

Request for Decision City Council




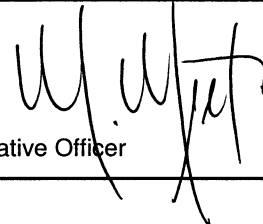
Type of Decision									
Meeting Date	December 16, 2004				Report Date	December 8, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
Junction Creek, Authorization to Enter into an Agreement with CPR and Domtar for the Hiring of a Consultant

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

Recommendation
<p>That the City's one-third share of the costs to remediate Junction Creek as a result of creosote contamination, be funded as follows:</p> <p>\$250,000 from the Tax Rate Stabilization Reserve \$250,000 from the Capital Financing Reserve Fund-General.</p>
Recommendation Continued

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

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

Date: December 8, 2004

Report Prepared By



D. Béliste
General Manager of Public Works

Division Review

On November 29, 2004, I reported to Council that the City has been served with an MOE Order to proceed with the remediation of creosote contamination along Junction Creek. The project must be completed by December 15, 2005, and there is no funding in place for the City's share, estimated at \$500,000. CPR and Domtar will be contributing \$500,000 each towards the project.

We are recommending that funding be provided in the amount of \$250,000 from the Tax Rate Stabilization Reserve (current balance of \$641,000), and \$250,000 from the Capital Financing Reserve Fund (current balance \$910,000).

November 29, 2004

Mayor Dave Courtemanche and
Members of City of Greater Sudbury Council

Mayor Courtemanche, Ladies and Gentlemen:

RE: Junction Creek Creosote Contamination

On February 23, 2003, City Council approved a cost sharing agreement between the City, CPR and Domtar, to undertake a study on creosote contamination in Junction Creek, between the former Loeb Warehouse on Lorne Street and Copper Street. The study was intended to identify the source(s) of contamination, the extent (geographic area) of the contamination, and a conceptual design for remediation.

That study was completed in November 2003, and all three parties had protracted negotiations with the Ministry of the Environment (MOE) to achieve consensus on the selected remediation plan. In June 2004, agreement was reached on the preferred remediation plan.

This past Friday, November 26, 2004, the MOE issued an Order to the City, CPR and Domtar, under the Environmental Protection Act. A copy of the Order is enclosed, as well as our previous report to Council in February 2003.

The Order directs the parties to retain a consulting engineer to complete the detailed design of the remediation works, and to complete the remediation project by December 15, 2005. The estimated costs are in the order of \$1.4 million, including engineering fees, however this is a preliminary estimate, subject to refinement once the detailed engineering design is completed.

Up until now, the three parties have shared costs on a one-third each basis, and it is likely that the same formula will be used on future works. I will be coming back to Council in January 2005 to obtain approval on the cost sharing, as well as identifying how the City's portion will be funded.

Yours truly,



D. Bélisle
General Manager of Public Works

/vg

Attachments

cc: C.A.O.
General Managers

ENVIRONMENTAL PROTECTION ACT
Sections 17 and 18
ORDER

TO: Canadian Pacific Railway Company
401 9th Avenue Southwest
Suite 700
Calgary, Alberta T2P 4Z4
Attention: Ash Olesen, Director of Environmental Services

TO: City of Greater Sudbury
P.O. Box 5000, Station "A"
200 Brady Street
Sudbury, Ontario P3E 5P3
Attention: Don Belisle, General Manager of Public Works

AND TO: Domtar Inc.
395 De Maisonneuve Boulevard West
Montreal, Quebec H3A 1L6
Attention: The Secretary

PART 1 BACKGROUND

- 1.1 **WHEREAS** certain constituents of creosote have been found along the channel banks of Junction Creek and within Junction Creek on lands owned by Canadian Pacific Railway Company in the Company's Webbwood Subdivision and the City of Greater Sudbury in Sudbury, Ontario;
- 1.2 **AND WHEREAS**, pursuant to an Order dated April 4, 2003, a report was prepared by Golder Associates Ltd. in November 2003 entitled "Remedial Plan, Lands Adjacent to Former Creosote Facility, Sudbury, Ontario" (the Golder Report), with respect to the area identified in Figure 2 of the Golder Report as the study area (the Study Area);
- 1.3 **AND WHEREAS** the screening level risk assessment portion of the Golder Report has identified ecological and human health risks associated with free-phase creosote liquid in Junction Creek;
- 1.4 **AND WHEREAS** the Ministry of the Environment is in agreement that the preferred remedial action plan (RAP) option identified in the Golder Report, which involves constructing a creek liner and a creosote interception system, is a viable option to minimize risk at the site;
- 1.5 **AND WHEREAS** the Three Parties have agreed with each other to jointly carry out remedial work and to jointly pay the costs thereof in the manner set out in said

agreement, all on a without prejudice basis and without any legal admission of liability or responsibility for the contamination whatsoever, including but not limited to the Environmental Protection Act (EPA);

PART 2 ORDER

THEREFORE, to ensure that the remedial work is carried out in a timely manner pursuant to EPA sections 17 and 18, I hereby order Canadian Pacific Railway Company, the City of Greater Sudbury and Domtar Inc. (the Three Parties), both jointly and severally, to take all steps necessary to do the following:

