

COMMITTEE AGENDA



TO **Governance Committee**

DATE Tuesday, July 8, 2014

LOCATION Council Chambers, Guelph City Hall, 1 Carden Street

TIME 3:00 p.m.

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

CONFIRMATION OF MINUTES – May 6, 2014 open and closed meeting minutes

PRESENTATIONS (Items with no accompanying report)

a) None

CONSENT AGENDA

The following resolutions have been prepared to facilitate the Committee's consideration of the various matters and are suggested for consideration. If the Committee wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Governance Committee Consent Agenda will be approved in one resolution.

ITEM	CITY PRESENTATION	DELEGATIONS	TO BE EXTRACTED
GOV-2014.11 Council Orientation & Leadership Development Program	Dylan McMahon, Research Assistant David Godwaldt, General Manager Human Resources Stephen O'Brien, City Clerk		✓
GOV-2014.12 2015+ Strategic Planning	Ann Pappert, CAO, providing opening comments. Brenda Boivert, Corporate Manager,		✓

	Strategic Planning and Corporate Initiatives.		
GOV-2014.13 Council Composition and Employment Status Review – Terms of Reference			
GOV-2014.14 Proposed amendments to City of Guelph Procedural By-law 2012-19375 Governing Council and Committee Meetings			
GOV-2014.15 Internal Audit System – Flow of Reports			
GOV-2014.16 Non-union and Management Employee – Overtime Policy Changes			
GOV-2014.17 Review of Discretionary Positions			
GOV-2014.18 Municipal Election Compliance Audit Committee Appointments			
GOV-2014.19 Governance Committee Outstanding Motions			

Resolution to adopt the balance of the Governance Committee Consent Agenda.

ITEMS EXTRACTED FROM CONSENT AGENDA

Once extracted items are identified, they will be dealt with in the following order:

- 1) delegations (may include presentations)
- 2) staff presentations only
- 3) all others.

STAFF UPDATES AND ANNOUNCEMENTS

ADJOURN



The Corporation of the City of Guelph
Governance Committee Minutes
Tuesday, May 6, 2014 at 3:00 p.m.

Attendance:

Members: Chair Farbridge
Councillor Findlay
Councillors Dennis (arrived 3:03 p.m.)
Councillor Hofland

Regrets: Councillor Bell

Councillors: Councillors Furfaro
Councillor Wettstein

Staff: Ms. A. Pappert, Chief Administrative Officer
Mr. A. Horsman, Executive Director, Finance & Enterprise/Chief Financial Officer
Mr. D. Thomson, executive Director, Community & Social Services
Mr. D. McCaughan, Executive Director, Operations, Transit & Emergency Services
Mr. M. Amorosi, Executive Director, Corporate & Human Resources
Ms. D. Jaques, General Manager of Legal and Realty Services / City Solicitor
Mr. B. Labelle, City Clerk / General Manager of Information Technology
Ms. G. van den Burg, Council Committee Coordinator
Ms. J. Sweeney, Council Committee Coordinator

Call to Order: (3:00 p.m.)

Chair Farbridge called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof:

There were no disclosures.

Confirmation of Minutes:

1. Moved by Councillor Findlay
Seconded by Councillor Hofland

That the open meeting minutes of the Governance Committee held on April 9, 2014 be confirmed as recorded.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Findlay, Hofland (3)
VOTING AGAINST: (0)

CARRIED

Consent Agenda:

The following four items were extracted:

GOV-2014.1 COMMITTEE OF ADJUSTMENT REVIEW
GOV-2014.7 ELECTRONIC DEVICE POLICY – AMENDMENT
GOV-2014.9 COUNCIL REMUNERATION
GOV-2014.10 INTERNAL AUDIT

Balance of Consent Items:

2. Moved by Councillor Findlay
Seconded by Councillor Hofland

That the balance of the Governance Committee, May 6 2014 Consent Agenda, as identified below, be adopted:

GOV-2014.8 ETHICS AND EFFICIENCY HOTLINE (“TIP LINE”)

1. That report CAO-A-1408, Ethics and Efficiency Hotline be received; and
2. That no further action be taken at this time.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Findlay, Hofland (3)
VOTING AGAINST: (0)

CARRIED

Presentations:

Mr. Blair Labelle, General Manager of Information Technology, provided an overview of the benefits and corporate advancements on the Open Government initiative. He highlighted the various tools and forthcoming forums that will enable the community to share ideas, engage residents, and increase the communication and transfer of information between the city and the public. In addition, Mr. Labelle outlined the project status of the Open Government Action Plan.

Mark Amorosi offered some general comments regarding a meeting with staff at the City of Toronto regarding Open Data Strategies and how successful Guelph has been in implementing initiatives to facilitate open government.

Extracted Items/Recommendations:

GOV-2014.9 COUNCIL REMUNERATION

Greg Sayer, Chair of the Citizen’s Review Committee, outlined the methodology underlying the Committee’s recommendations for increasing the salaries for the Mayor and Councillors. Mr. Sayer explained that the Committee reviewed comparative municipalities’ remuneration for Mayors and Councillors and concluded that the recommended salary increase and benefits would fall within the 55th percentile.

3. Moved by Councillor Hofland
Seconded by Councillor Dennis

1. That Council approve the revised Guiding Principles reducing the competitive position from 60th to the 55th percentile for establishing the salary for the Mayor and Members of Council as outlined in Appendix A; and
2. That Council approve the municipal Comparator Group used for the purposes of determining Council Remuneration (contained in this report); and
3. That the salary for the position of Mayor for the Council term commencing December 1, 2014 be set at \$105,393 (a one-time adjustment of \$10,000); and
4. That the salary for the position of Mayor be increased by \$3,611 each year on December 1st for the years 2015, 2016 and 2017 as a phased approach to migrate the Mayor's salary to the 55th percentile by the end of the term of Council; and
5. That the Mayor be provided with an RRSP matching the Mayor's contribution amount not to exceed 3% based on the taxable portion only; and
6. That the Mayor be provided with an automobile allowance equal to \$425.00 per month; and
7. That the salary for the position of City Councillor for the Council term commencing 2015 be set at \$33,433; and
8. That Members of Council (excluding the Mayor) who serve as a Chair of a Standing Committee be provided an additional 5% of the total compensation amount paid to a Member of Council.
9. That no changes be made to the current benefits provided to the Mayor and Members of Council.
10. That for the Mayor and Members of Council, attending conferences, workshops, etc. they will be provided with a meal allowance of \$70.00 for a full day event and \$35.00 for a half day event.
11. That compensation adjustments for the Mayor and Members of Council be equal to the Consumer Price Index (All Ontario, All Items from September to September) or the Non-union increase whichever is lower effective January 1st of each year for the next term of Council.
12. That the current policy of conducting a formal market review for Council every four years and the continued engagement of a Citizen's Review Committee during the last year of Council's term of office be maintained.
13. That the Citizen Review Committee for Council Remuneration further recommends that Council direct staff to explore the feasibility of going to a full-time Council and give consideration to the compensation of the structure in terms of number of Councillors.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Dennis, Findlay, Hofland (4)

VOTING AGAINST: (0)

CARRIED

GOV-2014.1 COMMITTEE OF ADJUSTMENT REVIEW

Donna Kelly, Chair of the Committee of Adjustment (CofA), explained an example of an application that was recommended for approval by staff and refused by the Committee of Adjustment. The Committee's decision was subsequently appealed to the Ontario Municipal Board (OMB). The Committee of Adjustment requests that the Governance Committee grant the CofA an opportunity to present its reasons for the decision to Council prior to the OMB hearing.

Donna Jaques clarified that the Committee of Adjustment's reasons for their decisions on an application need not to be presented to Council and noted that this is the practice of municipalities.

4. Moved by Councillor Findlay

Seconded by Councillor Hofland

1. That By-law (1983)-11242 be repealed and replaced with the new By-law, in accordance with Attachment 1 to the report of Legal Services dated April 9, 2014; and
2. That Council approve the Terms of Reference for the Committee of Adjustment, as set out in the report dated April 9, 2014; and
3. That Council approve the Code of Conduct for the Committee of Adjustment, as set out in the report dated April 9, 2014; and
4. **That Staff be directed to prepare an amendment to the Delegation of Authority By-law relating to Staff appearing before the Committee of Adjustment on behalf of the City and present the amendment to the Governance Committee at a future meeting.**

VOTING IN FAVOUR: Mayor Farbridge, Councillors Dennis, Findlay, Hofland (4)

VOTING AGAINST: (0)

CARRIED

GOV-2014.7 ELECTRONIC DEVICE POLICY - AMENDMENT

4. Moved by Councillor Hofland

Seconded by Councillor Findlay

1. That report CAO-C-1402 be received; and
2. That the following resolutions be added to the City of Guelph Electronic Devices Policy and for inclusion in the City's Procedural Bylaw, to provide clarity specific to Closed Meetings of Council or Committees:

- a. That all electronic devices must be turned off throughout Closed Meetings of Council or Committees with the exception of 'on call/on duty' medical or emergency services personnel (Council or employees); and
- b. That medical or emergency services personnel (Council or employees) who are on scheduled 'on call/on duty' while attending a Closed Meeting of Council or Committees, at the start of the meeting they shall advise the Chair, place their electronic devices in the 'loud' position in order to notify, and upon notification, that they leave the room to respond.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Dennis, Findlay, Hofland (4)

VOTING AGAINST: (0)

CARRIED

GOV-2014.10 INTERNAL AUDIT

6. Moved by Councillor Hofland
Seconded by Councillor Dennis

- 1. That the City of Guelph Internal Auditor report to the Committee of the Whole for the remainder of the 2010-2014 Council term; and**
- 2. That the Governance Committee review the reporting relationship for the Internal Auditor on an on-going basis commencing with the next term of Council; and**
- 3. That Mayor Farbridge be directed to prepare a report for the May 26th Council meeting outlining the reasons for modifying the reporting relationship of the Internal Auditor.**

VOTING IN FAVOUR: Mayor Farbridge, Councillors Findlay, Hofland (3)

VOTING AGAINST: Councillor Dennis (1)

CARRIED

Authority to Resolve into a Closed Meeting (4:40 p.m.):

7. Moved by Councillor Findlay
Seconded by Councillor Dennis

That the Governance Committee now hold a meeting that is closed to the public with respect to Sec. 239(2)(d) of the *Municipal Act* with respect to labour relations or employee negotiations related to Report GOV-C-2014.1 Non-Union Management Employee – Overtime Policy Changes.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Dennis, Findlay, Hofland (4)

VOTING AGAINST: (0)

CARRIED

Closed Meeting:

The following matter was considered:

GOV-C-2014.1 NON-UNION MANAGEMENT EMPLOYEE – OVERTIME POLICY CHANGES.

Adjournment: (4:53 p.m.)

8. Moved by Councillor Dennis
Seconded by Councillor Findlay

That the Committee meeting be adjourned.

CARRIED

Joyce Sweeney – Designate Clerk

**GOVERNANCE COMMITTEE
CONSENT AGENDA**

July 8, 2014

Members of the Governance Committee.

SUMMARY OF REPORTS:

The following resolutions have been prepared to facilitate the Committee’s consideration of the various matters and are suggested for consideration. If the Committee wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Governance Committee Consent Agenda will be approved in one resolution.

Reports from Administrative Staff

REPORT	DIRECTION
<p>GOV-2014.11 Council Orientation & Leadership Development Program</p> <p>That report CAO-C-1404 entitled, “Councillor Orientation and Leadership Development Program (COLDP)” and the new <i>User Guide</i>, be received for information and discussion.</p>	Receive
<p>GOV-2014.12 2015+ Strategic Planning</p> <p>That the Governance Committee receive the report ‘2015 Strategic Planning’ for information and discussion to further continuous improvement and Council orientation planning.</p>	Receive
<p>GOV-2014.13 Council Composition and Employment Status Review – Terms of Reference</p> <p>The report dated July 8, 2014, titled “Council Composition and Employment Status – Terms of Reference,” be received.</p>	Receive
<p>GOV-2014.14 Proposed amendments to City of Guelph Procedural By-law 2012-19375 Governing Council and Committee Meetings</p> <ol style="list-style-type: none"> 1. That the report from the City Clerk dated July 8, 2014 regarding the Procedural By-law be received; and 2. That a by-law be enacted to repeal and replace By-law 2012 - 19375, as amended, being the Procedures Governing Council and 	Approve

Committee meetings to incorporate the changes proposed as attached hereto as Appendix "A".

GOV-2014.15 Internal Audit System – Flow of Reports Approve

1. That the internal audit process flow of reports described in report CAO-A-1409 be approved; and
2. That the Quarterly Status report from the Internal Auditor be discontinued.

GOV-2014.16 Non-union and Management Employee – Overtime Policy Changes Receive

That the July 8, 2014 report entitled "Non-union and Management Employee – Overtime Policy Changes" be received for information.

GOV-2014.17 Review of Discretionary Positions Receive

The report dated July 8, 2014, titled "Review of Discretionary Positions," be received for information.

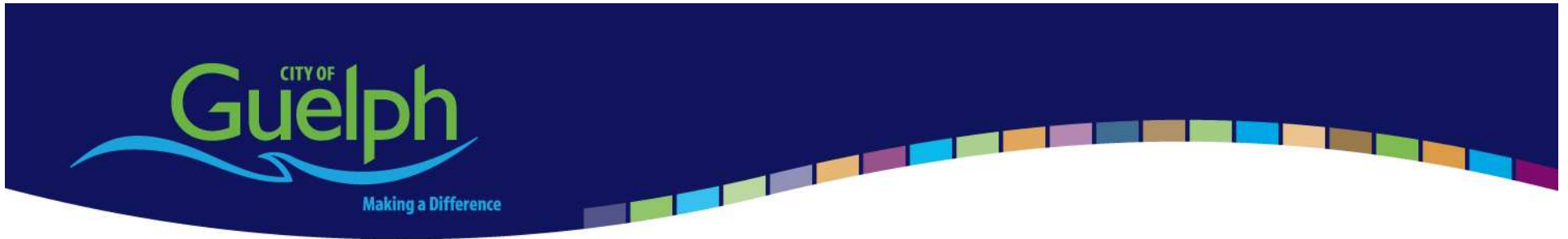
GOV-2014.18 Municipal Election Compliance Audit Committee Appointments Approve

1. That the Municipal Election Compliance Audit Committee Terms of Reference, as set out in Appendix A to this report, be approved and adopted; and
2. That City Council appoint the following selected people to the Committee, as required under the Municipal Elections Act, 1996, from December 1, 2014 until the end of the term of the incoming Council, November 30, 2018:
 - George Gorringer**
 - Glenn Greer
 - Lyndsay Monk

** means incumbent

GOV-2014.19 Governance Committee Outstanding Motions Receive

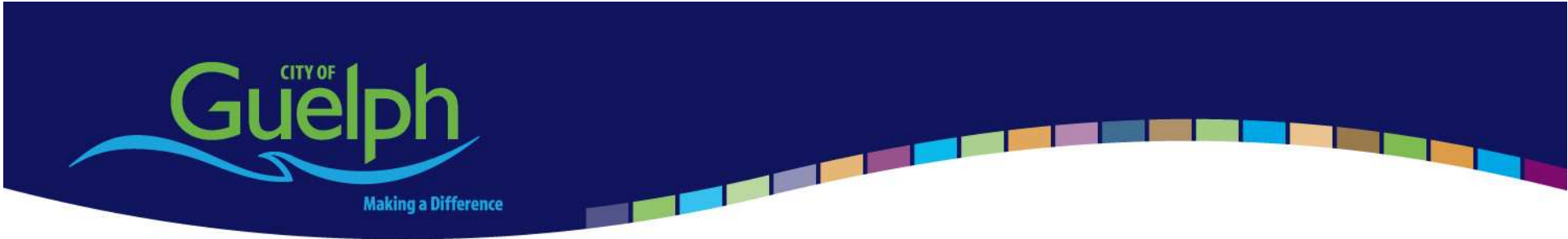
That report CHR-2014-47 – Governance Committee Outstanding Motions, be received for information.



City of Guelph

Councillor Orientation & Leadership Development Program

Governance Committee
July 8th, 2014

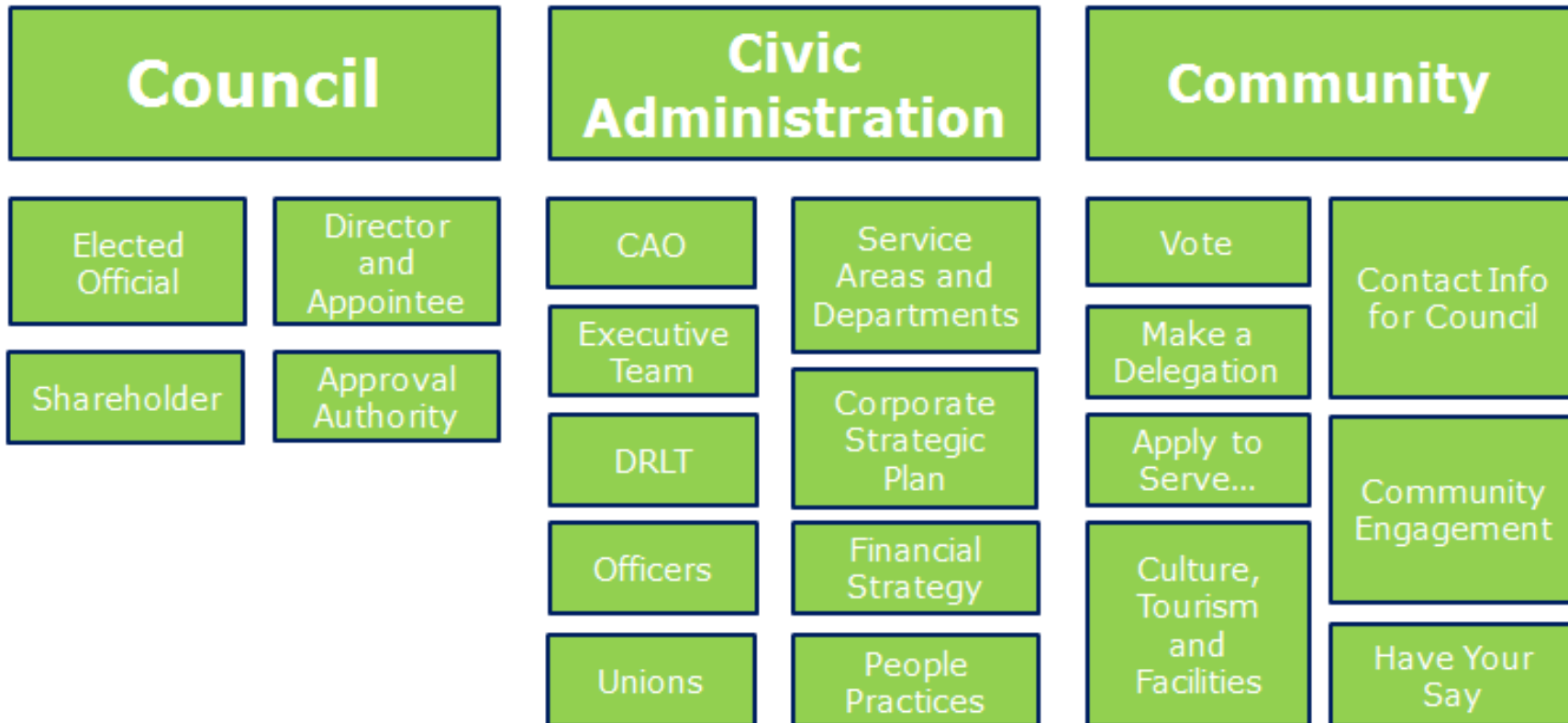


The City Councillor's Challenge

There is a lot to learn...



