would be hosted by an independent facilitator. In April 2002, the members gathered at Bryston's-on-the-Park to exchange ideas on: framework policy, future accomplishments, barriers and obstacles, proposed strategies, and priority actions. From this visioning session, a draft 5-year strategic plan emerged for the GSLIAP. The visioning session also set the stage for the the Greater Sudbury Lake Improvement Advisory Panel to establish a Mission and Vision Statement, and 3 working groups: Doing Science, Communications and Administration.

B) GSLIAP Events

The Greater Sudbury Lake Improvement Advisory Panel increased their community profile by hosting 2 information sessions for lake stewardship groups; using native shoreline vegetation, and the annual Living With Lakes Forum. The GSLIAP also had a highly visible presence at the Dragon Boat Festival at Bell Park.

Report: The City of Greater Sudbury's Lake Water Quality Program 2002 Annual Report and Activities of the Greater Sudbury Lake Improvement Advisory Panel (GSLIAP).

Date: Wednesday, February 19, 2003

5) Living with Lakes Forum

On November 18, 2002, the second annual Living With Lakes Forum was held in the INCO Cavern at Science North. Over 100 people attended the forum to hear Dr. John Gunn of the Co-operative Freshwater Ecology Unit talk about the lake trout and the loon as icons of water quality in the City. The public also had the opportunity to meet local lake stewardship groups who set up displays of their groups and activities. Other presentations were made by Bob Rogers, Chair of the Ramsey Lake Advisory Panel and city staff. Following the presentations, the audience members broke up into discussion groups to brainstorm on lake stewardship practices, lake health, lake monitoring and the permit process for shoreline work.

6) Local Lake Stewardship Groups

Presently the City of Greater Sudbury has 22 lake stewardship groups, an increase of 6 new groups from 2001. Many lake stewardship groups were active in the Lake Water Quality Program by taking water samples for the Ministry of Environment's Lake Partner Program, and helping out with the aquatic insect search.

Request for Recommendation Priorities Committee

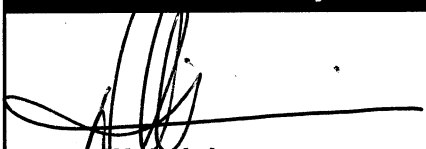


Type of Decision									
Meeting Date	Wednesday, February 26, 2003				Report Date	Friday, February 21, 2003			
Recommendation		Yes	<input checked="" type="checkbox"/>	No	Priority		High	<input checked="" type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
2003 Election Background Report

Policy Implications + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
<p><u>Policy Implications:</u></p> <p>This report does not contain recommendations. The election procedures and alternative voting methods reviewed in the attached Report comply with the requirements of the <i>Municipal Elections Act, 1996</i>, as amended.</p> <p><u>Budget Impact:</u></p> <p>The cost of elections is funded by an annual contribution to the Election Reserve Account.</p>	
<input checked="" type="checkbox"/>	Background attached

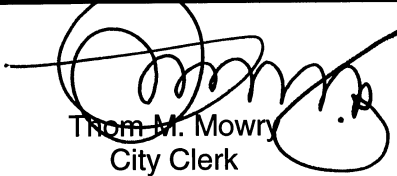
Recommendation	
<p>This Report is made to the Priorities Committee of Council for information purposes only. No decisions are required by the Committee.</p> <p>In addition, to the Background Report, which is provided under separate cover, an Overhead Presentation will be made on the changes to the <i>Municipal Elections Act, 1996</i>, the Election Internet Web Site and a Review of the Background Report</p>	
<input type="checkbox"/>	Recommendation attached

Recommended by the General Manager
 Doug Wuksinic General Manager of Corporate Services

Recommended by the C.A.O.
 Mark Mieto Chief Administrative Officer


Date: 2003-02-21

Report Authored By



Tom M. Mowry
City Clerk

Division Review



Ron Swiddle
Director of Legal Services and City Solicitor

Executive Summary

Council at its December 12, 2002 meeting concurred with a request by Councillor Courtemanche that the City Clerk investigate alternative voting methods for the 2003 Municipal Election. Specifically, Councillor Courtemanche requested that Vote By Mail and Internet Voting be examined.