- 2.1 Within 45 days of issuance of this Order, retain a competent and qualified consultant to prepare the detailed engineering plans for the remediation work as identified in the Golder Report.
- 2.2 Within 60 days of the issuance of this Order, provide the Director an updated work schedule showing the anticipated timing required to conduct the remedial work, including a proposed schedule for obtaining all other relevant federal, provincial and/or local permits and approvals.
- 2.3 By February 28, 2005, submit the detailed engineering plans for the remediation work, including a post-remediation water and sediment monitoring program, for approval of the Director.
- 2.4 By March 30, 2005 and on a monthly basis thereafter, or any other reasonable frequency as determined by the Director, submit a report attesting to the progress of the work required by the Order.
- 2.5 By December 15, 2005 (or such longer period as specified in writing by the Director), the approved remediation work and post-remediation water and sediment monitoring program shall be implemented and operational.
- 2.6 The Three Parties shall submit annually, a written report of the results of the post-remediation water and sediment monitoring program, based on the previous calendar year, to the District Manager by the 31st day of March of the following calendar year starting with the 31st day of March 2006. On the third and fifth year anniversary following the completion of the remediation work, and from time to time thereafter until termination of the monitoring program, the Parties are entitled to request, by way of a written submission, that the Director alter or cancel the frequencies, the sampling locations or parameters for analysis required under section 2.5 herein. The concurrence of the Director shall be deemed to alter any applicable terms or conditions of the Order.
- 2.7 All documents submitted by a party to the Director pursuant to the requirements of this Order shall be made available to any party named in this Order, unless deemed confidential by that party. All documents submitted by the parties pursuant to the

requirements of this order shall be made available to any person upon request, unless deemed confidential by the parties. Any document deemed confidential by a party(ies) may be released pursuant to the *Freedom of Information and Protection of Privacy Act*.

PART 3 GENERAL

- 3.1 All orders are issued in the English language and may be translated into the French language. In the event that there should be a conflict between the English original and the French translation, the English original shall prevail.
- 3.2 The requirements of this Order are severable. If any requirement of this Order or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the Order shall not be affected thereby.
- 3.3 Any request to change a requirement in this Order shall be made in writing to the Director with reasons for the request, at least 14 days prior to any compliance date for that requirement.
- 3.4 The requirements of this Order are minimum requirements only and do not relieve you from:
 - 3.4.1 complying with any other applicable direction, order, statute, regulation, municipal, provincial or federal law; and,
 - 3.4.2 obtaining any approvals or consents not specified in this Order.
- 3.5 Notwithstanding the issuance of this Order, further or other orders may be issued in accordance with the legislation as circumstances require. In particular, the Director shall issue an Order where the approval of the Director is required in respect of a matter under this Order; and,
 - 3.5.1 the Director does not grant approval; or,
 - 3.5.2 the Director does not grant approval because the changes which the Director considers necessary for granting approval have not been agreed to by the parties.
- 3.6 Subsection 19(1) of the EPA provides that an Order of the Director is binding upon the successor or assignee of the person to whom it is directed.
- 3.7 Subsection 186(2) of the EPA provide that non-compliance with the requirements of this Order constitutes an offence.
- 3.8 In the event a party is, in the opinion of the Director, rendered unable to perform or comply with any obligations herein because of:

- 3.8.1 natural phenomena of an exceptional, inevitable or irresistible nature, or insurrections, or
- 3.8.2 strikes, lockouts, or other industrial disturbances, or
- 3.8.3 inability to obtain services or equipment for reasons beyond the control of the party, or
- 3.8.4 any other cause whether similar to or different from the foregoing beyond the reasonable control of the party,

the obligations hereof, as they are affected by the above shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the party must notify the Director immediately upon becoming aware of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the compliance dates in question.

PART 4 HEARING BEFORE THE ENVIRONMENTAL REVIEW TRIBUNAL

- 4.1 Under section 140 of the *EPA*, you may require a hearing before the Environmental Review Tribunal if, within fifteen days after service upon you of this Order, you serve written notice upon the Review Tribunal and the Director.
- 4.2 Section 142 of the *EPA* provides that the notice requiring the hearing must include a statement of the portions of the Order for which the hearing is required and the grounds on which you intend to rely at the hearing. Except by leave of the Environmental Review Tribunal, you are not entitled to appeal a portion of the Order or to rely on grounds of appeal that are not stated in the notice requiring the hearing.
- 4.3 Written notice requiring a hearing shall be served personally or by mail on the following:

<p>The Secretary Environmental Review Tribunal 2300 Yonge Street Suite 1201 Toronto, Ontario M4P 1E4</p>	<p>and.</p>	<p>Director Northern Region Ministry of the Environment 435 James Street South Suite 331 Thunder Bay, Ontario P7E 6S7</p>
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Where service is made by mail, the service shall be deemed to be made on the fifth day after the day of mailing and the time for requiring a hearing is not extended by choosing service by mail. Unless stayed by application to the Environmental Review Tribunal under section 143 of the *EPA*, this Order is effective from the date of issue.

4.4 If you commence an appeal before the Environmental Review Tribunal, under section 47 of the *Environmental Bill of Rights (EBR)*, you must give notice to the public in the *EBR* registry. The notice must include a brief description of this Order (sufficient to identify it) and a brief description of the grounds of appeal. The notice must be delivered to the Environmental Commissioner who will place it on the *EBR* registry. The notice must be delivered to the Environmental Commissioner at 605-1075 Bay Street, Toronto, Ontario, M5S 2B1, by the earlier of:

4.4.1 2 days of commencing the appeal before the Review Tribunal; and

4.4.2 15 days after service of this Order.

4.5 Pursuant to subsection 47(7) of the *EBR*, the Environmental Review Tribunal may permit any person to participate in the appeal, as a party or otherwise, in order to provide fair and adequate representation of the private and public interests, including governmental interests, involved in the appeal.


4.6 For your information, under section 38 of the *EBR*, any person resident in Ontario with an interest in this Order may seek leave to appeal the Order. Under section 40 of the *EBR*, the application for leave to appeal must be made to the Environmental Review Tribunal by the earlier of:

4.6.1 15 days after notice of this Order is given in the *EBR* registry; and

4.6.2 if you appeal, 15 days after your notice of appeal is placed in the *EBR* registry by the Environmental Commissioner.