The User Guide to Local Government





User Guide to Your Local Government

[Home](#) |
 [City Council](#) |
 [Civic Administration](#) |
 [Community](#) |
 [Local Government and History](#)

City

- [Elected Official](#) >
- [Director and Appointee](#) >
- [Approval Authority](#) >
- [Shareholder](#) >

- [Municipal Act Requirements](#) >
- [Council Meetings](#) >
- [Committees, Boards and Agencies](#) >
- [Relevant Legislation](#) >

- [Delegations](#)
- [Special Resolutions](#)
- [Notice of Motion](#)
- [Resolutions and Bylaws](#)
- [Types of Council Meetings](#) >
- [Meeting Investigator](#)
- [Quorum](#)
- [Voting Requirements](#)
- [Minutes](#)
- [Consent Reports and Agendas](#) >

- [Regular Business Meetings of Council](#)
- [Planning Meetings of Council](#)
- [Special Meetings](#)
- [Closed Meetings of Council and Committees](#)

Comprised of the **Mayor** and 12 councillors, Guelph's City Council has responsibilities with respect to the City of Guelph government, **civic administration** and **shareholder** roles include:

- [Elected Officials](#)
- [Directors and Appointees](#)
- [Approval Authority](#)
- [Shareholders](#)

Understanding these roles, and the differences between them, is vital for the proper functioning of municipal government. Generally speaking, the conduct of Council in its various roles is governed by the **Procedural bylaw**. For more information on these roles please click on the links above.

More Information:

[What is governance?](#)

Council Meetings

City departments report to Council both directly and through committees on matters within their functional areas of responsibility and subject to the following policies:

- All major issues are reported to the appropriate standing committee before proceeding to Council.
- Where it is questionable as to whether a matter should be reported to a standing committee or directly to Council, the Chief Administrative Officer will consult with the Mayor, chairperson of the appropriate standing committee and the executive director involved.

All special purpose groups established by Council also report through an appropriate standing committee. The [Council Terms of Reference](#) provides clarity to the role of Council in decision making.

[Council Meeting Schedule, Agenda and Minutes](#)

Delegations

Members of the public may register to speak to Council as a delegation.

[Procedural Bylaw – Presentation and Delegations](#)

Special Resolutions

A member of Council may place a special resolution on an agenda if they have provided Notice of Motion. Additionally, when a closed session of Council ends any resolutions to report at the same open meeting are considered under Special Resolutions. More information on special resolutions is found in the [Procedural Bylaw](#)

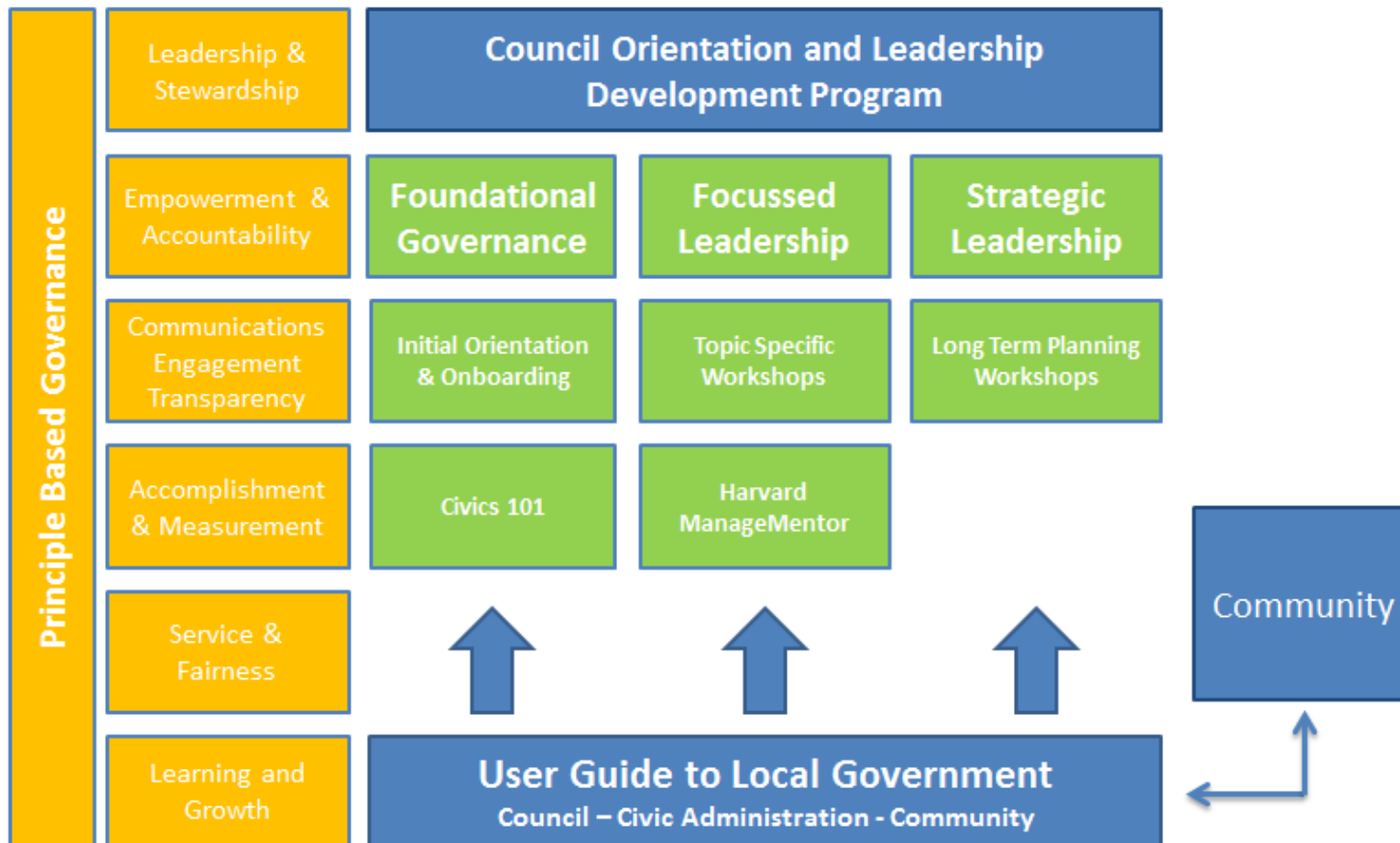
[Procedural Bylaw – Special Resolutions](#)

Search...



- Delegations
- Special Resolutions
- Notice of Motion
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- Types of Council Meetings
 - Regular Business Meetings of Council
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 - Closed Meetings of Council and Committees
 - Closed Meeting Protocol
- Meeting Investigator
- Quorum
- Voting Requirements
- Minutes
- Consent Reports and Consent Agendas
 - Committee Consent Reports
 - Council Consent Agenda

The Councillor Orientation and Leadership Development Program

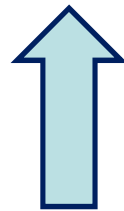


The Councillor Orientation and Leadership Development Program

**Foundational
Governance**

**Focused
Leadership**

**Strategic
Leadership**



User Guide to Local Government

Foundational Governance

Two-Day Initial Orientation and On-Boarding

- The Basics
- Council Governance Structures
- Meeting Structures
- Administration/Budgets
- Ethics

Online Civics 101 Module

- Foundational awareness of the role of municipal government and Council within the community

Foundation Governance provides the basic knowledge and information needed to begin acting in the role of councillor.

Focused Leadership – First Year

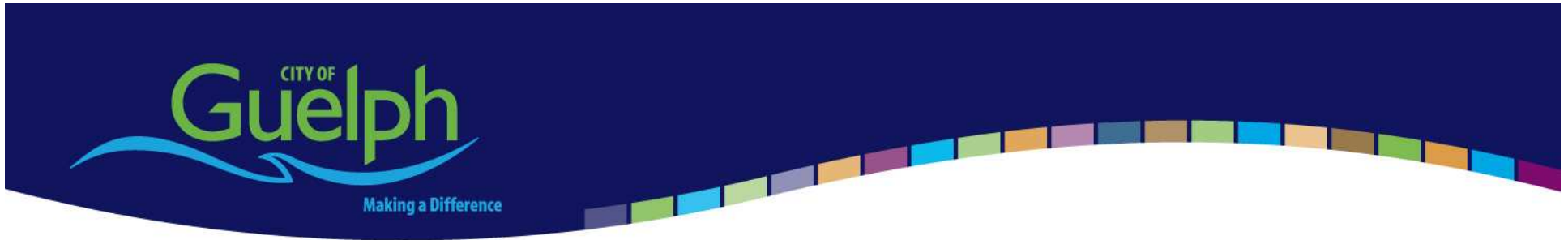
Classroom based Workshops/Training Sessions

- Governance Roles
- Organization & Communication
- Governance Roles
- Planning Act & Comm. of Adjust., etc.

Online Harvard ManageMentor Modules

- Change Management, coaching, goal setting, strategy execution, performance appraisal, new manager transitions, etc.

These sessions provide in-depth, focused learning in areas or topics of importance to City councillors.



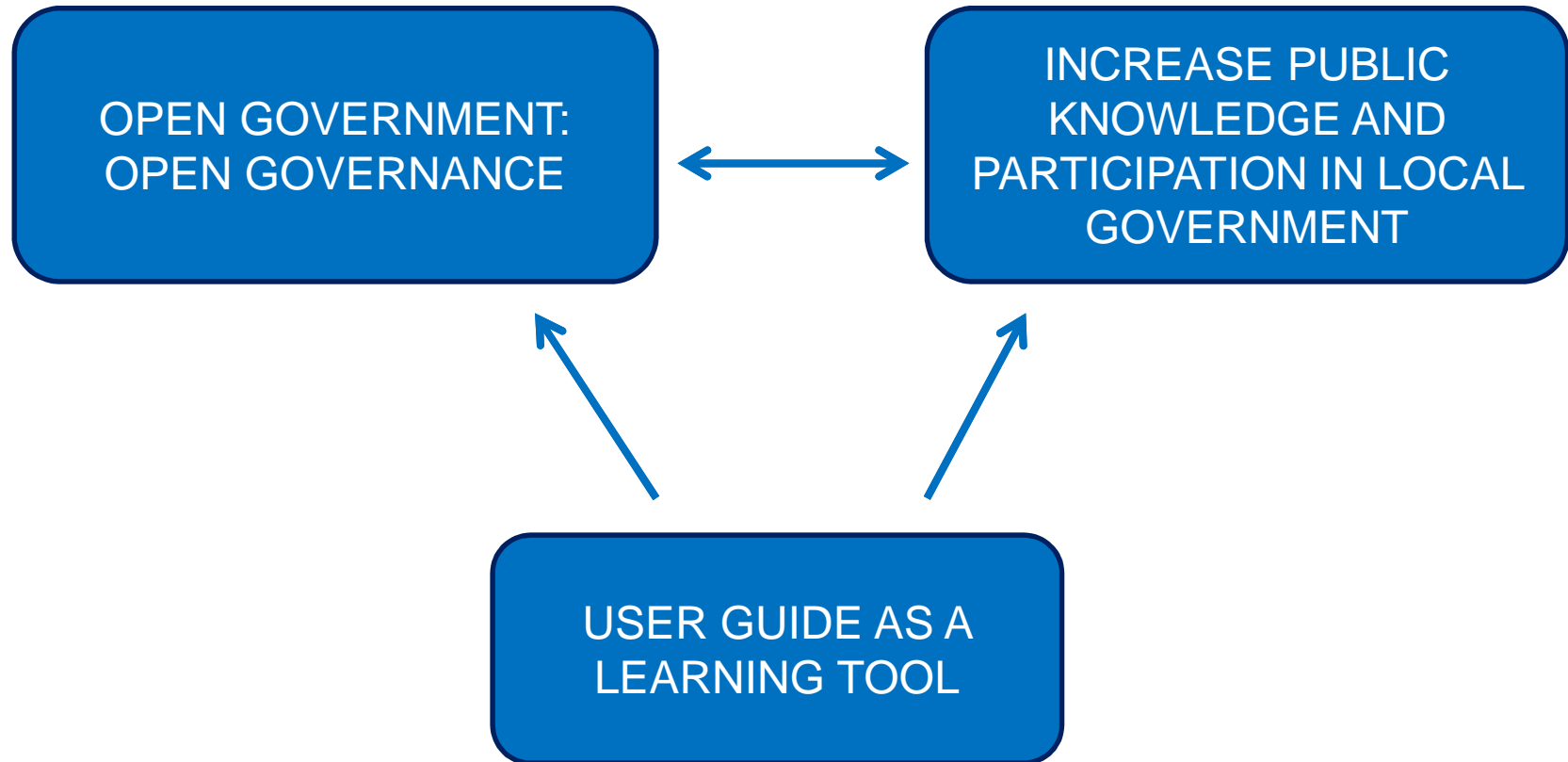
Strategic Leadership – First Year

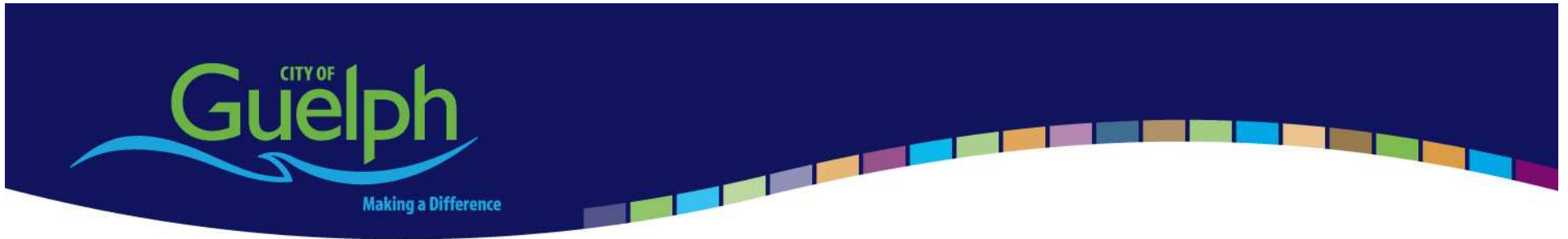
Classroom Based Workshops/Training Sessions

Strategic Leadership equips councillors with the knowledge and skills required to provide strategic direction to the work of the corporation.

- System of Local Government
- Corporate Strategic Review
- Corporate Planning Cycle
- Capital Budgets
- Official Plan, Secondary Plans and Planning Strategies
- Intergovernmental Affairs

User Guide Communications Strategy and Next Steps





Action Required

The CAO report CAO-C-1404 entitled, “Councillor Orientation and Leadership Development Program (COLDP)” and the new *User Guide*, be received for information and discussion.

STAFF REPORT



TO Governance Committee

SERVICE AREA CAO's Office

DATE July 8, 2014

SUBJECT Council Orientation & Leadership Development Program

REPORT NUMBER CAO-C-1404

EXECUTIVE SUMMARY

PURPOSE OF REPORT

The purpose of the report is to present a newly integrated Councillor Orientation and Leadership Development Program to be launched in November 2014, based on a principle-based governance approach and Guelph's Open Government Framework.

KEY FINDINGS

A revised and comprehensive Councillor Orientation and Leadership Development Program (COLDP) has been developed to meet the learning needs of newly elected councillors by providing initial on-boarding and orientation to their roles, as well as longer term knowledge, skill and leadership development.

The COLDP is organized into three sections:

- 1) Foundational Governance: two-day initial orientation; on-line Civics 101 module
- 2) Focused Leadership: in-depth and on-going training sessions on specific topics; on-line Harvard ManageMentor modules
- 3) Strategic Leadership: a series of workshops to engage Councillors in longer term corporate strategic planning.

A new *User Guide to Local Government* (the *User Guide*) serves as a one-window source for authoritative reference materials for COLDP. The on-line *User Guide* contains material on the roles, responsibilities and functioning of Council, the civic administration and community. It is the first website of its kind in Canada and further reinforces the City of Guelph's commitment to Open

STAFF REPORT

Government through participation, innovation, transparency and accountability.

The COLDP and *User Guide* are directly aligned with Guelph's *Corporate Strategic Plan* by providing excellence in service and innovation in local government.

The COLDP supports, aligns with and compliments work underway concerning staff leadership development and the principles of corporate administration.

FINANCIAL IMPLICATIONS

Costs associated with the COLDP will be accounted for within existing resources for 2014, and through in the 2015 Council training budget.

ACTION REQUIRED

That CAO report CAO-C-1404 entitled, "Councillor Orientation and Leadership Development Program (COLDP)" and the new *User Guide*, be received for information and discussion.

RECOMMENDATION

That CAO report CAO-C-1404 entitled, "Councillor Orientation and Leadership Development Program" and the new *User Guide*, be received for information and discussion.

BACKGROUND

Following civic elections, the Corporation has provided both immediate and long-term orientation and training for new City councillors. Hard-copy materials used to support previous councillor training, specifically the Governance Manual and Councillor Handbook, have rapidly become outdated and are difficult to maintain in this format.

A Research Assistant working in the Mayor's Office has completed a review and reworking of the Governance Manual and Councillor Handbook into a new electronic/on-line *User Guide to Local Government* (the *User Guide*) that simplifies access to broad range of information and materials for both council and the public.