A report entitled: "**2003 Election Background Report**" has been provided to each Member of Council under separate cover.

This Report is divided into the following parts:

- **Part 1 - Voting By Mail (pages 10 - 25)**
- **Part 2 - Internet Voting (pages 26 - 38)**
- **Part 3 - Use of Vote Tabulators (pages 39 - 59)**
- **Part 4 - Proposed 2003 Management Plan (pages 60 - 106).**

The Report examines each type of alternative voting method by a standard set of criteria which should be satisfied when applied to alternative voting methods. Unless the method of voting meets those criteria, its use is not recommended.

The following table lists each of these criteria and indicates whether or not it satisfies that criteria:

Voting Methods
Satisfying the Criteria For Election Systems

Criteria	Vote By Mail	Optical Scan	Internet Voting
<i>Eligibility & Authentication</i>		✓	✓
<i>Uniqueness</i>		✓	✓
<i>Accuracy</i>	✓	✓	✓
<i>Integrity</i>		✓	✓
<i>Verifiability and Auditability</i>		✓	✓
<i>Reliability</i>		✓	✓
<i>Secrecy and Non-Coercibility</i>		✓	✓
<i>Flexibility</i>	✓	✓	✓
<i>Convenience</i>	✓	✓	✓
<i>Certifiability</i>		✓	✓
<i>Transparency</i>	✓	✓	✓
<i>Cost-effectiveness</i>	✓	✓	✓

For the reasons set out in the Report, Vote By Mail does not satisfy these key criteria and therefore should not be considered for use by the City of Greater Sudbury. As stated in the Report: fundamentally, a mail ballot is not a secret ballot.

However, both the use of optical scan and internet voting technology satisfy the above criteria.

The “Tradeoff Triangle”:

Where two systems satisfy the criteria for a voting system, then, what is referred to in the Report as, the “Tradeoff Triangle” can come into play. From an election official’s perspective, this “Tradeoff Triangle” contains three objectives of a “good” election system. These are:

- (1) speed of the count,
- (2) accuracy, and
- (3) cost.

Date: 2003-02-21

Other criteria, such as security, ease-of-use, and accessibility are discounted in the "Tradeoff Triangle".

Speedy results on election night before the late evening news is a requirement for the candidates, the public and the press. However, more critical is *accuracy* and *recounting* speed. The public confidence in the voting process is damaged by large numbers of spoiled and rejected ballots and long recounts.

As the Report states: "*Thus, the main tradeoff is between cost and accuracy. The CalTech MIT study concluded that optical scanning units have produced significantly fewer residual votes (that is, overvotes, undervotes and spoiled ballots) than other types of electronic voting machines for the 10 year period of 1990 to 2000.*"

Technology and Voter Turnout:

One of the chief reasons given for the use of alternative voting methods is that they will increase voter turnout and reduce costs. Clearly, the evidence speaks otherwise. Technology, in and of itself, does not increase voter turnout and the up front costs for equipment and educating both the voter and candidates can be higher when introducing a new voting method. It is worth quoting the Electoral Commission of the United Kingdom in its 2002 Report (pages 62-63):

"The Commission also recognises that the nature of the voting process is unlikely ever to be the primary factor in most people's decisions about whether to participate in any election".

The Commission's 2002 Report also stated: "In the short-term, the pilots did not provide good value for money with regard to the cost per voter. Because the turnouts achieved were not significantly greater than might have been expected with traditional polling, the unit price was high."

Various voter "pilot" projects in local voting, including internet voting, have been funded by the London government in order to achieve its goal of implementing "e-voting" by the year 2006.