To ascertain whether or not an application for leave to appeal this Order has been made by any person, you may wish to periodically check the *EBR* registry up to a few business days after the period mentioned in paragraphs 4.6.1 and 4.6.2 above. Information about how to access the *EBR* registry is available from your local library or by calling the Ministry of the Environment at (416) 325-4000 or 1-800-565-4923.

ISSUED at Sudbury, this 26th day of November, 2004.



Rob Campbell
Director (Acting)
Environmental Protection Act, ss. 17-18

REPORT AND RECOMMENDATIONS OF A PROVINCIAL OFFICER

**JUNCTION CREEK CREOSOTE CONTAMINATION
CPR MILEAGE 1.9, WEBBWOOD SUBDIVISION
SUDBURY, ONTARIO**

PREPARED BY:

**RON PAOLIN
SENIOR ENVIRONMENTAL OFFICER
SUDBURY DISTRICT OFFICE
NORTHERN REGION**

AUGUST 27, 2004

PROVINCIAL OFFICER REPORT

This is a report prepared by Provincial Officer Ron N. Paolin, Senior Environmental Officer of the Sudbury District Office of the Ministry of the Environment (MOE) made pursuant to the Environmental Protection Act (EPA), based on a review of a report prepared by Golder Associates Ltd. in November 2003 entitled "Remedial Plan, Lands Adjacent to Former Creosote Facility, Sudbury, Ontario" (Golder Report). The Golder Report was submitted to the Ministry jointly by Domtar Inc. (Domtar), Canadian Pacific Railway Company (CPR) and the City of Greater Sudbury (the City) as a requirement of a MOE Director's Order issued to each party in April 2003.

BACKGROUND

On April 4, 2003, a Director's Order was served to Domtar, CPR, and the City (the three parties) to address creosote contamination identified on lands adjacent to a former creosoting facility, which included parts of Junction Creek located at Mile 1.9 Webbwood Subdivision, Sudbury. The actual study area was highlighted in Figure 2 of the Golder Report (the study area).

The Order required the three parties to hire a qualified consultant to; 1) carry out a screening level risk assessment (SLRA) for the three areas of concern identified in the Order and, 2) prepare a remedial action plan (RAP), including a proposed schedule, for clean up and remediation of creosote contamination. If necessary, based on the findings of the SLRA and recommendations of the qualified consultant, a site specific risk assessment could be required.

On November 17, 2003, the three parties forwarded the Golder Report to the MOE in accordance with the Order requirements. Based on a review of the Golder Report, the MOE was satisfied that the three Parties had fulfilled the compliance requirements of their April 4, 2003 Director's Order.

The potential for human health risks and ecological risks at the study site were examined in the SLRA portion of the Golder Report. In terms of human health risks, the residual presence of benzo(a)pyrene (BaP) was identified as the most important chemical constituent with respect to cancer risk. None of the bulk sediment samples tested for BaP exceeded the MOE's 1997 Guideline for Use at Contaminated Sites in Ontario - Table B criteria (MOE criteria). BaP and other polynuclear aromatic hydrocarbons and petroleum hydrocarbons, however, did exceed the MOE criteria at various locations where free-phase creosote liquid was detected. These locations included areas within the main creek channel and surface water drainage course #1 (SWDC#1). In terms of ecological risk, the findings of the SLRA indicated that a minor risk to biota existed in Junction Creek except for a few isolated locations where higher risk was expected due to free-phase creosote seepage.

Based on the findings of the SLRA, it was recommended in the Report that remedial activities focus on the main creek channel and SWDC#1, where free-phase creosote

liquid was detected. In the south section of the former Junction Creek, the Golder Report recommended the need to address free-product be limited to areas where the former channel meets the current (re-aligned) channel, in order to minimize the potential for product release from disturbance (such as ice scour and erosion).

In keeping with the findings in the SLRA, the Golder Report outlined four potential remedial options and highlighted the preferred option for remediation at the site. The preferred option involved designing and constructing a channel liner and a creosote interception system. The Golder Report also provided a remedial management plan including a remediation/management conceptual design for the preferred option along with a proposed schedule for implementation.

On June 2, 2004, the MOE provided written comments to the three parties concerning the Report. A subsequent meeting was held with the parties on June 8, 2004 to discuss the MOE's comments and the preferred option identified in the Golder Report. Based on discussions at the meeting, the MOE agreed in principal with the conceptual remediation plan (preferred option) identified in the Golder Report. Further, the ministry acknowledged that the preferred option was viable to minimize risk at the site and, that post remediation water and sediment monitoring would be necessary to determine if further assessment or clean-up will be required.

At the meeting, the three parties were also notified that a Director's Order would be issued to each party to carry-out the necessary remedial work. The three parties jointly informed the MOE that they would begin working on a cost sharing agreement for the remedial works immediately. Finally the three parties jointly agreed to proceed with the detailed engineering plans for the preferred option upon receipt of the Order.

On July 16 and August 18, 2004, Ministry staff visited the study area and visually observed globules of creosote intermittently rising up from the creek bottom along the south shore of Junction Creek. As identified in the SLRA of the Golder Report, it is this free-phase creosote liquid that poses a potential for adverse effects in the form of impacts to both aquatic and human health.

FINDINGS AND BASIS FOR ACTION

- 1) Within the Golder Report study area, free-phase creosote liquid has migrated into Junction Creek from some locations within the main creek channel and from SWDC #1.
- 2) Recent observations at the study area by Ministry staff have confirmed that globules of liquid creosote continue to intermittently rise up from the creek bottom along the south shore of Junction Creek.