In addition, in collaboration with the Human Resources and the Clerk's Department a comprehensive and integrated program for orientation and leadership development has been developed. Input from councillor surveys was used to inform the content and structure of the program.

STAFF REPORT

The program supports and strengthens council's key role in the system of local government, complimenting leadership development work underway in corporate administration.

The following diagram shows the three parts of our system of local government and their relationship to each other.

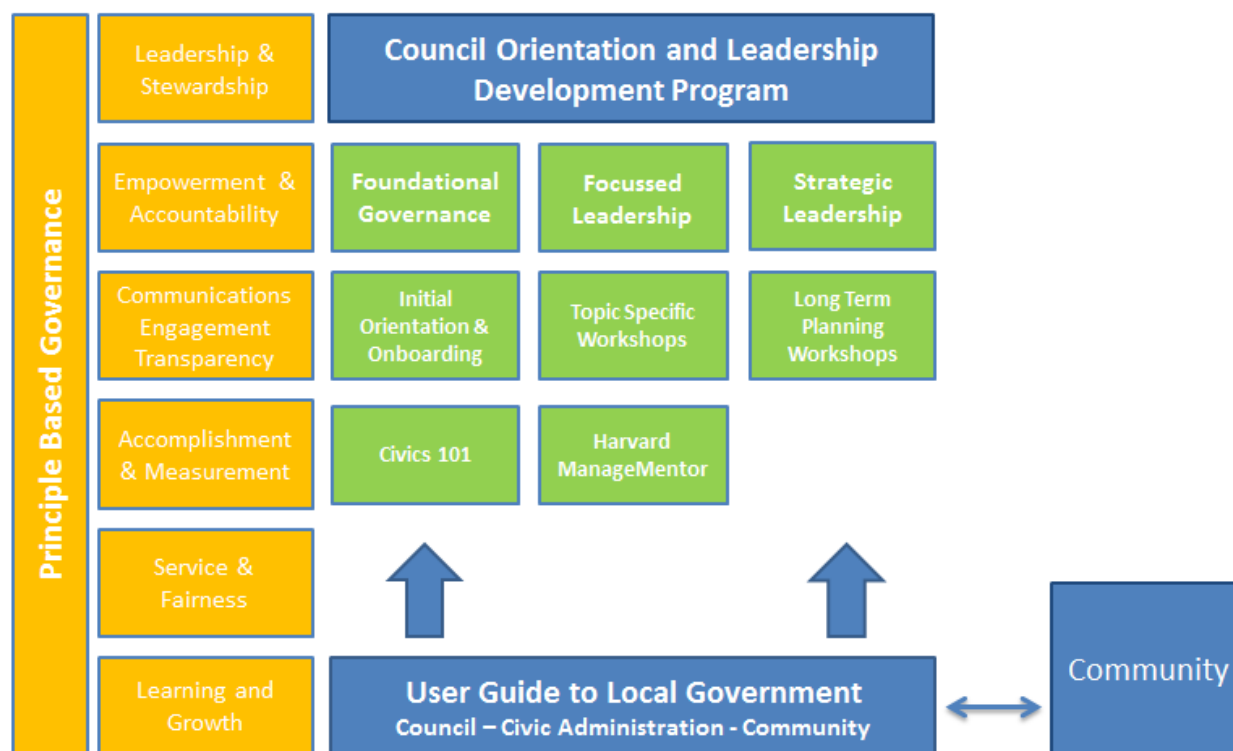


REPORT

The COLDP has been developed to meet two key requirements:

- provide an initial orientation/on-boarding that gives councillors the ability to act effectively immediately upon commencement of their term of office; and
- provide opportunities for on-going skill and leadership development to further the capacity of Council to provide strategic, long term and competent direction for the Corporation and the community of Guelph.

In order to provide initial orientation and on-going leadership development, the COLDP includes three distinct units: Foundational Governance, Focused Leadership and Strategic Leadership. The new *User Guide* provides a one-window source for accessing authoritative information and materials.



1) User Guide to Local Government

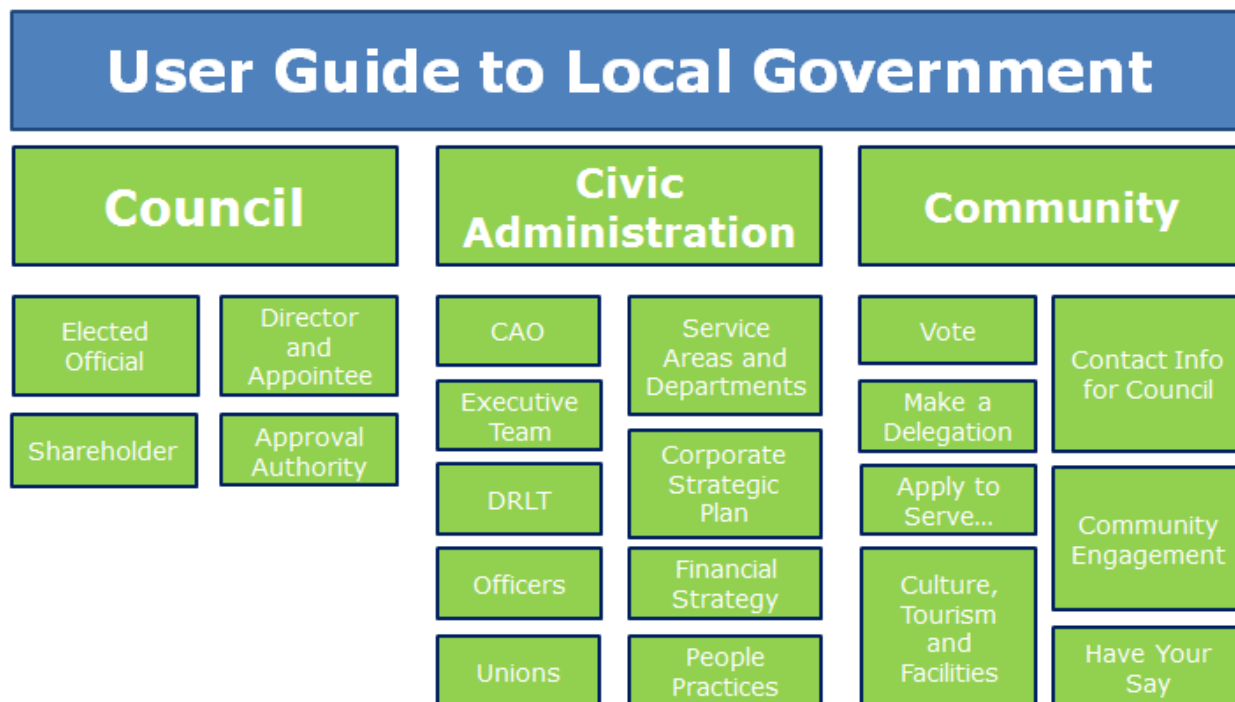
The *User Guide* is an online website and portal which acts as the foundation of the COLDP as well as a reference guide for councillors throughout their term. The public nature of the *User Guide* website makes it the first comprehensive, publicly available resource of its kind in Canada; delivering a wealth of easy-to-access information on local government to residents.

The *User Guide* replaces both the Governance Manual and Councillor Handbook as the go to resource for anyone seeking to learn about the roles and responsibilities of local government and community in Guelph.

Divided into three sections, the *User Guide* uses plain language to outline the basic roles and responsibilities of major actors within Council, the Civic Administration and Community, as well as the by-laws, legislation, policies and procedures which enforce them. It provides high level information on how City government operates, why it operates that way, and how these operations help ensure effective local government. The Foundational Governance orientation relates directly to content found within the *Guide* while focused and strategic training uses the *Guide* as a reference point through which important documents can be accessed or background information attained.

STAFF REPORT

As a part of Guelph’s Open Government Framework the City committed to operating in ways that promote transparency, innovation, participation and accountability. The *Guide* is a reflection of these principles and provides a foundation for new councillors and residents seeking to engage with their government and community.



2) Foundational Governance – November, 2014

A. Onboarding/Initial Orientation (in-person)

As the first phase of the COLDP, Foundational Governance includes a two-day in-classroom training workshop which provides the basic knowledge and information needed to begin acting in the role of councillor. The two-day orientation will be run by the Clerk’s Department with support from Human Resources, the CAO’s Office, Finance, Information Technology, Legal Services and other departments as they relate to the subject matter.

The following is an outline of the topics and areas to be covered in initial orientation/onboarding. These sections are based on, and reference throughout, the *User Guide* (which is discussed in more detail at the end of this report).

- i. **The Basics** (traditional “walk-through/orientation” with Clerks assisting alongside those noted below)
 - Salary and benefits – HR

- Technology/equipment brief (laptop, BlackBerry/BYOD, phone)
 - IT
- Parking and security access – Operations
- Budget allocations – Finance
- Tour of City Hall Offices – Clerks

ii. **Council Governance Structures & Roles/Responsibilities**

- Reporting relationship vis-à-vis Council, Standing Committees and Advisory Committees
- Delegated authority (with assistance from Legal)
- Principle Based Governance (with assistance from CAO)
- Information Flow Protocol
- Approval Authority & Council Responsibilities - Planning Act, Heritage Act, Development Charges Act, Clean Water Act, Safe Drinking Water Act, etc. (high-level)

iii. **Meeting structures**

- Council/committee cycles
- Agendas and minutes
- Procedural by-law overview
- Roles/responsibilities of Mayor, Chair, members of Council and committee members

iv. **Administration/Budgets**

- CAO and EDs (service areas) – high level
- Budget (operating, non-tax supported and capital)
- Audit functions (internal and external)
- Strategic Planning/Frame Changers/Corp Workplanning

v. **Ethics** (facilitated by Michael Fenn and/or other facilitators)

- Fenn's 13 "Do's and Don'ts"
- Oath of Office
- Code of Conduct and Integrity Commissioner
- Conflict of Interest
- Open and closed meetings (meeting investigations)

B. Civics 101

A Civics 101 e-learning module is being developed to support the knowledge component of the competency "demonstrates organizational awareness." Through this competency, front line employees, lead hands, supervisors, manager/GMs and

executive directors are expected to develop knowledge and skills in understanding the structure of the City's local government including the role of Council and how their job fits within the overall structure.

Initially internal facing, Civics 101 can be used by new councillors to help support the development of foundational awareness of the role of municipal government within its community along with the role of council. In addition, a better understanding is developed of how employees fit into that role. Civics 101 content is being developed as timeless content, to the greatest extent possible, and is therefore general in nature and considered a foundational course.

3) Focused Leadership – First Year in Office

A. Workshops/Training Sessions (in-person)

Focused training sessions will be provided during the first year of Council's term in office. The purpose of these sessions is to provide in-depth, focused learning in areas or topics of importance to City councillors. The focused sessions are delivered in-classroom by staff and/or third-party facilitators as well as through online learning modules provided by Harvard Business School's ManageMentor program. Focused sessions expand and build upon the high level information provided as a part of initial orientation and onboarding.

Classroom based focused learning sessions include, but are not limited to:

- Guelph's Leadership Charter (based on the Leadership Contract)
- The Planning Act and Committee of Adjustment
- Corporate Organization and Communication
- Budgeting and Finance Terminology
- Audit – Internal & External
- Governance Roles
 - Role as an Elected Official
 - Role as a Director
 - Role as a Shareholder
 - Role as an Approval Authority

The City of Guelph is also partnering with leadership development solutions experts at Knightsbridge Human Capital Solutions for its leadership development needs. Stakeholder review and leadership commitments (which are currently being defined) will be used to design and bring in-house, classroom based leadership development opportunities to councillors in 2014. Knightsbridge can facilitate

STAFF REPORT



classroom based development opportunities for Council at a rate of \$8000 per day plus tax.

B. Harvard ManageMentor (on-line)

Through the City's partnership with Harvard Business School's ManageMentor (HMM) program, councillors and staff leaders have access to a state-of-the art, online learning tool from one of the country's most respected voices in business. HMM covers 18 essential business topics, and offers many new ways of informal, on-demand learning.

Business topics include:

Change Management	Leading and Motivating
Coaching	Managing Upward
Decision Making	New Manager Transitions
Delegating	Performance Appraisal
Developing Employees	Performance Measurement
Difficult Interactions	Strategic Thinking
Diversity	Strategy Execution
Feedback Essentials	Team Leadership
Goal Setting	Team Management

These modules form an integral part of the COLDP program that will enhance councillor's ability to deliver services, engage with stakeholders, meet challenges and seize opportunities.

4) Strategic Leadership – First Year in Office

A. Workshops/Training Sessions (in-person)

The goal of these sessions is to equip council with the knowledge and skills required to provide strategic direction to the work of the corporation. These ongoing workshops, led by City staff, will provide information in the following areas:

- System of Local Government: Relationships between council, administration & the community
- Corporate Strategic Review and Action Plan Development
- Corporate Planning Cycle
- Capital Budget Prioritization Process & Plan Development
- Enterprise Framework
- Official Plan, Secondary Plans, Amendments and Planning Strategies
- Intergovernmental Affairs

STAFF REPORT

COMMUNICATION STRATEGY

The communication plan for the *User Guide to Local Government* focuses on four key objectives: showcase how the *User Guide* demonstrates the City's commitment to the principles of Open Government; provide users the ability to offer feedback; create an audience for the *User Guide*; and ultimately make the *User Guide* fun to use to encourage increased community engagement.

The *User Guide* has strong potential as a learning tool. As such, the communication strategy focuses on developing pilot programs with education groups including primary, secondary and post-secondary institutions as well as civic-minded community groups to share the resource and elicit feedback. In order to improve accessibility, and bring the *User Guide* to a wider audience, vehicles in keeping with the Open Government Framework, such as contests, will be explored as a means of developing a *User Guide* mobile app. Additional tactics include showcasing the unique, first in Canada, characteristics of the *User Guide* through articles in government journals, publications and magazines such as *Municipal World*.

As partnerships and programs are confirmed tactics in support of the plan will be further developed.

CORPORATE STRATEGIC PLAN ALIGNMENT

Organizational Excellence

- 1.3 Build robust systems, structures and frameworks aligned to strategy
Innovation in Local Government
- 2.2 Deliver Public Service Better
- 2.3 Ensure Accountability, Transparency and Engagement
City Building
- 3.3 Strengthen Citizen and Stakeholder Engagement and Communications

OPEN GOVERNMENT FRAMEWORK ALIGNMENT

The *User Guide to Local Government* relates comprehensively to the Corporate Strategic Plan directions, including:

- 1. Participation – Open Engagement
- 2. Innovation – Open Data
- 3. Transparency – Access to Information
- 4. Accountability – Open Governance

STAFF REPORT



DEPARTMENTAL CONSULTATION

Clerk's Office
Human Resources
Community Engagement
Information Technology
Legal and Realty Services
Finance
Mayor's Office
CAO's Office

ATTACHMENTS

- (A) Hyperlink to *User Guide to Local Government* website
- (B) *User Guide to Local Government* Comprehensive Table of Contents
- (C) Councillor Orientation & Leadership Development Program and *User Guide to Local Government* Presentation

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Attachments

1) Temporary User Guide to Local Government Website Link

<http://cityofguelph.wpengine.com>

2) User Guide to Local Government Table of Contents

- Home
- City Council
 - Elected Official
 - Municipal Act Requirements
 - Council Composition
 - Council Remuneration, Benefits and Expenses
 - The Role of the Mayor and Members of Council
 - Council to Act as a Whole
 - Mayor and Council Relationship
 - Oath of Office
 - Officers
 - Statutory Officers
 - Discretionary Officers
 - Municipal Act Policies
 - Code of Conduct and Integrity Commissioner
 - Code of Conduct
 - Integrity Commissioner
 - Procedural Bylaw
 - Financial Reporting
 - Council Meetings
 - Delegations
 - Special Resolutions
 - Notice of Motion
 - Resolutions and Bylaws
 - Types of Council Meetings
 - Regular Business Meetings of Council
 - Planning Meetings of Council
 - Special Meetings
 - Closed Meetings of Council and Committees
 - Closed Meetings Protocol
 - Meeting Investigator
 - Quorum
 - Voting Requirements
 - Minutes
 - Consent Reports and Agendas
 - Committee Consent Reports
 - Council Consent Agenda
 - Committees, Boards and Agencies
 - Standing Committees
 - Audit Committee
 - Governance Committee

- CSS Committee
- CAFES Committee
- OTES Committee
- PBEE Committee
- Emergency Governance Committee
- CAO Performance Appraisal Committee
- Selections Committees
 - Striking Committee
 - Nominating Committee
- Quasi-Judicial/Adjudicative Committees
- Advisory Committees
- Agencies, Boards and Commissions (ABCs)
- Relevant Legislation
 - The Municipal Act
 - Municipal Conflict of Interest Legislation
 - Municipal Elections Act
 - Safe Drinking Water Act, 2002
- Director and Appointee
 - Principle Based Governance
 - Leadership and Stewardship
 - Ensuring Strategic Direction and Planning
 - What is a Strategic Plan?
 - Additional Plans and Strategies
 - Planning for Succession and Renewal
 - Overseeing Risk Management and Internal Control
 - Empowerment and Accountability
 - Delegating Authority
 - Delegation of Authority Policy and Bylaw
 - Act in the Case of an Emergency
 - Delegation of Authority to Emergency Governance Committee
 - Other Delegation of Authority Policies and Bylaws
 - Allocating Responsibilities
 - Establishing Effective Accountability Mechanisms
 - Annual Performance Reporting
 - Communication, Engagement and Transparency
 - Determining Information Flows
 - Communicating with Citizens and Stakeholders
 - Engaging Citizens and Stakeholders
 - Accomplishment and Measurement
 - Monitoring and Overseeing Management
 - Selecting Corporate Performance Measures
 - Comparator Municipalities
 - Corporate Strategic Plan Key Performance Indicators
 - Departmental Annual Reports
 - Evaluating Council, Committees and the CAO
 - Bi-annual Governance Survey
 - Citizen Review Committee for Council Remuneration
 - CAO Performance Appraisal

STAFF REPORT

- Service and Fairness
 - Corporate Social Responsibility
 - United Way Campaign
 - Leave for Change
 - Providing Ethical Leadership
 - Oath of Office
 - Municipal Conflict of Interest Act
 - Council Code of Conduct
 - Integrity Commissioner's Annual Report
 - Meeting Investigation
 - Conflict of Interest Guidelines with Respect to the Transfer of Provincial Offences Court Administration and Prosecution
 - Corporate Policy Statements
 - Promoting Environmental Sustainability
- Learning and growth
 - Promoting a Culture of Innovation and Change
 - Developing and Training Councillors, Management and Employees
- Approval Authority
 - The Planning Act, Delegation of Approval Authority and the Committee of Adjustment
 - Ontario Development Charges Act
 - Ontario Heritage Act
- Shareholder
 - Guelph Municipal Holdings (GMHI)
 - Guelph Junction Railway (GJR)
- Civic Administration
 - Chief Administrative Officer
 - Executive Team
 - Direct Report Leadership Team
 - Officers
 - City Clerk
 - City Treasurer
 - Unions
 - Service Areas and Departments
 - Municipal Service Areas
 - Shared Services
 - Corporate Strategic Plan
 - Guelph's Financial Strategy
 - Budgets
 - People Practices Strategy
- Community
 - Vote
 - Contact Information for Councillors
 - Make a Delegation to a Standing Committee or Council
 - Community Engagement Process
 - Have Your Say
 - Apply to Serve...