Conclusions as to alternative voting methods:

For the reasons set out in the Report, it is the view of your Election Staff that optical scan technology using a paper ballot, shows the best level of acceptance and overall accuracy performance of any system currently in use. Its ability to provide voter feedback, to accommodate the needs of seniors and the disabled who wish to vote independently, and to prevent overvotes, causes us to believe that this technology will be readily accepted by the voters of Greater Sudbury.

Date: 2003-02-21

However, until final cost estimates of implementing either voting solution are received, then it is recommended that Council make no decision on how to proceed at this time.

A final report which will lay out the estimated cost of each alternative voting method will be presented to Council at its Thursday, March 13, 2003 meeting. This two week period will enable Members of Council to review the Report at their leisure, digest it and consult with family, friends and constituents about the alternative voting methods reviewed in the Report. It will also allow Election, IT, Purchasing and Finance Staff the additional time to further review the costs and refine them.

Proposed 2003 Election Management Plan:

Part 4 of the Background Report deals with the proposed 2003 Election Management Plan. The management model was originally constructed for the use of either a whole paper ballot or the use of optical scan technology. It follows the same management model that was used in the 2000 Municipal Election. It would have to be modified should Council later decide it wishes to use either a mail ballot or internet voting.

The current model would provide for the following:

1. Seven (7) Ward Managers; one for each of the six wards and one for the Advance Vote.
2. All candidate services will be centralized in Tom Davies Square, Sudbury.
3. Elector services, such as additions and corrections to the Voters' List, as well as Proxy forms, will be handled by the Citizen Service Centres.
4. Elector inquiries will be handled by the Call Centre located in Tom Davies Square.

The consolidation of services for Candidates at Tom Davies Square will serve to reduce confusion over where candidates need to go to file documents, obtain reference material or receive election information.

Allowing Voters the opportunity to add their names, or make changes to the Voters' List and obtain Voting Proxies at their local Citizen Service Centre, rather than making a long trip to Tom Davies Square, will provide greater opportunity for them to exercise their democratic rights. While, on the other hand, the integrity of the voting process will be maintained by the use of sequentially numbered proxy certificates.

The changes to the Voters' List following the posting of the Voter's List in September, 2003, as well as during the Advance Vote, will be "keyed in" at the Call Centre located at Tom Davies Square.

Date: 2003-02-21

The "major" changes affecting electors are:

1. a week long advance vote at the Citizen Service Centres;
2. The printing of "mini" transit tickets along the bottom of the Voter Notification Cards to offer free transit rides to and from voting locations; and,
3. reducing the number of voting locations to take full advantage of the use of optical scan vote tabulators.

All of which is respectfully submitted to the Members of the Priorities Committee for their information.



Managers' Reports

MANAGERS' REPORTS

NO REPORTS FOR THIS AGENDA

Correspondence and Information

Request for Recommendation Priorities Committee



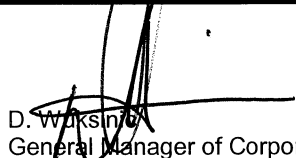
Type of Decision									
Meeting Date	February 26, 2003				Report Date	February 11, 2003			
Recommendation		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
Justice Statute Law Amendment Act, 2002 Contingency Fee Agreements

Policy Implications + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
N/A	
<input checked="" type="checkbox"/>	Background attached


Recommendation	
N/A	
<input type="checkbox"/>	Recommendation attached

Recommended by the General Manager


D. Waksinski
General Manager of Corporate Services

Recommended by the C.A.O.