- 3) The free-phase creosote liquid migrating into the creek exceeds the MOE criteria for B(a)P's and other polynuclear aromatic hydrocarbons and petroleum hydrocarbons.
- 4) CPR, Domtar and the City of Greater Sudbury have jointly carried out environmental work, including the preparation of a SLRA and RAP for the study area, all on a without prejudice basis and without any legal admission of liability or responsibility for the creosote contamination.
- 5) Based on the findings of the SLRA in the Golder Report, a high ecological and human health risk exists at locations where the free-phase creosote is migrating into the creek
- 6) As part of the RAP identified for the study area, the installation of a creek liner and a creosote interception system was identified in the Golder Report as the preferred option to address the free-phase liquid creosote that is migrating to the creek
- 7) The MOE has concurred that this is viable to minimize risk at the site and has indicated that a post remediation water and sediment monitoring program is required to determine if further assessment or clean-up is necessary.
- 8) The three parties have agreed to share costs for the remedial works
- 9) The three parties have advised that they will jointly proceed with the detailed engineering plans for the remedial work upon receipt of an order

RECOMMENDATIONS

Based on the findings, as noted herein, it is my opinion that an Order be issued jointly to CPR, Domtar and the City of Greater Sudbury to proceed with the necessary remedial work within the study area.

The Order should require the parties to submit to the MOE for approval, the detailed engineering plans for the proposed remedial work along with an updated schedule for completing the work. As part of the submission, the parties should be required to prepare a post remediation water and sediment monitoring program to determine if further assessment or clean-up is required within the study area.

The parties should also be required to seek approval from all other concerned agencies, including but not limited to, the Ministry of Natural Resources and the Federal Department of Fisheries and Oceans, prior to commencing any remedial work

Once all applicable approval/permits have been granted, the parties should implement the approved remedial plan immediately.



Request for Decision City Council




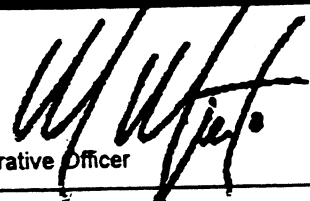
Type of Decision										
Meeting Date	February 13, 2003				Report Date	February 5, 2003				
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low	
	Direction Only				Type of Meeting		Open	<input checked="" type="checkbox"/>	Closed	

Report Title
MOE Order, Junction Creek Creosote Clean Up

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

Recommendation
That the City of Greater Sudbury share in one-third of the costs to prepare a study to determine remedial action on creosote impacted lands along Junction Creek.
Recommendation Continued

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

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

63-1

Date: February 5, 2003

Report Prepared By



D. Bélisle
General Manager of Public Works

Division Review

On December 6, 2002, the Ministry of the Environment issued a Notice of a Proposed Order to the City of Greater Sudbury, Canadian Pacific Railway, and Domtar Inc., instructing them to clean up deposits of creosote in, and along, the banks of Junction Creek, in the vicinity of Copper and Lorne Streets. On behalf of the City, I wrote to the MOE, on December 18, 2002 (copy of letter attached), asking that the Order be held back until all Parties could meet to map out a proposed course of action. That meeting took place on January 21, 2003, and resulted in an amended Proposed Order, which I believe reflects the City's proper participation in this matter.

It may be helpful to review the chronology of the creosote deposits along Junction Creek, and thereby establish the City's participation and/or responsibility in the proposed clean up initiatives.

- From about 1920 to 1962, a creosote facility was operated by the Canada Creosoting Company Limited (now Domtar Inc.), on lands owned by the CPR, located between Lorne and Copper Streets, in the City's west end. Today, this area would be best described as the rear yard of the former Loeb food warehouse on Lorne Street.
- Sometime between 1945 and 1956, the City of Sudbury excavated and re-aligned Junction Creek. This was undertaken to mitigate erosion along the meandering banks of the Creek. Historical property limits, whose boundaries were defined by the banks of the Creek, shifted with the new alignment of the Creek. The City owned the lands south of the Creek's former alignment, and re-aligning the Creek resulted in the City now owning lands on the Creek's former northern banks, where the creosote contamination had occurred.
- In 1999, a local citizen's group, the Junction Creek Stewardship Committee, discovered a creosote-like material along the south bank (City owned) of the Creek.

In retrospect, had the former City not re-aligned the Creek, the creosote deposits would have remained on lands exclusively owned or operated by CPR and Domtar, and the City would not have been involved in this matter. Unfortunately, by virtue of owning some of the re-aligned and contaminated lands, the City is involved, and the Environmental Protection Act prescribes clean up obligations onto property owners, whether or not the property owners were responsible for the contamination.

On January 21, 2003, the three parties named in the proposed MOE Order (CGS, CPR, Domtar) met with the MOE, and succeeded in having the MOE split the order into two parts.

1. The three parties (CGS, CPR, Domtar) are to retain an Environmental Consultant to determine the extent and limits of the contamination, and recommend a clean up procedure. This is the first Order.
2. The creosote impacted lands are to be cleaned up. This is the second Order to be issued at some later date by the MOE.

I believe that the City has a civic obligation to determine what hazards exist and what clean up initiatives are required to make things right. Accordingly, and subject to Council's approval, I have committed to sharing in 1/3 of the costs to determine what the clean up operations will entail. The cost of the study is estimated at \$50,000, with the City's share at about \$17,000.

Cw-2

Date: February 5, 2003

Once the study is completed, and remedial measures and costs are established, Council may wish to take a position with respect to sharing in the clean up costs. The second MOE clean up Order will not specify who pays for what. It will simply direct the three parties to clean up the site. It will be up to the three parties, CGS, CPR, and Domtar to decide how costs will be shared. If negotiations between the three named parties are unsuccessful, Council may consider legal action in order to have the Courts assign the distribution of costs among the three named parties.

My initial position on the City's participation, which I have informally shared with CPR and Domtar, is that the City's share of the clean up costs should be pro-rated on the basis of the land areas to be cleaned up. Initial evaluations indicate that the City owns about 28% of the contaminated lands, and this is a logical base from which to negotiate a cost sharing agreement. On the down side, the other two parties may argue that the City spread out and increased the size of the contaminated lands when it re-aligned Junction Creek some fifty years ago. This argument has merit, and may ultimately weaken the City's negotiation position.