STAFF REPORT

- Agency, Board or Commission
- Municipal Corporation
- Culture, Tourism and Facilities
 - Tourism
 - Guelph Civic Museum
 - River Run Centre
 - Sleeman Centre
 - Pools, Rec Centres, Parks and Sports Fields
- Local Government and History

2015+ Strategic Planning

Governance
Council/Board
Report

July 8, 2014

Recommendation: Create a 'Council Action Plan'

- Review Agenda (2015-2016)
- Review Council Reports
- Council Reports
- Operating Initiatives

- ### Strategic Review Topics
- Review 2010-2014 Strategic Framework
 - Review 2015-2016 Strategic Framework
 - Review 2017-2021 Strategic Framework
 - Review 2015-2016 Strategic Framework
 - Review 2017-2021 Strategic Framework



Recommendation: Reset the strategic framework for 2017-2021

- Review and update the Strategic Framework
- Review and update the Strategic Framework

Recommendation: Strategic Framework Review (2015-2017)



2015+ Strategic Planning

**Governance
Committee
Report**

July 8, 2014



Comprehensive Strategic Management

Alignment \neq Organizational Effectiveness

↑





Progress

Strategic Planning: 2010 – present		Progress Rating
SUCESSES		
	Differentiating strategic and operational initiatives	██████████
	Setting progressive but realistic goals	███████
	Integrating strategic planning into core processes	███████
AREAS FOR IMPROVEMENT		
Measurement	Using performance data for decision making and improvement	███████
	Revisiting performance metrics	███████
	Setting annual targets	███████
Marketing & Comms.	Marketing and communication of results (external)	███████
	Connecting staff to the plan, priorities and progress	███████
Council Gov'ce	Enabling Council's Principal Based governance role	███████
	Setting operational and capital priorities with Council	███████



Recommendation: Create a 'Council Action Plan'

Term Agenda (2015-2018)

- Intergovernmental Priorities
- Capital projects
- Operating initiatives



Recommendation: Strategic Framework Review (2016/2017)

- 10th Anniversary of the *'Making a Difference'* vision

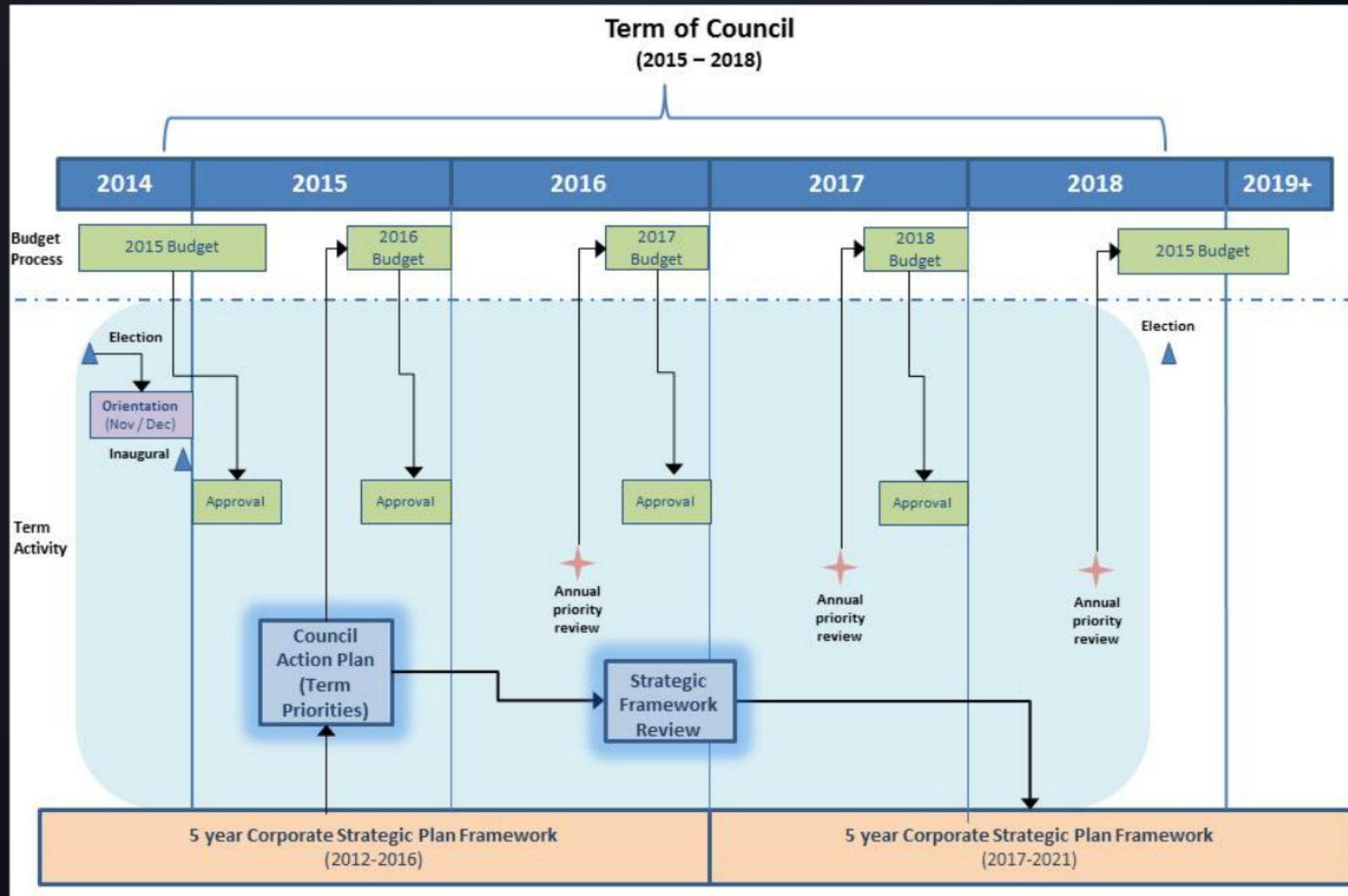


Recommendation: Reset the strategic framework for 2017-2021

- Stability and continuity during Council transition
- Significant governance contribution



Proposed Schedule





Strategic Planning: Legacy Projects and Directions 2010+

- Smart Guelph
- Principles of Public Engagement
- 5 year strategic framework
- Enterprise planning tool
- Performance focus
- Governance accountability and oversight

2015+ Strategic Planning

**Governance
Committee
Report**

July 8, 2014

STAFF REPORT

TO Governance Committee

SERVICE AREA Strategic Planning and Corporate Initiatives

DATE July 8, 2014

SUBJECT 2015+ Strategic Planning

REPORT NUMBER CAO-S-1403

EXECUTIVE SUMMARY

PURPOSE OF REPORT

Strategic Planning is a core governance function and responsibility of Council as identified in the Municipal Act. Regular reflection furthers improvement.

This report purpose is therefore to:

- engage the Governance Committee in a discussion about Strategic Planning - what worked, what requires improvement and what directions will help ensure success going forward; and
- provide preliminary staff recommendations related to the strategic planning process for consideration going forward.

KEY FINDINGS

I. From 2010 to present, areas of success and those that require improvement from a staff perspective include the following:

Successes

- ✓ Differentiating strategic and operational initiatives
- ✓ Setting progressive but realistic goals
- ✓ Integrating strategic planning into core processes

Improvement Required

Measurement

- Using performance data for decision making and improvement
- Revisiting performance metrics
- Setting annual targets

STAFF REPORT

Marketing and Communications

- Marketing and communications of results (external)
- Connecting staff to the plan, priorities and progress

Council Governance

- Enabling Council's Principle based governance role
- Setting operational and capital priorities with Council

II. Preliminary strategic planning recommendations for consideration:

1. create a '**Council Action Plan**' for the term that includes intergovernmental, capital and operating priorities;
2. review the corporate strategic plan (CSP) framework in 2016/17. This timing coincides with the 10th Anniversary of the '*Making a Difference*' vision; and
3. reset the Corporate Strategic Plan Framework for the 2017-2021 time period.

Council Action plan development early in Q2 2015, following the 2015 budget deliberations, allows for focused attention on this important effort.

FINANCIAL IMPLICATIONS

Staff time costs associated with strategic planning are included in the Council approved budget.

ACTION REQUIRED

That the Governance Committee receive this report for information and discussion. Input generated will support continuous improvement in strategic planning.

RECOMMENDATION

1. That the Governance Committee receive the report '2015 Strategic Planning' for information and discussion to further continuous improvement and Council orientation planning.

BACKGROUND

The corporation of the City of Guelph has a longstanding commitment to strategic planning. The first official strategic plan on record was developed in 1993 – 'The Royal City: Looking Ahead'. Since that time successive Councils have made reviews,

STAFF REPORT



updates and set new strategic directions to meet challenges and opportunities. While goals and objectives have changed, the responsibility to shape administrative direction has remained.

Many initiatives support the strategic planning work of Council while others are further shaped by it. For example,

Support – The Enterprise Framework tool and approach will provide additional qualitative and quantitative data for more informed priority setting.

'...That Council endorses the Enterprise Framework approach and that the tool be further developed for inclusion in Council's strategic planning process...'

(Council approval June 18, 2014)

Shape – Next steps on key initiatives such as the Intergovernmental Strategic Framework and Corporate Identity are further activated with strategic planning efforts. Term intergovernmental priorities will be included in a Council Action Plan; external validation of the 'Making a Difference' vision will inform development of the next 5 year strategic framework.

Intergovernmental Strategic Framework

'...That staff be directed to report back on an ongoing process for setting annual and term of council IG priorities, including an approach for integrating intergovernmental priority- setting into the Corporate Strategic Planning process for the 2015-18 term of Council;

(Council approval December 16, 2013)

Review of the Corporation of the City of Guelph's Identity: Phase 1 Findings

'That the December 3, 2013 report entitled "Review of the Corporation of the City of Guelph's Identity: Phase 1 Findings and Next Steps", be received...'

(Governance receipt December 3, 2014)

Over time, the strategic plan development, priority setting, integration, measurement and reporting processes have continuously evolved. Regular review and reflection will continue this improvement trend.

REPORT

Strategic Planning is a core function of Council related to its governance role. Since 2007, a number of legacy projects and directions have both informed and improved Council strategic planning including:

- **Smart Guelph** – a healthy, sustainable approach to governance
-

- **Principles of Public Engagement** – approaches to enabling informed input
- **Five year Strategic Framework** – stability and continuity over the Council transition period
- **Enterprise Planning Tool** – more informed priority setting
- **Performance Focus** – results and impact information
- **Governance accountability and oversight** – Committee of Council oversight and approval of the strategic planning process

As well, the Corporation continues to move towards 'Comprehensive Strategic Management' (Fig.1) which is the integration of strategic planning with budget and work planning, human resource systems and processes, performance tracking, reporting and communications. This goal was first introduced with the implementation of the 2007-2010 Strategic Plan. Well-aligned, comprehensive strategic management strengthens how effective and efficient the corporation operates.

Fig.1 Comprehensive Strategic Management

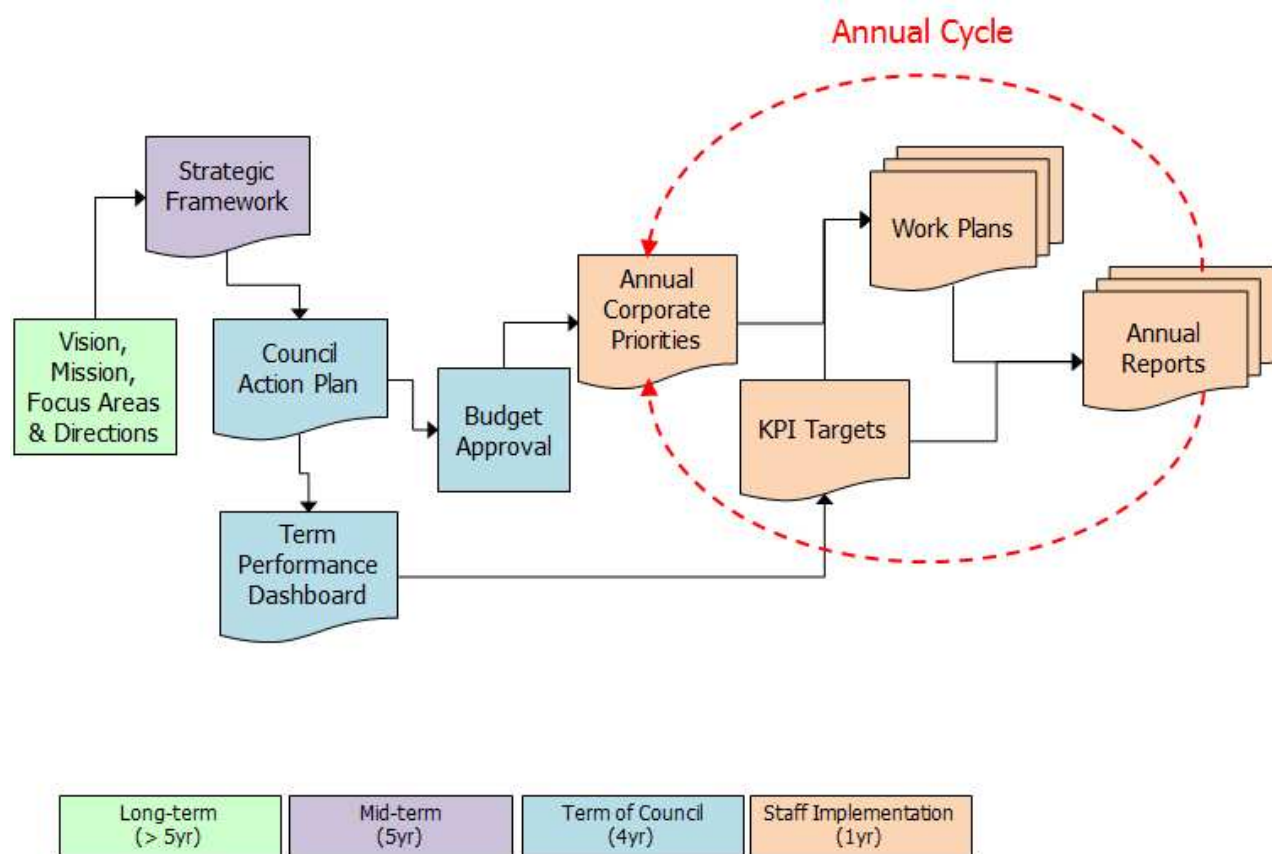


We continue to make progress in relation to this goal with tools to facilitate such as the Enterprise Framework Tool, Business Case development tools, work plan consolidation, improved Professional Development Planning process and ongoing Leadership Development.

STAFF REPORT

In March 2014, leadership staff members were shown a renewed 'Corporate Planning Cycle' as depicted below (Fig. 2). The cycle shows how Council driven strategic directions flow through the budget process into Service Area work plans and further signals positive movement towards Comprehensive Strategic Management.



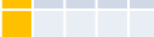
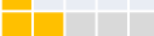



Fig. 2 – Corporate Planning Cycle



I. **Successes and areas for improvement**

In advance of each new term of office, review and assessment of what worked well and what will require improvement going forward is conducted by staff for valued input from Council. A summary of findings are included below.

STAFF REPORT

Strategic Planning: 2010 – present		Progress Rating
SUCESSES		
	Differentiating strategic and operational initiatives	
	Setting progressive but realistic goals	
	Integrating strategic planning into core processes	
AREAS FOR IMPROVEMENT		
Measurement	Using performance data for decision making and improvement	
	Revisiting performance metrics	
	Setting annual targets	
Marketing & Comms.	Marketing and communication of results (external)	
	Connecting staff to the plan, priorities and progress	
Council Governance	Enabling Council's Principal Based governance role	
	Setting operational and capital priorities with Council	

Successes:

Identified areas of improvement from 2010 have become areas of success during the 2012-2014 time period. Streamlined corporate priorities are helping to transform how the corporation serves the community and stakeholders. Those priority projects have been integrated into service area and departmental work plans. Strengthened project management is helping to ensure that goals are realistic and achievable. A performance focus is now well rooted into the system and is easily demonstrated in the annual performance reporting from service areas. Key performance indicators for the Corporate Strategic Plan designed to drive performance, consistent with our strategic direction, were identified along with preliminary measures to help with results reporting.

Areas for Improvement:

Measurement: a significant area in need of improvement is measurement – setting it and using it to drive decision making. Clear outcomes, measures, tracking methods, timeframes and related initiatives must be incorporated. Increased internal capacity in project management will enable this going forward.

Marketing and Communication: both internal and external communication must be strengthened. New communication collateral has been produced and leaders are sharing the information through a number of channels including staff 'meet ups' with the Executive team.

STAFF REPORT



Council Governance: stronger Council involvement in setting operating and capital priorities from a well-informed perspective will be improved with the Capital Planning Framework and Business Case tools.

II. Preliminary Recommendations for 2015+

Council and staff each have clear roles in the Strategic planning process. Council sets the vision, mission, strategic focus areas and strategic directions that make up the corporate strategic framework while staff facilitate the development process and are accountable for implementation.

In line with staff's supporting role, the following preliminary recommendations are offered:

1. Create a 'Council Action Plan' for the term that includes intergovernmental, capital and operating priorities.

A Council Action Plan, linked to the Corporate Strategic Plan Framework will identify priorities for the next four year term. Creation in early 2015 allows for the new term of Council to fully assert its informed influence on the 2016 budget.