M. Mieto
Chief Administrative Officer



Contingency Fee Agreements

Reviewed by: C. Mahaffy, Manager of Financial Planning & Policy/Deputy Treasurer

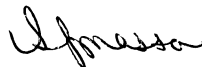
Date: February 11, 2003

Report Authored By



J. Van de Rydt
Co-Ordinator of Capital Budget & Risk Management

Division Review



S. Jonasson
Director of Finance/City Treasurer

BACKGROUND

Bill 213, Justice Statute Law Amendment Act, 2002, received Royal Assent on Monday, December 9, 2002. Among other things, this Act was introduced to improve access to justice by amending the Solicitors Act to permit contingency fees. The legislation gives Ontarians the option of reducing the financial burden of going to court by entering into contingency agreements in legal matters. Contingency agreements tie lawyers' fees to the outcome of a case, so that a client incurs fees only in the event of a successful lawsuit.

At a recent panel discussion at the Ontario Insurance Adjusters Association conference, the spectre of contingency fees and its profound effect for insurers was raised. From the insurance industry's perspective, Bill 213, along with changes in the auto reform package that lift restrictions to suing, will have some plaintiff lawyers seeing the coming years as a "golden age" for the tort side. At a panel discussion on this issue during the conference, presenters suggested that contingency fees will raise the stakes for lawyers and make dealing with them more adversarial. Their argument supposes that aggressive law firms might seize the opportunity to persuade people to take legal action against us which, in turn, would significantly impact on insurer loss ratios which would increase claims cost.

Conversely, it has been suggested that the insurance industry will use just this sort of hyperbole to justify rate increases, and that it will not lead to major changes in the way that claims are currently settled. While in the US contingency fees have led to frivolous and meritless claims because there is no penalty for bringing such claims, in Canada these claims are penalized in costs, and no lawyer would expose themselves to that risk. But, it has been acknowledged that there may be an increase in the number of lawsuits filed by law firms working on contingency on behalf of persons with limited, or without, the financial means to otherwise bring suit for "legitimate" claims. For the most part these would likely be small claims, which otherwise would not have been made, and the aggregate of these claims may impact our costs. However, at present, it is still too early to assess what the financial consequences will be or the burden it may place on staff resources.

Request for Recommendation Priorities Committee



Type of Decision

Meeting Date	February 26, 2003				Report Date	February 11, 2003			
Recommendation		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title

2002 Investment Report

Policy Implications + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified

N/A

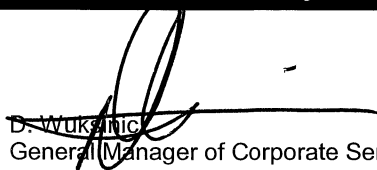
Background attached

Recommendation

N/A

Recommendation attached

Recommended by the General Manager


D. Wukojanic
General Manager of Corporate Services

Recommended by the C.A.O.


M. Mieto
Chief Administrative Officer

13

Report Authored By



J. Van de Rydt
Co-Ordinator of Capital Budget & Risk Management

Division Review



S. Jonasson
Director of Finance/City Treasurer

BACKGROUND

Ontario Regulation 265/02 requires the Treasurer to present, annually, an investment report to Council. This requirement is also set out in the City of Greater Sudbury's Statement of Investment Policy and Goals. The Investment Policy is constantly under review to ensure compliance under the Municipal Act, 2001 as regulations are amended or introduced. Minor changes have recently been made effective January 1, 2003 which will affect the Investment Policy. A report to Council is forthcoming.

This report summarizes the investment activities for the year and certifies that all investments made in the year 2002 were in compliance with both the policy and the Ontario Regulation 265/02.

The City of Greater Sudbury investment portfolio, at cost, at December 31, 2002 was as follows:

Long-term investments	\$ 24,026,623
Short-term investments	\$ 81,910,612
Total investment portfolio	\$105,937,235

During the year, seventy-nine (79) separate investment transactions were completed. Interest earned on investments, plus interest earned on average daily bank balance, amounted to \$3,942,775 - an average rate of return of 3.168%.

Interest earnings of \$1,842,538 were credited to reserve and trust funds. The balance of investment income was earned by capital and current funds. In accordance with the investment policy, the investment income earned by the capital fund was attributed to the current fund. Including interest earned from the bank, the current fund was credited with \$2,100,237 interest revenue.