At this time, I am seeking Council's approval to share in 1/3 of the costs to study and quantify what the ultimate clean up costs will be. The results of this study are expected by mid summer, and at that time, Council can consider further sources of action.

One other option is open to Council. Council can appeal the first MOE Order that requires a study of the impacted lands and the recommended clean up methodology. I respectfully submit to Council that this would not be a wise course of action, as legal costs associated with an MOE Appeal will likely surpass the City's \$17,000 costs to undertake the study. Further, the cordial and progressive negotiations to date between the City, CPR, and Domtar, would be jeopardized, and we would likely end up in Court, not only with the MOE, but also with CPR and Domtar. Again, I believe it is our civic responsibility to keep this matter moving progressively towards an acceptable solution.

Should Council agree with the proposed course of action, the necessary allocation will form part of the 2003 Capital Budget.

Attachment

CW-3

December 18, 2002

Ministry of the Environment
Northern Region
435 James Street South, Suite 331
Thunder Bay, Ontario
P7E 6S7

Attention: Mr. Frank Wilson, Regional Director

Dear Mr. Wilson:

Re: Notice of Proposed Order dated December 6, 2002
City of Greater Sudbury: Junction Creek Lands Adjacent
to former creosote facility

We wish to acknowledge receipt of your Notice of Proposed Order along with the accompanying draft order dated December 6, 2002 with respect to the above referenced matter.

At the outset, we wish to confirm our understanding of your correspondence that this response to your request in no way constitutes an appeal request under Section 140 of the EPA since no order has been issued by the MOE and therefore no appeal under Section 140 is required at this time. Accordingly, we are restricting our comments to a general level on the understanding that if an order is ultimately issued against the City, detailed submissions will be provided as required under the Act and Part Four of the draft order.

The City of Greater Sudbury has two brief submissions with respect to the proposed order. The first submission relates to process and the second submission relates to content.

With respect to process, we believe that it is unnecessary for the Ministry of the Environment to issue any order regarding the preparation of a remedial work plan to cleanup creosote contamination along the banks of the existing Junction Creek. We submit that the issuance of an order will only serve to delay the process associated with any such cleanup by encouraging the parties to seek legal counsel and necessitating an appeal of the order and a hearing which will serve only to further delay and add unnecessary costs to any informal cleanup initiative. In our view, the preferred route remains to work in good faith with the parties named in the draft order using the considerable work done in the Stantec report as a basis for action.

....2 Cw.4

On the content of the draft order, the City will appeal its inclusion on any Remedial Order issued by the MOE. Although the City is a property owner, at no time did the City cause or permit the discharge of creosote. Clearly, any creosote entering Junction Creek or surrounding soils did so as a result of the CPR/Domtar industrial activities. This fact appears to be overlooked on the draft order.

The City remains open to discussing this matter with CPR/Domtar and the MOE on a good faith basis in order to come to some reasonable result. We think this approach would serve the public interest best at this point in time.

Yours truly,



D. Bélisle
General Manager of Public Works

/vg

cc: Mayor J. Gordon
Members of City Council
M. Mieto
R. Swiddle
A. Olesen, Canadian Pacific Railway Company
G. Boucher, Domtar Inc.

CW-5

Request for Decision City Council



Type of Decision									
Meeting Date	December 16, 2004				Report Date	December 8, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of	<input checked="" type="checkbox"/>	Open		Closed

Report Title

Athletic Field User Fee Harmonization

Policy Implication + Budget Impact

<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input type="checkbox"/>	Background Attached

Recommendation


WHEREAS the Council of the City of Greater Sudbury directed that a committee be formed to make recommendations for fair and harmonized user fees for athletic fields; and

WHEREAS the Athletic Field User Review Committee has reviewed athletic field user fees and made recommendations as to how these user fees can be harmonized for both minor and adult athletic field users;

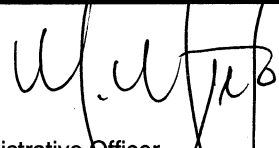
NOW THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury adopt the recommendations of the Athletic Field User Review Committee as presented in the attached report dated December 8, 2004; and

<input checked="" type="checkbox"/>	Recommendation Continued
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Recommended by the General Manager


 Caroline Hallsworth
 General Manager, Citizen and Leisure Services

Recommended by the C.A.O.


 Mark Mieta
 Chief Administrative Officer

Report Prepared By



Chris Gore
Manager of Community Development and Volunteerism

Division Review



Réal Carré
Director, Leisure, Community and Volunteer Services

FURTHER THAT the necessary changes be made to the By-Law of the City of Greater Sudbury which establishes User Fees for services provided by the City of Greater Sudbury; and

FURTHER THAT the members of the Athletic Field User Review Committee be thanked for their contributions to the community.

EXECUTIVE SUMMARY

As directed by Council during the 2004 budget process, a committee representing athletic field users was established to develop recommendations for a fair and harmonized user fee system for both minor and adult sport in the City of Greater Sudbury. The committee recognized the need to maintain safe, quality fields for all users, to ensure consistent quality of fields throughout the CGS and to continue to work in partnership with sports leagues utilizing CGS athletic fields.

BACKGROUND

During the 2004 budget process an option was put forward to City Council to harmonize the user fees for both minor and adult athletic field users. In order to ensure that the harmonization process was completed with regard to the needs of individuals associations and that any changes in user fee structure were implemented gradually, so as to allow associations to plan through the changes, Council requested that staff work together with the community to develop recommendations on an athletic field user fee harmonization process that would be acceptable to all parties.