Action: the Council Action Plan will include a dashboard of measures with annual performance targets informed by confirmed priorities. This will make regular review, corrective action and communication of results easier and more transparent. Use of the Enterprise Framework tool in setting priorities will strengthen Council involvement in capital and operating budgets and thereby further Council's governance role in the strategic planning process.

2. Review the corporate strategic plan (CSP) framework in 2016/17 as required. This timing coincides with the 10th Anniversary of the 'Making a Difference' vision.

Does the making a difference vision still connect with the hopes and expectations of Guelph residents and stakeholders? Will the mission of the corporation continue to serve Guelph well in the years to come? What directions are crucial for continued prosperity? The answers to these questions, well informed by residents and stakeholders, will help to best shape Guelph's future.

STAFF REPORT

Action: support creation of the 2017-2021 corporate strategic plan framework. Engage Council on their preferred scope, methodology, level of involvement and public engagement. During the public engagement process, connect with stakeholder groups on effective channels of communication to continually strengthen the overall process as well as the marketing and communication of ongoing achievements.

3. Reset the Corporate Strategic Plan Framework for the 2017-2021 time period.

The corporate strategic plan framework spans a five year period and provides consistency and focus during Council transition. It includes a vision, mission, strategic focus areas and directions. By establishing this framework, Council members contribute to a significant legacy piece and make a lasting contribution to city governance.

Action: introduce the newly elected Council to the current Corporate Strategic Plan Framework during the 2014 Council orientation. Provide the preliminary staff recommendations included in this report for consideration. Outline the important role that Council strategic planning plays in leading the corporate planning cycle (Fig. 2) to deliver action and results.

Summary

Council's strategic plan can be thought of as its 'contract with the community'. This legislated responsibility is facilitated by staff. Ongoing review of what is working and what needs upgrading helps to improve. The preliminary recommendations included in this report respond directly to staff perceived areas that require enhancement.

Developed and communicated well, Council strategic direction serves as a tool to focus performance, strengthen community prosperity, promote trust and confidence in local government, and ensure measureable results that deliver value for tax dollars received.

CORPORATE STRATEGIC PLAN

2.3 – Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

- Executive Team
- Intergovernmental Affairs
- Finance

STAFF REPORT

➤ Public Affairs

FINANCIAL IMPLICATIONS

Costs associated with these efforts are included in the 2014 Council approved budget.

COMMUNICATIONS

Council strategic planning - history, achievements and next steps - will initially be introduced for preliminary discussion through the 2014 Council orientation.

ATTACHMENTS

n/a



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STAFF REPORT



TO Governance Committee

SERVICE AREA Corporate and Human Resources

DATE July 8, 2014

**SUBJECT Council Composition and Employment Status Review –
Terms of Reference**

REPORT NUMBER CHR 2014-46

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide information related to the scope of work to inform a terms of reference for a Council Composition and Employment Status Review.

KEY FINDINGS

Determining the scope of work in relation to a Council Composition and Employment Status Review is important in order to ensure that a terms of reference is established for this process. This is important given that an RFP will need to be initiated to contract a third party subject matter expert to complete this project.

Council involvement in the development of a terms of reference can be seen as a conflict of interest and is more appropriately within the purview of the Clerk's Department to manage.

FINANCIAL IMPLICATIONS

None

ACTION REQUIRED

Committee Members receive the report for information.

RECOMMENDATION

1. The report dated July 8, 2014, titled "Council Composition and Employment Status – Terms of Reference," be received.

BACKGROUND

STAFF REPORT



At its December 16, 2013 meeting, Guelph City Council approved the following motions:

GOV-2013.22 Council Composition and Employment Status Review

1. That a Council Composition and Employment Status Review be conducted by a third party subject matter expert during the 2014-2018 term of Council with the intent that any proposed changes to be subsequently approved by Council take effect for the 2018-2022 term of office.
2. That all costs associated with the review be referred to the 2015 budget process for Council approval.
3. That the Terms of Reference for the Council Composition and Employment Status Review come back to the Governance Committee for approval.

As per these motions and based on discussions at the December 3, 2013 Governance Committee meeting, the following outlines a scope of work for an independent third party subject matter expert to conduct a Council Composition and Employment Status Review.

REPORT

Defining the scope of work required of a third party subject matter expert will assist in informing a detailed terms of reference for such work. The following represents the scope of work to be carried out as part of a Council Composition and Employment Status Review:

Phase 1 – Municipal Practice Review and Environmental Scan

- Comparator research and best practice analysis of council compositions, employment status and ward boundary structures.
- Review and environmental scan will provide for a clear picture of how other municipal councils are structured.

Phase 2 – Options Analysis and Determination

- Based on research and analysis, development of composition and employment status list of options for consideration.
- Inclusion of risk-benefit and cost-benefit assessment of all possible options.
- Based on the previous phase, this phase will provide a detailed listing and profile of other municipal councils and structures which will help inform what options are selected to move forward to public consultation.

Phase 3 – Public Consultation

- Engage public in comprehensive, multi-faceted consultation (i.e. online survey, public open house sessions).
- Consideration of the use of a citizen panel to provide further input.

STAFF REPORT

- The goal of the public consultation component is to gather public feedback on the options determined through phase one and phase two.
- Public consultation will ensure that the Council composition and employment status options that are presented are vetted through a formalized public process.

Phase 4 – Implementation Planning

- Detailed plan and critical pathway to outline how proposed model would be implemented for the 2018-2022 term of council.
- Implementation planning will include budgetary, governance structure and reporting impacts.
- Will also include clearly defined dates and milestones for crossover from current Council compositions and employment status model to a finalized model.

At this time, staff is not recommending that Council play an active role in explicitly determining a detailed terms of reference. Doing so may impact the impartiality of the recommendations that will come out of an independent and third party subject matter expert analysis and determination of options relating to Council's composition and employment status. Furthermore, involvement on the part of Council in determining an exact terms of reference could be seen as a conflict of interest.

The City Clerk's office is the department to oversee this work as it most appropriately within this office's purview.

CORPORATE STRATEGIC PLAN

This report supports the following strategic directions:

- 1.3 Build robust systems, structures and frameworks aligned to strategy.
- 2.3 Ensure, accountability, transparency and engagement.
- 3.3 Strengthen citizen and stakeholder engagement and communications.

DEPARTMENTAL CONSULTATION

A comprehensive departmental consultation will be made in relation to the preparation of a finalized RFP document for the Council Composition and Employment Status Review process.

FINANCIAL IMPLICATIONS

All costs associated with the implementation of a Council Composition and Employment Status Review process will be managed through a forthcoming budget process.

STAFF REPORT



COMMUNICATIONS

None

ATTACHMENTS

ATT-1 Staff Report CHR-2013-61 – Council Composition and Employment
 Status Review

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STAFF REPORT



TO Governance Committee

SERVICE AREA Corporate and Human Resources

DATE July 8, 2014

SUBJECT Proposed amendments to City of Guelph Procedural By-law 2012 -19375 Governing Council and Committee meetings

REPORT NUMBER CHR 2014-49

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To have committee review and consider changes to the procedural by-law for the purpose of making the by-law clear and concise and updating it to harmonize with other city approved policies and documents; and to recommend same to Council for approval and adoption by by-law.

KEY FINDINGS

The current procedural By-law 2012 -19375 was passed by council in April 2012. Since that time, Council has adopted other policies and corporate documents such as the Council and Standing committee terms of reference, which should be reflected in the Procedural By-law. In addition, there have been procedural matters for interpretation which have surfaced regarding the current clauses in the by-law.

The proposed amendments attempt to synchronise changes made through documents approved by Council since the passing of the procedural by-law, as well as provide clarity on matters which have been ambiguous and/or vague and subject to interpretation. Changes should facilitate the smooth progression of meetings as well as the administration of agenda production.

FINANCIAL IMPLICATIONS

Not applicable as this is a procedural matter.

ACTION REQUIRED

Committee to review and consider procedural by-law changes for recommendation to Council for passing of a by-law.

STAFF REPORT



RECOMMENDATION

1. That the report from the City Clerk dated July 8, 2014 regarding the Procedural By-law be received; and
2. That a by-law be enacted to repeal and replace By-law 2012 -19375, as amended, being the Procedures Governing Council and Committee meetings to incorporate the changes proposed as attached hereto as Appendix "A".

BACKGROUND

Section 238 (2) of The *Municipal Act* (The Act) requires that "Every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings".

On April 2012, Council passed a new procedural bylaw which incorporated the various policy and procedural documents adopted by Council such as the provisions in the Closed Meeting Protocol that had been approved by council since the 1996 by-law was passed.

REPORT

Since that time Council has adopted various policies and procedures for best practices in the governance of their meetings such as the Terms of Reference for Council and its Standing Committees and most recently a change to the Electronic Device Policy

The purpose of implementing changes is to provide greater clarity and conformity to the current practices of Council and its committees. Staff reviewed the by-law for additional opportunities to provide greater clarity to enhance current meeting procedures and protocols. The revisions proposed have been informed by the statutory requirements and the spirit of accountability and transparency in The Act, and best practices in relation to meeting procedure and existing protocols. The assessment included gathering of information from our comparator municipalities regarding meetings procedures and protocols.

Some of the suggested amendments to the redline bylaw attached as Appendix A are housekeeping modifications adjust language for additional clarity of intent. These changes do not impact the spirit intent or use of the by-law. Other recommendations establish new provisions or revise existing clauses, to better meet the requirements of The Act or to clearly articulate an existing convention which may not fully have been accounted for in the current consolidated By-law. Appendix B provides for a Summary of proposed changes to the Procedural By-law.

STAFF REPORT



CORPORATE STRATEGIC PLAN

This report supports the following strategic planning initiatives:

- 1.3 Build robust systems, structures and frameworks aligned to strategy
- 2.3 Ensure accountability, transparency and Engagement.

DEPARTMENTAL CONSULTATION

Consultation occurred with comparator municipalities regarding meeting procedure practices.

COMMUNICATIONS

Not applicable as this is a procedural matter.

ATTACHMENTS

- Appendix A Proposed redline changes to the consolidated Procedural By-law
- Appendix B Summary of proposed changes to the Procedural By-law

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Proposed redline changes to the consolidated Procedural By-law

Consolidated

THE CORPORATION OF THE CITY OF GUELPH

By-law Number ~~(2012)-19375~~

A By-law to provide rules for governing the order and procedures of the Council of the City of Guelph, to adopt Municipal Code Amendment #xxx and to repeal By-laws (2012)-19375, (2013)-19558 and (2013)-19634.

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1. DEFINITIONS

In this By-law,

“Acting Chair” means a member of the Committee appointed by the Chair or by the members of the Committee to act in the place and stead of the Chair in his or her absence.

“Acting Mayor” means the Councillor is appointed, in alphabetical order by last name, to serve one month each, to act in the place and stead of the Mayor when called upon to do so by the Mayor;

“Advisory Committee” means a Committee created by Council, with no definitive end, to report through the appropriate Standing Committee on a specific subject;

“By-law” means an enactment, in a form approved by Council, passed for the purpose of giving effect to a decision or proceedings of Council;

“CAO” means the Chief Administrative Officer of the City;

“Chair” means the Mayor or Acting Mayor of any Meeting of Council or the Chair or Acting Chair of any Meeting of a Committee.

“City” means The Corporation of the City of Guelph and includes the geographical area of the City of Guelph;

“Clerk” means the City Clerk, or his or her designate;

“Closed Meeting” means a meeting, or part of a meeting of Council or a Committee, which is closed to the public as permitted by the Municipal Act;

“Committee” means and Advisory or other Committee, Sub-Committee or similar entity of which at least half of the Members are also Members of one or more councils or local boards;

“Committee Chair” means the Chair of a Committee;

“Consent Agenda” means a listing of Consent Items being presented to Council and Committee for its consideration;

“Consent Item” means a report that is presented for approval without debate and with no delegation or presentation and is generally considered routine or time sensitive;

“Consent Report” means a report from a Standing Committees outlining items approved by the Committee and being forwarded to Council for its consideration;

“Council” means the Council of the City, comprised of the Mayor and Councillors;

“Councillor” means a member of Council, other than the Mayor;

“delegate” means any person, group of persons, firm or organization, who is neither a member of Committee or Council or an appointed Official of the City, wishing to address Committee or Council upon request to the Clerk;

“Executive Director” means staff who report to the CAO and are responsible for multijurisdictional areas;

“local board” means a local board of the City as defined in the *Municipal Act*;

“majority” means for the purpose of voting, unless otherwise specified, more than half the total number of the Members of Council or Committee present at the vote and not prohibited by statute from voting;

“presentation” means information presented to Council in person by an individual or group on an issue not requiring any action to be taken by Council;

“Mayor” means the head of Council and includes the Acting Mayor when the Acting Mayor is acting in place and stead of the Mayor;

“meeting” means any regular or special meeting;

“member” means, according to the circumstances, a member of Council, including the Mayor, or a member of the Committee including the Chair;

“motion” means a proposal moved by a Member and seconded by another Member, for the consideration of Council or a Committee;

“Municipal Act” means the *Municipal Act, 2001, S.O. 2001, c.25* as amended or replaced from time to time;

“Open Meeting” means a meeting which is open to the public;

“registered delegate” means an individual who has submitted a request for delegation to the Clerk within the prescribed timelines to address Council or Committee in relation to a matter appearing on the agenda;

“resolution” means a motion that has been carried;

“Rules of Procedure” means the rules and procedures set out in this By-law;

“Special/Ad Hoc Committee” means a Committee created by Council, with a defined ending, to report directly to Council on a very specific matter.

“Standing Committee” means a Committee appointed by and directly reporting to Council, created from time to time, and currently comprised of the following Committees:

- Audit Committee
- Community & Social Services Committee
- Corporate Administration, Finance & Enterprise Committee

- Governance Committee
- Operations, Transit & Emergency Services Committee
- Planning & Building, Engineering & Environment Committee
- Emergency Governance Committee

“Vice Chair” means a member of the Committee appointed by Council who shall have all the power and duties of the Chair in their absence; and consequently the words “Vice Chair” are interchangeable with the word “Chair” in all sections of this by-law where the term applies to a Standing Committee Chair.

2. MEETINGS

2.1 Public Notice of Meetings

- (a) Staff shall give public notice of all regular open and closed Council and Standing Committee Meetings by:
- (i) inclusion on the City’s website at least 72 hours prior to the Meeting,
 - (ii) posting in City Hall at least 72 hours prior to the Meeting; and
 - (iii) publication in a local newspaper at least 72 hours prior to the meeting.
- (b) Staff shall give public notice of all special, Open and Closed Meetings of Council and Standing Committee by:
- (i) inclusion on the City’s website as soon as possible after the meeting is called and no later than 24 hours prior to the meeting;
- (c) Notwithstanding Sections 2.1(a) and (b), staff shall give legislated notice of items on any agenda, in accordance with the applicable legislation.

2.2 Inaugural Meeting of Council

- (a) The first meeting of Council following a regular election shall be held on the first Monday in December at 7:00 p.m. in the Council Chambers of City Hall or at such alternate location as determined by the Clerk. If this day is a public holiday, the Council shall meet at the same hour on the next day, not being a public holiday.
- (b) At the inaugural Meeting, each member present shall make his or her declaration of office and sign Council’s Code of Conduct, and Council shall not proceed with any regular business at this Meeting.

2.3 Meetings of Council

- (a) Council shall meet in the Council Chamber of City Hall on the dates and times set by Council by Resolution each year, unless with adequate public notice, the Council selects an alternate Meeting location, date, or time. In

the event the regular Meeting date falls on a public holiday, the Council shall meet at the same hour on the next day not being a public holiday.

- (b) When a Closed Meeting of Council is required, it shall be held no earlier than 5:00 p.m. on the day of an existing scheduled Council or Council Planning meeting.
- (c) Unless there is a quorum consisting of at least seven Members of Council present within fifteen minutes after the time appointed for the Meeting of the Council, the Council shall stand adjourned until the next Meeting date, and the Clerk shall take down the names of the Members present at the expiration of such fifteen minutes.
- (d) As soon after the hour of a Meeting of Council as there shall be a quorum present, the Mayor shall take the chair and call the Members to order. In the absence of the Mayor or Acting Mayor, the Clerk shall call the Members to order and the Council shall choose a Chair from the Members present and that person shall preside during the Meeting or until the arrival of the Mayor or Acting Mayor.

2.4 Meetings of Council Planning

- (a) When required, a Council Planning Meeting shall be held on the first Monday of the month. Council Planning shall consider matters where a public meeting is required to hear applications under the *Planning Act*. Reports in relation to public meetings required under the *Planning Act*, shall be made available to the public at least one week in advance of the regular agenda distribution date.
- (b) Notwithstanding Section 7.6 of this By-law, the time limitation for delegations at a public meeting to hear applications under the *Planning Act*, shall not exceed ten minutes. Council may extend the ten minute time period by a majority vote of the Council members present without debate. Council may ask questions of staff after the staff presentation and prior to the delegates addressing Council.
- (c) Once all registered delegates have spoken, the Mayor or Chair shall ask if anyone present wishes to speak. Such individuals shall be permitted to speak pursuant to Section 2.4(b) without advance notice.

2.5 Special Council Meetings

- (a) The Mayor may at any time summon a special Meeting of Council. The Mayor shall also summon a special Meeting of Council when so requested in writing by a majority of Members of Council.
- (b) Upon receipt of a petition of the majority of the Members of the Council, the Clerk shall summon a special Meeting for the purpose and at the time and place mentioned in the petition.

- (c) The Clerk shall give notice of the time, place and purpose of every special Meeting to all Members not less than 48 hours prior to the time fixed for the Meeting.
- (d) The notice calling a special Meeting of the Council shall state the business to be considered at the special Meeting and Council shall consider no business other than that stated in the notice at such Meeting, except with the unanimous consent of all Members present at such Meeting.
- (e) On urgent or extraordinary occasions, the Mayor may call an emergency special Council Meeting without the notice provided in Section 2.5(c).