Process

In consultation with the user associations, volunteers were identified who could assist with this review process. The Athletic Field User Review Committee was lead by Councillor Claude Berthiaume of Ward 2 and Councillor Andre Rivest of Ward 3 and consisted of the following league representatives from throughout the City of Greater Sudbury:

- Bruce Pollard - Walden Minor Soccer Association
- Bob Sutherland - Rayside Balfour Minor Soccer Association
- Steve Fournier - Onaping Falls Slo Pitch League
- Randy Pascal - Valley East Minor Soccer Association
- Doug Rowlands - Valley East Men's Slo Pitch League
- Brian Cornthwaite - Nickel Centre Soccer Association
- Fred Teolis - Sudbury Mens Blooperball
- Gail Arbic - Sudbury Regional Soccer Association

User fees vary greatly in each of the former municipalities for both minor and adult athletic field users. Some minor sport leagues pay a fee per participant, per season, which is based on the number of players registered with their league each year. Other minor sports associations pay for field use on a per game basis. Adult leagues also have a variety of fee schedules. In most but not all communities, surcharges were applied for lighted fields. In recognition that all fields require the same frequency of grass cutting, lining and general facility maintenance, the Athletic Field User Review Committee felt that user fees should be harmonized at a reasonable rate that would continue to encourage participation for both youth and adults. The Committee also recommended that the utility costs for field lighting be recovered through a lighting charge.

Over the course of several meetings the Athletic User Fee Review Committee developed a proposal as to how athletic user fees might be harmonized over a period of three years for most communities and over a period of four years for Onaping Falls. The recommendations of the Athletic User Fee Review Committee were presented at a public meeting on Tuesday November 30 2004. The meeting was advertised through the newspapers and local media and invitations were sent to all field user groups in the CGS. The proposal was well received by all those who attended the meeting. The consensus of those present was that the recommended fee structure represented an appropriate method to harmonize fees given the consideration that all leagues will be receiving a similar quality of service and playing fields.

Minor Sport User Fees

Examination of current minor sport user fees revealed major discrepancies between the rates paid for field use. Most minor sport leagues were determined to have schedules of similar duration with approximately the same number of field uses per team. The committee suggests that an annual fee per participant be applied to all minor sport field users and that a harmonized fee should be achieved within three years for the majority of communities. The proposed user fee rates for minor sports fields are attached as Appendix A.

Adult Athletic Field User Fees

A wide discrepancy in user fees currently exists between adult leagues across the City of Greater Sudbury. It was determined that there are three sports field complexes which offer a slightly different level of service as a result of amenities offered including having a full service field house, a sprinkler system and on site supervision. Accordingly, the Committee recommends that a separate rate structure be established for the Terry Fox, Jim Jerome and Delki Dozzi Sports Complexes. The Committee also identified that the quality of facility enjoyed by ball field users for the initial game each evening is better than that experienced for subsequent games as a result of deterioration of lining and the infield quality in general and that there should be some discount for ball games played later in the evening. It was also determined that there needed to be a standard fee for the cost to leagues for the use of lights at fields which would reflect the actual cost of the utility.

The suggestion was made to harmonize user fees over a 3 year period to allow leagues currently paying much less the time to adjust their rates for participants. Because of the lower starting point, the user fees for Onaping Falls are recommended to be harmonized over a period of four years. These considerations are all present in the recommended user fees for adult athletic field use which are attached as Appendix B.

Lighting

The Committee recommends that lighting be charged at a rate of \$16.00 per hour, which rate allows for the recovery of the utility costs associated with the lighting of the fields.

Tournament Rates

Tournament rates are typically charged on a per day basis, rather than on a per game basis. The Athletic Field User Fee Review Committee recommends that a new, harmonized tournament rate be established, based on the average of the current tournament rates. Tournament rates for the three major sports complexes would remain at \$177.75 per field per day while all other tournament rates would be harmonized at \$102.33 per field per day. The Committee recommends that the new tournament rates come into effect immediately for Sudbury, Rayside-Balfour, Nickel Centre and Walden. Due to the fact that the proposed tournament rates represent a significant increase for Valley East, Capreol, and Onaping Falls, the Committee is further recommending that the tournament rates for these three communities be phased in over a 3 year period. With the rates increasing to \$80.00 per field per day in 2005, to \$90.00 per field per day in 2006 and \$102.33 per field per day in 2007.

Budget Implications

The athletic field user fee initiative was undertaken with the understanding that changes to user fees should at least be revenue neutral. The user fee revenues projected for the 2005 budget are \$223,000 which amount is based on the current fee structure. Should Council adopt the recommendations of the Athletic Field User Review Committee, revenues for the 2005 season are projected to be between \$220,000 and \$225,000. Revenues are estimated to increase by approximately \$10,000 in 2006 and by an additional \$5,000 in 2007.

Appendix A

Proposed Minor Sport Field User Rates (Based on cost per participant)

<u>League</u>	<u>Number of Participants</u>	<u>Current Rates</u>	<u>Proposed 2005</u>	<u>Proposed 2006</u>	<u>Proposed 2007</u>
Sudburnia Soccer	1,638	\$17.17	\$15.00	\$14.00	\$12.00
SRSA Youth	307	\$17.17	\$15.00	\$14.00	\$12.00
Sudbury Minor Ball	350	\$17.17	\$15.00	\$14.00	\$12.00
Sudbury Girls Minor Ball	116	\$17.17	\$15.00	\$14.00	\$12.00
Joe Mac Football	175	\$17.17	\$15.00	\$14.00	\$12.00
Walden Minor Soccer	714	\$ 7.00	\$ 9.00	\$10.50	\$12.00
Nickel Centre Soccer	400	\$ 6.54	\$ 9.00	\$10.50	\$12.00
Rayside Balfour Soccer	500	\$12.50*	\$ 8.00	\$10.00	\$12.00
Valley East Minor Soccer	1,350	\$ 7.40*	\$ 8.00	\$10.00	\$12.00
Valley East Minor Ball	300	\$19.25*	\$12.00	\$12.00	\$12.00
Rayside Balfour Minor Ball	80	\$16.75*	\$8.00	\$10.00	\$12.00

*Current Rates: Most associations pay a rate per player, per season. Those rates with an asterisk are rates per game.