2.6 Standing Committee Meetings

- (a) Standing Committees shall meet in the Council Chamber of City Hall on the dates and times set by Council by resolution unless otherwise agreed.
- (b) The Chair of the Standing Committee, the Mayor by reason of office, and the majority of members of a Standing Committee may call a special Standing Committee meeting.
- (c) Once a special Standing Committee meeting has been requested, the Meeting will be scheduled for the earliest possible time when a quorum would be available.
- (d) At the direction of the Chair of a Standing Committee, the Clerk shall give notice of the time, place and purpose of every special Meeting or cancellation of a special Meeting to all members not less than 48 hours prior to the time fixed for the meeting.
- (e) The notice calling a special Meeting of the Standing Committee shall state the business to be considered at the special Meeting and the Standing Committee shall consider no business other than that stated in the notice at such Meeting, except with the unanimous consent of all Members present at such Meeting.
- (f) On urgent or extraordinary occasions, an emergency special Standing Committee Meeting may be called without the notice provided for in sub-Section 2.6(d).

~~(g) All Resolutions passed at Special Standing Committee Meetings shall be forwarded to Council for consideration.~~

(g) Standing Committee recommendations become resolutions of Council upon approval. Standing Committees are not empowered to direct that any action be taken by the Corporation, except to request further clarification or give direction on any matter of business under consideration.

2.7 Closed Meetings

- (a) Meetings shall be open to the public.

- (b) Notwithstanding Section 2.7(a), a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
- a. the security of the property of the municipality or local board;
 - b. personal matters about an identifiable individual, including municipal or local board employees;
 - c. a proposed or pending acquisition or disposition of land by the municipality or local board;
 - d. labour relations or employee negotiations;
 - e. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - f. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - g. a matter in respect of which a council, board, committee or other body may hold a Closed Meeting under an Act other than the Municipal Act;
 - h. Or, if a meeting is held for the purpose of educating or training the Members; and, at the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or Committee.
- (c) Prior to holding a Closed Meeting, Council or Committee shall state by resolution the fact of the holding of the Closed Meeting and the general nature of the matter to be considered therein.
- (d) A Meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, as amended or replaced from time to time.
- (e) The Clerk and/or his or her designate shall attend Closed Meetings and record the proceedings, including procedural motions and direction given to staff, without note or comment.
- (f) The Clerk may delegate the Clerk duties with respect to recording minutes in a Closed Meeting of Council to a staff person only. For Closed Meetings of the Audit Committee, the Clerk may delegate the Clerk's duties with instructions to the City's external Auditor.
- (g) i. All electronic devices must be turned off throughout Closed Meetings of Council or Committees with the exception of 'on call/on duty' medical or emergency services personnel (Council or employees).
- ii. Medical or emergency services personnel (Council or employees) who are on scheduled 'on call/on duty' while attending a Closed Meeting of Council or Committees, at the start of the meeting, shall advise the Chair, place their electronic devices in the 'loud' position in order to notify, and upon notification, that they leave the room to respond.

3. ORDER OF BUSINESS

3.1 Council Agenda

The Clerk in consultation with the Mayor and staff shall have discretion to prepare for the use of Members, an agenda containing the following:

- Call to Order
- Singing of O Canada
- Silent Prayer
- Disclosure of Pecuniary Interest and General Nature Thereof
- Confirmation of Minutes
- Presentations
- Consent Reports
- Consent Agenda
- Special Resolutions
- By-laws
- Announcements
- Notice of Motions
- Adjournment

3.2 Council Planning Agenda

The Clerk in consultation with the Mayor and staff shall have discretion to prepare for the use of Members, an agenda containing the following:

- Call to Order
- Singing of O Canada
- Silent Prayer
- Disclosure of Pecuniary Interest and General Nature Thereof
- Public Meetings Pursuant to The Planning Act
- Presentations
- Consent Reports
- Consent Agenda
- Special Resolutions
- By-laws
- Announcements
- Notice of Motions
- Adjournment

3.3 Standing Committee Agenda

The Clerk in consultation with the Chair and staff shall have discretion to prepare for the use of Members, an agenda containing the following:

- Declaration of Pecuniary Interest and General Nature Thereof
- Confirmation of Minutes
- Presentations
- Consent Agenda
- Adjournment

3.4 a) Those matters which are extremely time sensitive and not appearing on an agenda or addendum may be added to an agenda with the consent of a majority vote of the Members present.

b) A member of Council may request that a matter appearing on the information sheets items to Council, be listed on a the appropriate standing committee agenda for discussion or consideration.

4. DISCLOSURE OF PECUNIARY INTEREST

4.1 When a Member present at a Meeting has a pecuniary interest as defined in the *Municipal Conflict of Interest Act*, as amended or replaced from time to time, the Member shall, prior to any consideration or discussion of the matter, disclose the pecuniary interest and the general nature thereof and refrain from discussing, debating or voting on the matter.

4.2 When a Member has a pecuniary interest and is not present at the meeting when the matter is considered or discussed, the Member shall disclose the pecuniary interest and the general nature thereof at the first meeting attended by the Member after the matter was considered or discussed.

4.3 In addition to complying with the requirements of Section 4.1, if the matter is being considered or discussed at a Closed Meeting, retire from the Meeting for the portion in which that matter is discussed, debated or voted on.

4.4 When a Member of Council has participated in any matter despite having previously declared a possible pecuniary interest regarding such matter, Council or Committee may consider deferring the matter for sufficient time to assess any impact such participation may have had on the decision making process.

5. MINUTES

5.1 The Clerk shall present the minutes of previous Open and Closed Meetings to Council and Committee for adoption.

5.2 When the minutes of a Council Meeting have been adopted, the Mayor and Clerk shall sign them.

6 PUBLIC DECORUM AT MEETINGS New section

Members of the public who constitute the audience at a meeting, shall not:

a) address Council without permission;

b) bring food or beverage into the Council Chamber or meeting room unless so authorized;

c) engage in any activity or behaviour that would affect the Council or Committee deliberations.

76. PRESENTATIONS

76.1.(a) Presentations at meetings shall be limited to a maximum of 10 minutes.

(b) Presentations by outside organizations or individuals shall not be permitted for the sole purpose of generating publicity or promotion and shall provide information only.

76.2.(a) The following types of presentations shall provide information only and shall be heard at the beginning of a meeting:

(i) Presentations by staff and outside organizations providing information with no accompanying report; and,

(ii) Presentations recognizing achievements.

(b) (a) Outside organizations or individuals shall provide the Clerk with written material for inclusion on the agenda by the agenda production deadline. Material from outside organizations or individuals shall not be added on the addendum.

(c) Presentations by outside organizations or individuals shall not be added on the addendum.

(d) A request from an outside organization or individual to make a presentation to Council or Standing Committee shall only appear on an agenda upon approval of the Chair and Executive Director for the appropriate service area.

76.3 Where a City presentation involves an item on an agenda, the item shall be extracted from the Consent Report and/or Consent Agenda and shall be heard at the appropriate time in the agenda with the report brought forward for consideration immediately after the presentation has been made. If delegates wish to speak in addition to a presentation involving an item on the agenda, the item shall not be brought forward for consideration until all delegates on the same have been heard.

87. DELEGATIONS

87.1 No delegations shall be made to Council or Committee on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals affecting the City unless such matter is referred to Council by the said administrative tribunal or court or, in the alternative, Council

deems this matter to be sufficiently important to allow the delegate to be heard.

| [87.2](#) No person, except Members of Council and appointed officials of the City of Guelph, shall be permitted to come within or behind the horseshoe during a meeting of the Council or Committee without the permission of Council or Committee.

| [87.3](#) No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee.

| [87.4](#) Delegates shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event.

| [87.5](#) No delegate shall speak on a matter that is not within the jurisdiction of the Council or Committee. The Chair in consultation with the Clerk will determine if a matter is within the jurisdiction of the Committee or Council.

| [87.6](#) A delegate shall only register themselves to speak and not provide the Clerk with names of any other delegates.

| [87.7](#) If a delegate is not able to attend the meeting for which they are registered, they cannot have another person read their submission, but can provide the Clerk a written copy of their delegation to be included on the addendum by 9:00 a.m. the Friday prior to the meeting.

| [87.8](#) A delegate may address Council or Committee for a period of time not exceeding five minutes. Council or Committee may extend the five minute time period by a majority vote of the Members present. Such question shall be decided without debate. Notwithstanding this, the time limitation for delegations at a Council Planning meeting with respect to hearing applications under the *Planning Act*, shall not exceed ten minutes.

| [8.9](#) A delegate may only address Council or Committee with respect to an item on the agenda.

| [8.10\(a\)](#)—Notwithstanding(+) 8.9, a delegate shall request in writing to speak on a matter not on the agenda. This request shall be received by the Clerk's office by the agenda production deadline.

| [\(b\)](#) Matters requested by delegates shall not be placed on the agenda by way of addendum.

| [\(c\)](#) Matters requested by delegates shall be placed on the agenda of the appropriate Standing Committee and not on a Council agenda.

| [\(d\)](#) Standing Committee shall refer matters requested by delegates to staff with instructions for further information.

- (ee) An individual representing three or more people wishing to address Council or Committee as a delegate shall be limited to a maximum of ten minutes for their delegation.
- (fd) Notwithstanding Section 7.6(a), designated representatives of the County of Wellington appearing before the Community & Social Services Committee with respect to land ambulance service matters, shall have no time limitations placed on their delegation.
- 8711-7 —Delegates have until 9:00 a.m. on the Friday of the week prior to the meeting to notify the Clerk to be a delegate or to submit a written comment for any meeting occurring the following week.
- 8.12 For a meeting other than a public meeting pursuant to legislation, a delegate who is listed on the agenda and is unable to attend the meeting, may, by notifying the Clerk at least one business day prior to the meeting, submit a written statement.
- 8.13 Except on matters of order, Members of Council shall not interrupt a delegate while he or she is addressing Council or Committee.
- 8.14 Members may address a delegate only to ask questions and not to express opinions or enter into debate or discussion.
- 8.15 All registered delegates shall be heard before Council or Committee enters into discussion or debate.
- 87.12 After all delegations have been heard, the related item shall immediately be brought forward for the consideration of Council or Committee.

9. WRITTEN SUBMISSIONS FOR INCLUSION ON THE AGENDA *(new section)*

- 9.1 —People may submit written correspondence on matters listed on the agenda by the timelines as per section 8.11 for inclusion on the agenda and addendum.
- 9.2(a) —Petitions shall include a statement or position that the signers are supporting, the legible printed names of the signers, and original signatures of each of the signers.
- (b) a) Individuals who are represented by photocopies of their signatures will not be considered valid supporters of the petition.
- (c) b) The individual or group initiating the petition, or submitting the petition to the Clerk, Committee or Council must provide a key contact name, mailing address, and telephone contact information to the Clerk.
- (d) e) Electronic petitions are not valid as they do not contain original signatures. Petitions preambles with the number of signators only, are

placed on the agenda, with the originals to be on file with the Clerk's office.

108. CONSENT REPORTS

108.1 The reports from a Standing Committee to Council shall be submitted to Council in the form of a Consent Report, and shall be dealt with by Council in the manner as provided for in Section 10.5-3:

10.2NEW A resolution "to receive" by a Standing Committee shall not be placed on a Standing Committee Consent Report to Council unless a resolution directing the item to be forwarded to Council is passed by the Committee.

10.3 —A resolution "to refer back" to staff and report back by a Standing Committee shall not be forwarded to Council unless direction to do so is included in the resolution.

10.48-2 Council shall consider reports of Standing Committees of Council as well as Committees, boards and commissions in the following order:

- (i) Standing Committees
- (ii) Special/Ad Hoc Committees; and
- (iii) Boards and commissions.

10.58-3(a) Standing Committee reports shall be presented by the Chair of the Committee or, in his or her absence, by a Member of the Committee, who shall move the adoption of the report.

(b) Council Members shall identify any items contained in a Committee Consent Report, which they wish to speak to and the matter shall be extracted from the Consent Report to be dealt with separately.

(c) The balance of items on the Committee Consent Report, which have not been extracted, shall be voted on in one motion.

10.6 Reports from boards and commissions submitted in writing shall be signed by the Chair or Secretary. When such reports are requesting Council action, they shall include appropriate resolutions for consideration.

119. CONSENT AGENDA

119.1 Council and Council Planning Consent Agenda

(a) The Council Consent Agenda shall consist of the following items:

- (i) Reports from staff;
- (ii) Correspondence for the direction of Council, which may include:
 - Correspondence for which a policy decision or approval of Council is required;
 - Correspondence accompanied by a recommendation from staff; and,
 - Correspondence for the information of Council.

iii) items of a timely nature

iv) Motions at the Standing Committee that result in a tie.

(b) NEW Items that are not of a timely nature, shall be placed on the appropriate Standing Committee agenda.

~~(c)~~ Council may, by one single resolution adopt the Council Consent Agenda in its entirety. Members of Council who wish to address specific items on the Consent Agenda may identify such items, which shall be extracted and dealt with separately. The balance of the Council Consent agenda, which was not extracted, shall be adopted in one resolution.

~~(d)~~ No item shall be placed on an agenda in respect of a matter which is not within the jurisdiction of Council. The Mayor in consultation with the Clerk will determine if a matter is within the jurisdiction of the Committee or Council.

119.2 Standing Committee Consent Agenda

(a) Each Standing Committee shall use a Consent Agenda which shall consist of the following items:

- (i) Reports from staff;
- (ii) Matters referred by City Council;
 - Correspondence for the direction of a Standing Committee for which a policy decision or approval of the Standing Committee is required;
 - Correspondence accompanied by a recommendation from staff; and,
 - Correspondence for the information of the Standing Committee.

(b) The Standing Committee may, by one single resolution adopt the Consent Agenda in its entirety. Members of the Standing Committee, and other Members of Council present, who wish to address specific items on the Consent Agenda may identify such items, which shall be extracted and dealt with separately. The balance of the Consent Agenda which was not extracted shall then be adopted in one resolution.

(c) No item shall be placed on an agenda in respect of a matter which is not within the jurisdiction of the Standing Committee. The Chair in consultation with the Clerk will determine if the matter is within the jurisdiction of the Committee.

129. CONDUCT OF MEMBERS

- 129.1 Council and Committee Members shall govern themselves according to Council's Code of Conduct.
- 129.2 The Mayor or Chair shall preserve order and decide questions of order and privilege.
- 129.3 Every Member desiring to speak, shall raise his or her hand so as to be recognized by the Mayor or Chair.
- 129.4 Every Member, on being recognized, shall remain seated in his or her place, and address themselves to the Mayor or Chair.
- 129.5 A Member called to order by the Mayor or Chair shall immediately cease stating further comment, and may appeal the call to order to the Council or Committee. The Council or Committee, if appealed to, shall decide on the case without debate and by way of a majority vote of the Members present. If there is no appeal, the decision of the Mayor or Chair shall be final.
- 129.6 No member shall without leave of the Council or Committee:
- (i) speak to an issue for more than 5 minutes (cumulative);
 - (ii) use offensive words or speak disrespectfully of Council, Committee staff, or any person;
 - (iii) speak on any subject other than the subject under debate;
 - (iv) speak in contempt of any decision of the Council or Committee;
 - (v) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or,
 - (vi) disobey the rules or decisions of Council or a decision of the Mayor or Chair on questions of order or privilege, or upon the interpretation of the rules of procedure, and in case a Member persists in any such disobedience after having been called to order by the Mayor or Chair, such Member may be ordered by Council or Committee to leave his or her seat for that meeting. In the event that a Member refuses to vacate their seat, the Mayor or Chair may request that the Member be removed by the police. In case of adequate apology being made by the Member they may, by way of majority vote of the Members present be permitted to take their seat.
- 129.7 Subsection 10.6(i) shall not apply to a Committee Chair, or his or her designate when presenting the Committee's report to Council.

134. POINTS OF ORDER OR PRIVILEGE

- 134.1 Point of Order

- (a) A Member may raise a point of order at any time, whereupon the Mayor or Chair shall:
- (i) interrupt the matter under consideration;
 - (ii) ask the Member raising the point of order to state the substance of and the basis for the point of order; and,
 - (iii) rule on the point of order immediately without debate by Council or Committee.
- (b) A Member of Council or Committee may appeal the ruling of the Mayor or Chair to Council or Committee which will then decide on the appeal, without debate, by way of a majority vote of the Members present. If there is no appeal, the decision of the Mayor or Chair shall be final.

131.2 Point of Privilege

- (a) A Member may raise a point of privilege at any time if he or she considers that their integrity or the integrity of Council or the Committee as a whole has been impugned, whereupon the Mayor or Chair shall:
- (i) interrupt the matter under consideration;
 - (ii) ask the Member raising the point of privilege to state the substance of and the basis for the point of privilege; and,
 - (iii) rule on the point of privilege immediately without debate by Council or Committee.
- (b) A Member of Council or Committee may appeal the ruling of the Mayor or Chair to Council or Committee.
- (c) If there is no appeal, the decision of the Mayor or Chair shall be final. The Council or Committee, if appealed to, shall decide the question without debate and its decision shall be final.
- (d) Where the Mayor or Chair considers that the integrity of any City employee has been impugned or questioned, the Mayor or Chair may permit staff to make a statement to Council or Committee.

142. MOTIONS AND ORDER OF PUTTING QUESTIONS IN COUNCIL AND COMMITTEE

142.1 Council or Committee shall not debate any motion until it has been seconded. When a motion has been seconded, it may upon request, be read or stated by the Mayor or Clerk at any time during the debate.