Appendix B

**Proposed Adult Athletic Field User Rates
(All rates are per game)**

	<u>Current Rates</u>	<u>Proposed 2005 Rates</u>	<u>Proposed 2006 Rates</u>	<u>Proposed 2007 Rates</u>	<u>Proposed 2008 Rates</u>
Sudbury (Terry Fox, Jim Jerome and Delki Dozzi Complexes)	\$50.53	\$51.50 (Game 1) \$44.00 (Game 2) \$35.00 (Game 3)	\$51.50 (Game 1) \$44.00 (Game 2) \$35.00 (Game 3)	\$51.50 (Game 1) \$44.00 (Game 2) \$35.00 (Game 3)	\$51.50 (Game 1) \$44.00 (Game 2) \$35.00 (Game 3)
Sudbury	\$44.00	\$40.00 (Game 1) \$32.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)
Rayside Balfour	\$34.75	\$40.00 (Game 1) \$32.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)
Walden	\$28.09	\$36.00 (Game 1) \$32.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)
Valley East & Capreol	\$21.00	\$30.00 (Game 1) \$25.00 (Game 2) \$18.00 (Game 3)	\$35.00 (Game 1) \$25.00 (Game 2) \$20.00 (Game 3)	\$40.00 (Game 1) \$32.00 (Game 2) \$26.00 (Game 3)	\$40.00 (Game 1) \$32.00 (Game 2) \$26.00 (Game 3)
Nickel Centre	\$18.85	\$30.00 (Game 1) \$25.00 (Game 2)	\$35.00 (Game 1) \$25.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)
Onaping Falls	\$8.00	\$20.00 (Game 1) \$15.00 (Game 2)	\$25.00 (Game 1) \$20.00 (Game 2)	\$30.00 (Game 1) \$25.00 (Game 2)	\$40.00 (Game 1) \$32.00 (Game 2)

Request for Decision City Council



Type of Decision									
Meeting Date	December 16, 2004				Report Date	December 8, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of	<input checked="" type="checkbox"/>	Open		Closed

Report Title

Bicycle Advisory Panel

Policy Implication + Budget Impact

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

Background Attached


Recommendation

THAT Council enact an appropriate by-law to confirm the purpose, objectives, membership and term of the Bicycle Advisory Panel; and

THAT Councillors _____ and _____ be appointed as the Council representatives on the Bicycle Advisory Panel.

Recommendation Continued

Recommended by the General Manager


 Caroline Halls-worth
 General Manager, Citizen and Leisure Services

Recommended by the C.A.O.


 Mark Mieto
 Chief Administrative Officer

Report Prepared By
Caroline Hallsworth General Manager, Citizen and Leisure Services

Division Review

EXECUTIVE SUMMARY

This report describes the purpose, objectives, membership and terms of the Bicycle Advisory Panel.

BACKGROUND

Bicycle Advisory Panel Purpose and Objectives:

The Bicycle Advisory Committee will assist staff in implementing a vision for a safe and attractive bicycle transit system that links communities across the City of Greater Sudbury through a network of recreational and utilitarian trails designed to promote alternative non-motorized modes of transportation.

The Bicycle Advisory Committee will assist staff, Rainbow Routes and other community partners in establishing a comprehensive plan for the development of a connected and destination-orientated multi-use trail system for the City of Greater Sudbury which includes the development of a city-wide bicycle route system.

Members:

Membership will consist of two (2) members of Council, six (6) citizens and one representative from Rainbow Routes.

The membership will be supported by Chris Gore, representing Leisure Services, Nathalie Mihelchic representing Public Works and Mark Simeoni representing Planning Services.

Term:

Three year term to coincide with the term of Council. The term of the first Bicycle Advisory Panel will run to November 2006, to coincide with the end of this term of Council.

Request for Decision City Council



Type of Decision

Meeting Date	Thursday, December 16, 2004				Report Date	Friday, December 10, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title

APPOINTMENT OF CHAIR & VICE-CHAIR, PRIORITIES COMMITTEE - 2005

Policy Implication + Budget Impact

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

POLICY:

The requirement and procedure for the appointment of the Chair and Vice-Chair of the Priorities Committee of Council are made in accordance with Council's Procedure By-law 2002-202, as amended.

BUDGET IMPACT:

There is no budget impact associated with this Request for Decision.

Background Attached

Recommendation

THAT Councillor _____ be appointed as Chair and Councillor _____ be appointed as Vice-Chair of the Priorities Committee of Council for the term ending December 31, 2005, or until such time as their successors are appointed.

Recommendation Continued

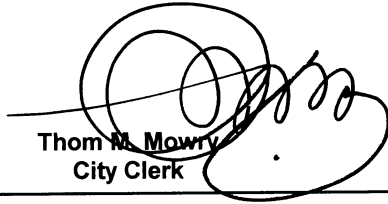
Recommended by the General Manager


Doug Wuksinic
General Manager of Corporate Services

Recommended by the C.A.O.


Mark Mieto
Chief Administrative Officer

Report Prepared By



Thom M. Mowry
City Clerk

Division Review



Ron Swiddle
Director of Legal Services and City Solicitor

Executive Summary:

This Report sets out the procedure for the election by Council of the Chair and Vice-Chair of the Priorities Committee of Council for the term ending December 31, 2005.

Council's Procedural Rules provide that the no Member of Council shall simultaneously serve as a Deputy Mayor, Chair of the Planning Committee, Chair of the Finance Committee or Chair of the Priorities Committee of Council.

The current incumbents are eligible for reappointment.

The above appointments need only be confirmed by resolution.