142.2 When a Councillor moves a main motion or an amendment to a motion that is not recorded as part of the agenda package, that Councillor shall provide a written copy of the motion to the Mayor prior to the vote being taken.

| [142.3](#) Whenever the Mayor is of the opinion that an amending Motion is contrary to the main Motion, the Mayor shall apprise the Members thereof immediately. A member of Council or Committee may appeal the ruling of the Mayor to Council or Committee. If there is no appeal, the decision of the Mayor shall be final. The Council or Committee, if appealed to, shall decide the question without debate and its decision shall be final.

| [142.4](#) A Motion in respect of a matter which is not within the jurisdiction of the Council or Committee shall not be in order. The Chair in consultation with the Clerk will determine if the matter is in the jurisdiction of Council or Committee.

| [14.5](#) After a motion has been moved and seconded, it shall be deemed to be in the possession of Council or Committee. Council or Committee may consent to the withdrawal of the motion at any time before amendment or decision.

| [14.6](#) When a motion is under consideration no other motion shall be received unless it is a motion:

- (a) to refer the motion to a Committee, staff or any other person or body. Such a motion to refer:
 - (i) is open to debate;
 - (ii) is amendable; and
 - (iii) shall preclude amendment or debate of the preceding motion unless resolved in the negative.
- (b) to amend the motion. Such a motion to amend:
 - (i) is open to debate;
 - (ii) shall not propose a direct negative to the main motion;
 - (iii) shall be relevant to the main motion;
 - (iv) is subject to only one amendment, and any amendment more than one must be to the main question; and if more than one, shall be put in the reverse order to that in which they were moved, and shall be decided or withdrawn before the main question is put to the vote.
- (c) to defer the motion to another time. Such a motion to defer:
 - (i) is not open to debate;
 - (ii) is not subject to amendment; and
 - (iii) applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.
- (d) to adjourn the meeting. Such a motion to adjourn:
 - (i) is not open to debate;
 - (ii) is not subject to amendment; and
 - (iii) shall always be in order.
- (e) to call the question. Such a motion to call the question:

- (i) cannot be amended;
- (ii) cannot be proposed when there is an amendment under consideration;
- (iii) shall preclude all amendments to the main motion
- (iv) when resolved in the affirmative, shall be followed by putting the question, without debate or amendment;
- (v) when resolved in the negative, shall be followed by resumption of debate; and
- (vi) shall always be in order.

142.7(a) Once all motions relating to the main motion have been dealt with, and once the main motion is put, there shall be no further discussion or debate and the motion shall be immediately voted on.

(b) A motion, once put, may be voted against by the mover and seconder.

153. VOTING

153.1 Open Meeting Voting

153.1(a) When one or more motions as set out in Section 12 have been made, the order of the vote shall be as follows:

- (i) to defer the motion;
- (ii) to refer the motion;
- (iii) upon the amendments in the reverse order to that in which they were moved, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
- (iv) then, upon the main motion or upon the main motion as amended, if any amendments have been carried.

(b) Except as otherwise provided, every member of Council or Committee shall have one vote.

(c) i) Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.

New: ii) Motions which end in a tie vote at any committee which reports to Council, shall be reported to Council, with no recommendation decision to allow Council the opportunity to discuss and make a decision.

(d) A failure to vote by a Member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

(e) When the question under consideration contains distinct clauses, upon the request of any Member, the vote on each distinct clause, including each clause added by way of amendment, shall be taken separately.

- (f) After a question is finally put by the Mayor or Chair, no Member shall be recognized to speak to the question, or make any other motion after the result of the vote has been declared.
- (g) Members shall distinguish their vote by voting either in favour or opposed using an electronic voting system. Should Council or Committee meet in a location where there is no electronic voting system or should the electronic voting system be inoperable, each Member must distinguish their vote by clearly calling out if they are in favour or opposed to the question when their name is called.
- (h) Unless otherwise requested by a Member, no recorded vote is required for the following privileged and incidental motions:
 - (i) Adjournment
 - (ii) Recess
 - (iii) Suspension of the Rules of Procedure
 - (iv) Extend the automatic adjournment beyond 11:00 p.m.
 - (v) Add an item not appearing on the agenda
 - (vi) Moving in and out of a Closed Meeting
 - (vii) Call the question
- (i) The Clerk shall record in the minutes the name of any Member of Council or Committee who is not present in the Chamber when such recorded vote is taken.
- (j) The Mayor or Chair shall vote on any question while in possession of the Chair, however, if the Mayor or Chair wishes to propose a Motion he or she shall step down and shall not resume the Chair until the vote is taken.

| 153.2 Closed Meeting Voting

- (a) In a Closed Meeting, Council or Committee shall only vote on motions pertaining to procedural matters or for giving directions or instructions to officers, employees or agents of the City, local board or Committee of either of them or persons, retained by, or under a contract with the City.
- (b) In relation to a matter considered in a Closed Meeting pursuant to Section 2.7, Council may:
 - (i) vote on a procedural motion to rise, report and introduce a proposed recommendation as a Special Resolution in an Open Meeting;
- (c) In relation to a matter considered in a Closed Meeting pursuant to Section 2.7, Council or Committee may:
 - (ii) vote on a procedural motion to rise, report and introduce a proposed recommendation as part of a report appearing on an Open Meeting agenda; or,

- (iii) to give direction to staff to include a recommendation as part of an Open Meeting report on a subsequent meeting agenda.
- (d) Notwithstanding Section 13.1(g) there shall be no recorded votes in a Closed Meeting unless otherwise requested by a Member.

164. RECONSIDERATION OF A COUNCIL DECISION

164.1(a) Council may reconsider a ~~resolution~~~~motion~~ that was decided as a previous decision of Council. Such reconsideration can either amend the previous decision or rescind it.

NEW (b) If Council passes a resolution and adopts the same matter by by-law, only the resolution may be reconsidered.

(c) If the decision resulting from the reconsideration warrants, the by-law will be amended or repealed accordingly.

164.2 A motion to reconsider shall be introduced by way of a Notice of Motion to Council and considered as a Special Resolution at a subsequent meeting of Council pursuant to Section 17 of this By-law.

164.3 Any Member of Council who voted with the majority in respect of a previous decision or was absent from the vote may move or second a motion for reconsideration.

164.4 A motion to reconsider must be carried in the affirmative by a minimum of a majority of the Whole of Council.

164.5 Debate on a motion for reconsideration must be confined to reasons for or against the reconsideration, and no discussion on the main question shall be allowed until the motion for reconsideration is carried.

164.6 If a motion to reconsider is decided in the affirmative, reconsideration of the original motion shall become the next order of business unless the motion for reconsideration called for a future definite date.

164.7 No question shall be reconsidered no more than once during the term of Council, nor shall a vote to reconsider be reconsidered.

175. BY-LAWS

175.1 The Clerk shall submit to Council a summary of all By-laws proposed for adoption, including the By-law numbers, titles and explanatory notes.

175.2 Every proposed By-law shall be at the Council Meeting and be available to any person interested in reviewing same.

- | 175.3 Unless otherwise requested or separated, all By-laws proposed for adoption shall be passed in one single motion.
- | 175.4 The Clerk shall be responsible for their correctness should they be amended at a Council Meeting.
- | 175.5 Every By-law passed by Council shall:
- (i) be signed by the Mayor, or the presiding officer at the meeting;
 - (ii) be signed by the Clerk or designate;
 - (iii) be sealed with the seal of the City, and;
 - (iv) indicate the date of passage.
- | 175.6 Council shall enact a By-law to confirm all actions taken by Council at that meeting.

| 186. ANNOUNCEMENTS

- | 186.1 Announcements shall be provided to the Mayor in writing prior to the Council Meeting, and the Mayor shall read the announcements at the end of the Council Meeting.

| 197. NOTICE OF MOTIONS AND SPECIAL RESOLUTIONS

| 197.1 Notice of Motions

- (a) Any Member may give notice that he or she intends to introduce a motion at a subsequent meeting of Council to initiate any measure within the jurisdiction of Council. At the time of giving notice, the Member shall fully disclose its intent. The introduction of a notice does not require a seconder and is not, at that time, debatable.
- (b) A motion for which notice has been given, other than one to reconsider or rescind a prior decision of Council, shall be in the form of a referral to a Committee for a recommendation to Council, unless the matter is time sensitive and requires a more immediate decision of Council.
- (c) A motion for which notice has been given shall be in writing, and shall be submitted to the Clerk prior to the agenda deadline for inclusion as a Special Resolution in an agenda of the next Council meeting which is not a Council Planning meeting or a special meeting.
- (d) If a motion is introduced and not brought forward in the next 2 subsequent meetings of Council, which are not Council Planning meetings or special meetings, the motion expires.

| 197.2 Special Resolutions for Notice of Motion

- (a) Motions for which notice has been given shall be listed on the agenda under the Special Resolutions heading on a subsequent Council meeting which is not a Council Planning meeting or special meeting. Special Resolutions for which previous notice has been given shall not be placed on any addendum agenda.
- (b) In introducing a Special Resolution to Council, a Member shall be permitted the opportunity of providing material and information in support of the resolution for the benefit of Council.

| 197.3 Special Resolutions for Closed Meeting Reporting

- (a) Where Council has passed a procedural resolution at a Closed Meeting to report out at the same Open Meeting, such resolution may be introduced under the Special Resolution heading of the agenda pursuant to Section 13.2(b)(i) of this By-law.
- (b) Council or staff may provide contextual information prior to Council's consideration of the Special Resolution.

| 2018. **ADDENDUM AGENDA**

- | 2018.1 The Clerk shall prepare an addendum to advise Council or Committee of the names of registered delegates and written submissions relating to matters on the agenda.
- | 2018.2 Items or matters will not be added to the agenda after its distribution to Council or Committee by inclusion on the addendum unless directed by the Mayor or Chair, respectively, or CAO and/or Executive Director(s) if the urgent nature of the matter requires a decision prior to the next Council or Committee meeting.

| 219. **ADJOURNMENT**

- | 219.1 The Council shall adjourn at 11:00 p.m. if in session at that hour, unless otherwise decided before that hour by a two-thirds vote of the members present. If the Council is adjourned at 11:00 p.m., before the agenda is completed, Council shall establish a time and date for consideration of the balance of the agenda.
- | 219.2 Only one motion to extend the automatic adjournment beyond 11:00 p.m. shall be permitted per meeting, and the maximum allowable extension shall be to 11:59 p.m.
- | 219.3 A motion to adjourn may be made by any Member who has been recognized by the Mayor or Chair. The motion must be moved and seconded prior to being voted on. A motion to adjourn shall be not be made during a vote on any other motion.

219.4 Notwithstanding Section 19.1, if a motion to extend the automatic adjournment time is required prior to the hearing of all delegates on a matter being considered at the time such motion to adjourn is made, Council shall not adjourn the meeting until all listed delegates on the matter have been heard. Once the listed delegates have been heard, Council shall deal with the matter being considered at the time the motion to adjourn was made, as well as any other time sensitive issues on the agenda identified by the Clerk.

220. ~~NOMINATING AND~~ STRIKING COMMITTEE

220.1(a) Council as a whole shall appoint Chairs ~~and Vice Chairs~~ to all Standing Committees.

(b) Council as whole shall select the Chairs ~~and Vice Chairs~~ of the Standing Committees following a municipal election and two years thereafter, prior to the selection of the Standing Committee Members. The Council shall consider rotating the Standing Committee Chair ~~and Vice Chair~~ position every two years when selecting a Standing Committee Chair ~~and Vice Chair~~. In appointing the Standing Committee Chair ~~and Vice Chair~~, consideration shall be given to workload balance, individual interests and Councillor development.

(c) Each Standing Committee at their first meeting following the appointment of its members, select a Vice-Chair. The Standing Committee shall consider rotating the Vice-Chair every two years . In appointing a Standing Committee Vice-Chair, consideration shall be given to workload balance, individual interests and Councillor development.

(d)20.9(a) In the first year of each new term, the Council shall meet as a Striking committee for the purpose of making citizen appointments to Boards, Committees and Commissions.

(e) In all other years of the Council term, the Striking Committee shall meet as part of the last regularly scheduled Council meeting in November.

23. Nominating Committee

230.(a)2 In the first year of each new term, the Council shall establish a Nominating Committee for the purpose of making recommendations on the appointment of Council members to Committees, local board and other public agencies.

20.3(b) The Mayor shall chair the Nominating Committee.

20.4(c) The Nominating Committee shall be composed of the Mayor and the Chairs of the Standing Committees.

- | [20-5\(d\)](#) In the first year of each new term of Council, the Nominating Committee shall, as soon as possible, make recommendations to Council on all Council Member appointments.
- | [20-6\(e\)](#) In all other years of the Council term, the Nominating Committee shall make recommendations on Councillor Member appointments to Council prior to the last regularly scheduled Council meeting in November.
- | [20-7—\(f\)](#) For Councillor vacancies that occur during the term of Council, the Nominating Committee shall make a recommendation to Council.
- | [\(g\)20-8](#) Council shall consider both qualifications as well as individual interests when selecting Committee Members. In order to balance Committee workload, each Councillor shall serve on at least two of the Standing Committees. The selected Members of each Standing Committee shall be appointed by Council for a two year term. A quorum for a Standing Committee shall be three Members. [

24. Committees Reporting Directly to Council

The following Committees and Boards report directly to Council:

a) Ad Hoc Committees

- i) Striking Committee – comprised of Members of Council
- ii) Nominating Committee – comprised of Chairs of the Standing Committee Chairs & Mayor

b) ~~Standing~~Governance Committees

- ~~i) Governance~~
- ii) Audit Committee
- iii) Governance Committee
- ~~iiiv) Emergency Governance (as needed)~~

Note: These governance committees are delegated responsibilities to make recommendations to Council on the certain responsibilities of Council as a whole.

c) Operating

- i) Community & Social Services Committee
- ii) Corporate Administration, Finance & Enterprise Committee
- iii) Governance Committee
- iv) Operations, Transit & Emergency Services Committee
- v) Planning & Building, Engineering and Environment Committee

d) Quasi-Judicial / Adjudicative Committees

- i) Municipal Election Compliance Audit Committee

e) Corporations

- i) Guelph Municipal Holding Company (GMHI)
- ii) Guelph Junction Railway

f) Committees with Delegated Authority

i) Committee of Adjustment

ii) Appeals Committee

iii) Property Standards/Fence Viewers Committee

254. STANDING COMMITTEES, SPECIAL/AD HOC COMMITTEES AND ADVISORY COMMITTEES

254.1 Standing Committee Procedures

- (a) A Standing Committee, shall be comprised of ~~5~~ 4 members of City Council and the Mayor, deal with the subject matter specific to its ~~mandate and charter~~ scope of responsibilities and make recommendations to Council for approval.
- (b) A Standing Committee is an advisory body to Council established by Council. Standing Committees are comprised of Councillors only and are supported by City staff.
- (c) Standing Committees shall deal with matters relating to the specific area of jurisdiction regarding municipal functions as detailed in Section 21.2.
- (d) The ~~responsibilities~~ responsibilities of each Standing Committee shall be to:
- ~~(i) guide and direct staff, through the CAO, on the direction and nature of policy development, including policy interpretation and clarification, fact-finding, analysis, and generation of alternatives;~~
 - ~~(ii) receive delegates and establish mechanisms to receive further public input on public policy matters;~~
 - ~~(iii) establish Special/Ad hoc Committees and Sub-Committees, including the establishment of terms of reference and memberships for same, to address specified policy issues for referral to the Standing Committee;~~
 - ~~(iv) consider the well-being and interests of the municipality;~~
 - ~~(v) evaluate the policies and programs of the municipality;~~
 - ~~(vi) ensure the accountability and transparency of the operations of the municipality; and,~~
 - ~~(vii) support and maintain the financial integrity of the municipality.~~
- (i) Leadership & Stewardship
- a) establish priorities for Committee work scheduled annually
 - b) track outstanding Committee items
 - c) consider risk management issues when debating options and recommendations
- (ii) Empowerment & Accountability
- a) review annual reports on delegated authority for each service area
 - b) recommend to Council opportunities for delegation of authority
- (iii) Communication, Engagement & Transparency

- a) recommend improvements to information flows for each service area
 - b) maintain a rolling calendar of regular performance and accountability reports
- (iv) Service & Fairness
 - a) ensure the Committee conducts its business consistent with Council's policies
 - b) consider Guelph's commitment to sustainability in the areas of social, economic, cultural and environmental stewardship when developing recommendations
- (v) Continuous Learning & Growth
 - a) ensure members receive orientation on their service areas
 - b) recommend service reviews for the consideration of the Internal Auditor

- (e) Council shall appoint the following Standing Committees:
- (i) Audit Committee
 - (ii) Community & Social Services Committee,
 - (iii) Corporate Administration, Finance & Enterprise Committee
 - (iv) Governance Committee
 - (v) Operations, Transit & Emergency Services Committee
 - (vi) Planning & Building, Engineering & Environment Committee
 - (vii) Emergency Governance Committee
- (f) The following Standing Committees shall be composed of four Councillors and the Mayor:
- (i) Audit Committee
 - (ii) Community & Social Services Committee
 - (iii) Corporate Administration, Finance & Enterprise Committee
 - (iv) Planning & Building, Engineering & Environment Committee
 - (v) Operations, Transit & Emergency Services Committee
- (g) The Emergency Governance Committee shall be comprised of a minimum of four and a maximum of six members of Council and quorum shall be four members.
- (h) The Governance Committee shall be composed of the Chairs of the Community & Social Services Committee; Corporate Administration, Finance & Enterprise Committee; Planning & Building, Engineering & Environment Committee; Operations, Transit and Emergency Services Committee and the Mayor.
- (i) Notwithstanding Section 20.1 the Mayor shall chair the Governance Committee.
- (j) Where a matter may fall under the responsibility of more than one Standing Committee, the Clerk shall consult with the Mayor and the potential Chairs involved to confirm.

251.2 Standing Committee Responsibilities

(a) The ~~general responsibilities of the~~ Audit Committee scope of responsibilities includes: shall be to study and to make recommendations to Council on matters relating to, but not limited to, the following:

- (i) External Audit (Annual Audit)
- (ii) Annual Financial Statements
- (iii) Auditor Performance and Review
- (iv) Compliance
- (v) Risk Management and Internal Control
- (vi) Reporting Responsibilities
- (vii) Adequacy of the City's Resources
- (viii) Internal Audit (save and accept May 26 to November 30, 2014)
- (ix) City Financial and Control Systems
- (x) Financial Literacy

Specific Committee Responsibilities:

Leadership & Stewardship

External Audit

- Review the external auditor's proposed audit scope and approach, including coordination of audit effort with City staff.
- Review with management and the external auditors the result of the audit, including any difficulties encountered and all other matters required to be communicated to the Committee under Generally Accepted Auditing Standards.
- Resolve any disagreements between management and the external auditors regarding financial reporting.
- At the conclusion of the audit, consult with the external auditors, without the presence of management, regarding internal financial controls, compliance and the fullness and accuracy of the City's financial statements.
- Ensure the timely presentation of the external auditor's annual audit report to Council.

Risk Management and Internal Control

- Understand the scope of the external auditor's review of internal financial control over financial reporting and obtain reports on significant findings and recommendations, together with management's responses and the timing of the disposition of significant findings.
- Through the use of a risk management framework, assess the financial risks to be managed by the City and any change in significant financial risks.
- Consider the effectiveness of the City's internal control system for the safeguarding of assets, including information technology security and control, and the adequacy of policies and procedures.