Background:

Chair and Vice-Chair of Priorities Committee:

Council's Procedure By-law provides that a Member of Council shall appointed annually by Council to serve as Chair of the Priorities Committee. As well as Vice-Chair is also to be appointed annually by Council.

The current incumbents are eligible for reappointment to a second term. However, no Member of Council shall simultaneously serve as a Deputy Mayor, Chair of the Planning Committee, Chair of Finance or Chair or Vice Chair of a Committee, including Priorities Committee.

Therefore, the current Deputy Mayors, the Chair of Planning Committee and the Chair of the Finance Committee are not eligible for appointment as either the Chair or Vice-Chair of Priorities Committee.

The aim of this rule is to afford an opportunity for as many Members of Council, as possible, to serve as either a Chair or Vice-Chair of a standing Committee during the term of Council.

Eligible Members of Council:

Therefore, the following Members of Council are eligible for appointment, either as Chair or Vice-Chair of the Priorities Committee of Council for the term ending December 31st, 2005:

Councillor	Chair	Vice-Chair
Councillor Berthiaume	✓	✓
Councillor Bradley	✓	✓
Councillor Callaghan	✓	✓
Councillor Caldarelli	✓	✓
Councillor Gasparini	✓	✓
Councillor Kett	✓	✓
Councillor Reynolds	✓	✓
Councillor Rivest	✓	✓

Responsibilities of the Chair and Vice-Chair of the Priorities Committee:

Article 33.15 of the Procedure By-law sets out the responsibilities of the Chair and Vice-Chair as follows:

The Chair and Vice-Chair, when presiding, shall be responsible to ensure that:

- (1) the Committee deals with policy issues effectively;
- (2) public dialogue and communication on policy matters is effective and co-ordinated;
- (3) the needs of the Committee for administrative support, analysis and advice are provided through the Office of the Chief Administrative Officer;
- (4) the Committee is organized appropriately to carry out its workload.

[amended by By-law 2002-348P]

Selection Process:

The selection of the Chair and Vice-Chair are to be conducted in accordance with Section 36 of the Procedure By-law. In the event of an equality of votes, then the successful candidate is to be determined by lot conducted by the Clerk.

Council's procedure requires that in the event more than one (1) candidate is nominated for either the Chair's or Vice-Chair's positions, then a roll call vote of Members of Council shall be held.

Ballots have been prepared should a Member of Council request a vote by ballot.

Where all Members of Council are in attendance, **seven (7) votes are required to fill each vacancy. Each Member is entitled to one (1) vote** for the position of Chair and one (1) vote for the position of Vice-Chair.

Council will first select the Chair from and then, secondly, the Vice-Chair.

It is always in order for a Member of Council to nominate themselves and to vote for themselves.

Under Robert's Rules of Order a nomination does not need a second.

A copy of Article 36 is attached to this report for the convenience of Members of Council.

Once the successful candidates have been selected, then a resolution will be introduced confirming the appointment of the successful candidates.

SUMMARY:

1. The following appointments are to be made:
 - One (1) Chair of Priorities Committee
 - One (1) Vice-Chair of Priorities Committee
2. The current Deputy Mayors and Chairs of the Planning and Finance Committees are **NOT** eligible for appointment as either Chair or Vice Chair.
3. Where only one (1) Member of Council is nominated for either the Chair's or Vice-Chair's position, a motion to appoint the nominees shall be presented and voted upon;
4. If more than one (1) Member of Council is nominated for either the Chair's or Vice-Chair's position, then Council shall hold an election, in accordance with Article 36 of the Procedure By-law.
5. Council shall first select a Chair and then a Vice-Chair.
6. Where all Members of Council are in attendance, seven (7) votes are required to fill each vacancy. Each Member is entitled to one (1) vote for each position:
 - one (1) vote for Chair of Priorities Committee; and,
 - one (1) vote for Vice-Chair of Priorities Committee.
7. It is always in order for a Member of Council to nominate themselves and to vote for themselves.

Under Robert's Rules of Order a nomination does not need a second.
8. Where no applicant receives the majority required for appointment 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 vote.
9. In the event a Member of Council requests a vote by paper ballot a supply of ballots will be available.



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

*

ARTICLE 36

NOMINATION COMMITTEE - CITIZEN APPOINTMENTS

36.1 **Made by Committee of the Whole- Procedure**

Appointments to the various local boards, Advisory Panels and corporations of the Corporation shall be recommended by the Committee of the Whole at a meeting called for that purpose. In making such appointments, the procedure set out in this article shall apply unless otherwise provided in a shareholders declaration.

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

At least 30 days prior to the Committee meeting at which a Citizen appointment is scheduled to be considered 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 and inviting applications from interested citizens. A copy of each advertisement shall be provided to each Member of Council.

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

All Citizen 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 **Applications - qualifying - included - Committee of the Whole Agenda**

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

36.5 **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.

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

If there are more qualified applicants than positions available, then the Committee of the Whole shall recommend from the qualified applicants the ones to fill the position or positions concerned.

36.7 Roll call vote - Council - taken - regarding applicants

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

36.8 Appointment - determined - by vote - exception

If upon the first roll call vote no applicant receives the votes of the majority of Members 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 to be the recommended candidate; or, it becomes apparent by reason of an equality of votes that no applicant can be recommended by the voting process.

36.9 Voting - unsuccessful - position selected - by lot

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

36.10 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.

36.11 Staff Member - appointment - conditions

Except where prohibited by law, Committee of the Whole may recommend the appointment a Member of staff to a local board or outside agency in the place of a Member of Council when no Member of Council wishes to be appointed.

36.12 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.

36.13 Term of Appointment - Citizens

Citizens appointed by Council to Advisory Panels, local boards and committees shall be appointed for the term of office coinciding with the term of Council, or the terms set out in such appointments, and until their successors are appointed unless otherwise provided by Council or by law.

36.14 Council 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 Council Appointments - destruction of ballots

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.



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.**

*