- Review management and program performance regarding efficiency, effectiveness and economy in the use of resources.
- Reviewing the effectiveness of management reporting systems regarding administrative and program performance.

Other

- Recommend to Council special investigations and funding as required. Institute and oversee special investigations as authorized by Council.
- With Council approval, retain independent counsel, accountants, or others to advise the Committee or assist in the conduct of a review.

Empowerment & Accountability

Compliance

- Obtain regular updates from management and others (legal counsel, external auditors) regarding compliance with laws and regulations having a material impact on the financial statements including:
 - i) Tax and financial reporting laws and regulations.
 - ii) Legal withholding requirements.
 - iii) Environmental protection laws and regulations.
- Review by-laws and policies specifically regulating the conduct of members of council, staff and suppliers.
- Review the findings of any examinations by regulatory agencies, and any auditor observations.
- Discuss with the City Solicitor, any significant legal, compliance or regulatory matters that may have a material effect on the financial statements or the business of the City, or on the compliance policies of the City.
- Review the results of management's investigation and follow-up for any instances of non-compliance.
- Review the effectiveness of the systems established to ensure compliance.

Adequacy of the City's Resources

- Review the nature of evolving businesses managed by the City, including those changes occasioned by business or process redesign or through updated legislated requirements.
- As new businesses and ventures are embarked on by the City, gain comfort that all appropriate processes have been put in place to evaluate feasibility of the new business and to ensure proper resources, both human and financial, have been provided.

Communication, Engagement & Transparency

Reporting Responsibilities

- Ensure the creation of an annual report to council on progress achieved by the Committee and any concerns or issues that have been identified.
- The report shall be prepared by the Committee Chair with input from staff and approved by the Committee.

- Provide an open avenue of communication between the external auditor and City Council.

Accomplishment & Measurement

Financial Statements

- Review significant accounting and reporting issues, including complex or unusual transactions, highly judgmental areas and recent professional and regulatory pronouncements, and understand their impact on the financial statements.
- Review the representation letter provided by management to the external auditor.
- Prior to the presentation of the annual financial statements to Council, review the financial statements and consider whether they are complete, consistent with information known to Committee members and reflect appropriate accounting principles.
- Recommend to Council the approval and distribution of the annual financial statements.

Auditor Performance & Review

- Review and confirm the independence of the external auditor by obtaining statements from the auditor on relationships between the auditor and the City, including non-audit services, and discussing the relationships with the auditor.
- Direct and review the performance evaluation for the external auditor.
- Recommend changes to the external auditor's compensation for Council approval.
- Periodically determine whether a Request for Proposal should be issued to select an external auditing firm. As per the Ontario Municipal Act 2001 section 296 (3), the external auditor shall not be appointed for a term exceeding five (5) years.
- Participate in the selection of an external auditing firm by reviewing the Request for Proposals and bids received, interviewing potential auditing firms and recommending the external auditor for final approval to Council.

Continuous Learning & Growth

Financial Literacy

- Ongoing training and development is provided to enhance the financial literacy of the Committee members.

(b) The ~~general service area responsibilities of the~~ Community & Social Services Committee scope of responsibilities include: ~~shall be to study and make recommendations to Council on matters relating to, but not limited to, the following:~~

- (i) Arts, Culture, Entertainment & Tourism
- ~~(ii)~~ Community Engagement & Social Services (Child Care Services,
- ~~(iii)~~ (ii) Social Housing and Homes for the Aged)
- ~~(iv)~~ (iii) Parks, & Recreation Programming & Facilities
- ~~(v)~~ (iv) Administration & Customer Business Services
- (v) Corporate Building Maintenance

The following Advisory Committees and Boards report to it:

Accessibility Advisory Committee
Cultural Advisory Committee
Guelph Museums Advisory Committee
Youth Council
Locomotive 6167 Restoration Committee

The following Local Boards report to it:

Police Services Board
Sports Hall of Fame
Guelph Public Library Board
Wellington-Dufferin-Guelph Public Health Board
Board of Trustees of the Elliott
Macdonald Stewart Art Centre Board of Directors
Guelph Cemetery Commission

- (c) ~~The general service area responsibilities of the Corporate Administration, Finance & Enterprise Committee~~ scope of responsibilities includes: shall be to study and make recommendations to Council on matters relating to, but not limited to, the following:

- ~~(i) Administration~~
~~(ii) Community Energy Initiative~~
~~(iii) Downtown Renewal~~
~~(iv) Economic Development~~
~~(v) Finance and Enterprise~~
~~(vi) Corporate & Human Resources~~
- ~~• Clerks~~
 - ~~• Communications~~
 - ~~• Information Technology~~
 - ~~• Legal & Realty Services / Court Services~~

- (i) Corporate Administration
(ii) Finance & Enterprise
Community Energy
Downtown Renewal
Economic Development
Finance
(iii) Corporate & Human Resources
Human Resources
City Clerk's Office
Corporate Communications
Information Technology
Legal & Realty Services
Court Services

Specific Committee responsibilities:

Leadership & Stewardship

- Review financial management policies and make recommendations to Council.

- Monitor variance reporting for Enterprise, Operating and Capital Budgets
- Make recommendations regarding the annual budget cycle.

Members of the Committee are appointed by Council to hear appeals under the City's Business Licensing By-law as the Appeals Committee.

The following Advisory Committees report to it:

- Downtown Advisory Committee
- Economic Development Advisory Committee

The following Local Boards report to it:

- Downtown Guelph Business Association

The following Quasi-Judicial/Adjudicative Committees Agency report to it:
Appeals Committee

- (d) The ~~general responsibilities of the~~ Governance Committee scope of responsibilities includes ensuring that appropriate policies, principles, procedures and roles are established to guide and enhance: shall be to study and make recommendations to Council on matters relating to, but not limited to, the following:

- (i) Effective Corporate Governance
- (ii) Accountability and Transparency
- (iii) Strategic Planning Processes
- (iv) Committee and Council Effectiveness
- (v) CAO Performance and Review
- (vi) Oversight of Governance Policies
- (vii) Succession Planning
- (viii) Council Compensation
- (ix) Council Performance Reporting

Specific Responsibilities:

Leadership & Stewardship

Strategic Planning

- Review and recommend governance principles, policies and guidelines with respect to strategic planning for Council approval.
- Ensure an effective strategic planning and priority setting process is implemented during each new term of Council and advise on necessary improvements.
- Review and recommend an annual strategic planning work plan for Council approval.
- Receive regular update reports on the status of priority initiatives to ensure appropriate progress.
- Receive regular updates on Key Performance Indicators related to the Strategic Plan.

Enterprise Risk Management

- Understand and address risks that threaten the achievement of the organization's objectives.
- Assess risks in terms of likelihood and magnitude of impact.

- Oversee the development of policies and appropriate response strategies to identify, prioritize, and respond to the risks (or opportunities).
- Monitor progress on the effectiveness of policies and response strategies.

Empowerment & Accountability

Accountability and Transparency

- Receive and review recommendations for the development of strategic communications material to support community understanding of the City's financial standing and strategic directions.
- Review and confirm the delegation of authority protocols.
- Assess the need for discretionary positions as defined by the Municipal Act and make appropriate recommendations to Council (e.g. Auditor General, Integrity Commissioner, Lobbyist Registrar and Ombudsman).

Communication, Engagement & Transparency

Committee Performance Reporting

- Review annual information reports for Council on progress achieved by the Committee.
- Regularly evaluate meeting effectiveness and incorporate improvements as appropriate.

Accomplishment & Measurement

Effective Corporate Governance

- Regularly review Council's governance principles, policies and procedures and make recommendations for improvements.
- Ensure review of the Council Code of Conduct during new Council orientation; ensure Council signs confirming receipt at the Inaugural Meeting.
- Receive and annual report from the Integrity Commissioner reviewing the effectiveness of the implementation of the Code of Conduct.
- Review the completion of a sustainability audit for the corporation as well as a plan for ongoing assessment and reporting to the community.
- Ensure a succession management plan is in place.
- Review annual service approach and ongoing results.
- Ensure strengthened performance governance including performance metrics and reporting practices.

CAO Performance and Review

- Review and recommend governance principles, policies and procedures with respect to the recruitment, delegation of authority, compensation, succession planning and evaluation of the CAO.
- Direct and discuss CAO succession planning efforts consistent with policy guidelines.
- Oversee the recruitment process for a new CAO consistent with policy guidelines.

- Oversee the performance evaluation process for the CAO consistent with policy guidelines.
- Oversee the development of annual performance objectives for the CAO consistent with policy guidelines.
- Direct and discuss CAO succession planning efforts consistent with policy guidelines.
- Recommend changes to the CAO compensation for Council approval.

Council Compensation

- Regularly review and assess ongoing work requirements of Council.
- Direct the development of recommendations regarding principles of compensation for Council approval.
- Recommend an appropriate compensation review process involving citizens and stakeholders.
- Review and recommend required updates to existing compensation policies.

Continuous Learning & Growth

Committee and Council Effectiveness

- Regularly assess Council effectiveness and solicit input on governance concerns to be addressed.
- Provide input on changes to the Citizen Advisory Committee appointment process.
- Recommend core elements of an orientation program for the following term of Council to address learning and knowledge requirements in a timely manner.
- Recommend a Council Professional Development Program.
- Review the Procedural By-law and recommend any changes to Council.
- Review and recommend changes to the Committee Mandate and Charter of each Standing Committee once a term as needed and/or when substantive changes are proposed.
- Annually review and recommend the Council budget.

(e) The ~~general service area responsibilities of the~~ Operations, Transit & Emergency Services Committee scope of responsibilities includes: shall be to study and make recommendations to Council on matters relating to, but not limited to, the following:

- (i) ~~Operations~~
- (ii) Community Connectivity & Transit (Guelph Transit)
- (iii) Public Works
- (iv) By-law Compliance, & Security and Licensing
- (v) Emergency Services ~~(including land ambulance)~~

The following Advisory Committees report to it:

Transit Advisory Committee

(f) The ~~general service area responsibilities of the~~ Planning & Building, Engineering & Environment Committee scope of responsibilities includes: shall be to study and make recommendations to Council on matters relating to but not limited to, the following:

- (i) Engineering Services
- (ii) Planning & Building Services
- ~~(ii)~~ (iii) Building Services
- ~~(iii)~~ (iv) Solid Waste Resources
- ~~(iv)~~ (v) Wastewater Services
- (vi) Water Services

The following Advisory Committees report to it:

- Environmental Advisory Committee
- Guelph Cycling Advisory Committee
- Heritage Guelph
- Organic Waste Processing Facility Public Liaison Committee
- River Systems Advisory Committee
- Water Conservation & Efficiency Public Advisory Committee
- Municipal Property & Building Commemorative Naming Policy Committee

The following Agency reports to it:

- Grand River Conservation Authority

The following Quasi-Judicial/Adjudicative Committees Agency report to it:

- Committee of Adjustment
- Property Standards/Fence Viewers Committee

- (g) Council hereby delegates to the Emergency Governance Committee authority to exercise Council's legislative, quasi-judicial and administrative powers, subject to the limitations of the *Municipal Act*, with such delegated authority to be exercised only:
- (i) for the duration of an emergency which has been declared by the Mayor or his/her designate, in accordance with the City's Emergency Response Plan;
 - (ii) at such time when at least seven members of Council are incapacitated through death, illness or injury, and are not able to attend a properly scheduled Meeting of Council; and
 - (iii) for Council's normal decision making process and not for the management or co-ordination of emergency response activities.

254.3 Special/Ad Hoc Committees

- (a) Council may appoint Special/Ad Hoc Committees, with a defined ending, each of which shall consider a very specific matter and report to Council on that matter.
- (b) Notwithstanding Section 21.6(a) only the Members of a Special/Ad Hoc Committee shall participate in, debate or ask questions at Special/Ad Hoc Committee meetings;
- (c) Special/Ad Hoc Committees shall report back to Council.

| 251.4 Advisory Committees

- (a) Advisory Committees are created by Council with no defined ending, to report through the appropriate Standing Committee on a specific subject matter.
- (b) No Members of Council shall be appointed to Advisory Committees.

| 251.5 Member Absent from Committee Meetings

- (a) The appointment of a Member of Council to a Committee may be terminated if the Member has been absent from Meetings of the Committee for three consecutive months without being authorized to do so by a resolution of the Committee entered upon its minutes.
- (b) The appointment of a citizen member to an Special/Ad Hoc committee or Advisory Committee may be terminated if the citizen is absent from Meetings of the Committee for three consecutive months without being authorized to do so by a Resolution of the Committee entered upon its minutes.

| 251.6 Non Committee Member Participation at Meetings

- (a) Members of Council who are not Committee Members may attend both Open and Closed Meetings. They may ask questions for clarification, but shall not enter into debate.
- (b) A Chair of a Standing Committee shall recognize Standing Committee Members prior to Non Standing Committee Members
- (c) All Non Members of the Standing Committees may ask-delegate questions regarding an issue for no more than 5 minutes (cumulative).

| **262. GENERAL RULES**

| 262.1 No provision of this By-law shall be suspended except by affirmative vote of at least two-thirds of the Members present.

| 262.2 Council and Committees shall observe the rules of procedure contained in this By-law in all proceedings of the Council and Committees. This By-law shall be used to guide the order and dispatch of business of the Council and wherever possible, with the necessary modifications, for all Committees of Council, including Advisory Committees and Special/Ad Hoc Committees unless otherwise provided.

| 262.3 All matters relating to the proceedings of Council and Committees, for which Rules of Procedure have not been provided in this By-law, shall be decided by the Mayor or Chair. If a Member otherwise disagrees with the Mayor or Chair's ruling, that Member can submit an appeal to Council or

Committee to overrule the ruling by a majority vote of the Members present.

| [262.4](#) This By-law comes into force on April 24, 2012.

| [262.5](#) The short title of this By-law is the Procedural By-law.

| [262.6](#) Appendix 1, the "Motions Table", forms part of this By-law and shall be used as a reference.

| **[273.](#) PROCEDURAL BY-LAWS FOR OTHER BOARDS,
COMMITTEES OR COMMISSIONS**

| [273.1](#) Where a board, committee or commission of the City has not adopted a procedural by-law, such board, committee or commission shall be deemed to have adopted this Procedural By-law with necessary modifications including the requirement that all meetings be open to the public, subject to the same exceptions applicable to Council Meetings as set out herein.

| **[284.](#) MUNICIPAL CODE AMENDMENT**

24.1 Municipal Code Amendment #xxx, which amends Chapter 20 of the City of Guelph Municipal Code by removing Article II and substituting the aforementioned clauses is hereby adopted.

| **[295.](#) REPEAL OF PREVIOUS BY-LAW**

25.1 By-law Number (2011)-19300 is hereby repealed.

| **PASSED this TWENTY-[EIGHTH](#) DAY of [JULY](#), 2014.**

| —

KAREN FARBRIDGE, MAYOR

STEPHEN O'BRIEN, CITY CLERK

Appendix 1

Motions Table

Motion	Debatable	Non-Debatable	Amendable	Non-Amendable	Majority Vote	Special Majority
adjourn		X		X	X	
point of privilege		X		X		Chair Rules*
point of order		X		X		Chair Rules*
call the question		X		X	X	
motion to amend	X		X		X	
defer		X		X	X	
refer	X		X		X	
extend meeting beyond 11:00 p.m.	X			X		2/3 of Members Present
reconsideration	X			X		7 Members of the Whole of Council
appeal of the Chair's ruling*		X		X	X	
suspend the rules of procedure		X		X		2/3 of Members Present

**A point of order/privilege is ruled on by the Mayor/Chair. Any Member may appeal the Chair's ruling which must then be decided by a majority vote of the Members present without debate.*

STAFF REPORT



Appendix B

Summary of proposed changes to the Procedural By-law

New /Revised	Amendment	Purpose
New: to definitions	Add definition of presentation	For clarity
Delete: 2.6(g)	Requirement for all resolutions of special standing committee meetings to go to Council	For clarity: Rules are currently included in the procedural by-law
New : 2.6(g)	To define that standing committees recommend actions to Council, and do not have authority to direct the corporation or its staff.	For clarity
New : 2.7(g)	Policy about electronic devices at closed meetings	Incorporating Council approval of same
New 3.4(b)	To allow for items to be pulled from information sheets onto an agenda	For clarity: operationalises an existing practice
New :Section 6	Public decorum at meetings	For clarity: to allow for fairness and an environment free from intimidation in the gallery
New 7.1.(b)	Presentations only for the purpose of information	For clarity
New 7.2.(b),(c),&(d)	Process for presentations to appear on an agenda	For clarity
New 8.6	Delegates cannot register others	For clarity: There has been confusion resulting from people registering others.
New 8.7	Delegates can have written comments distributed if they are unable to attend	For clarity: This allows Council to have a copy of their comments if they are unable to be present.
New 8.10	To allow delegations to speak on a matter not on the agenda	For clarity: Currently there is no provision to do so
New 9.1	To acknowledge written submissions as part of the agenda and addendum	For clarity: operationalises an existing practice
New 9.2	To recognise petitions as written submissions and to define them	For clarity
New 10.2 & 10.3	To define the disposition of	For clarity

STAFF REPORT

	resolutions “to receive” and to “refer back”.	
Revised 11.1(a) & 11.1(b)	To further define what can be placed on a council consent agenda	For clarity
New 15.1(c)ii)	To forward tie resolutions at Standing committees to Council for decision	For clarity: To operationalise current practice
Revised 16.1(a) and new 16.1(b) & (c)	To state that the opportunity to reconsider will be for resolutions , not by-laws	For clarity
Breakout sections 22& 23	To delineate Striking committee from Nominating committee	For clarity
New 22.1(c)	To allow standing committees to appoint their vice chairs	Councillors have expressed the desire to have vice hairs chosen by the standing committees
New 24	To define those bodies reporting directly to Council	For clarity: To operationalise Council and standing committee terms of reference
Revise 25.1 & 21.2	To further define standing committee areas of responsibility	For clarity: To operationalise Council and standing committee terms of reference
Revise 25.6(c)	To define visiting councillor’s role at standing committee	For clarity: To harmonize with the meeting flow – chair’s guide

STAFF REPORT



TO Governance Committee

SERVICE AREA Office of the Chief Administrative Officer

DATE July 8, 2014

SUBJECT Internal Audit System – Flow of Reports

REPORT NUMBER CAO-A-1409

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To present the Committee with a formalized process for the flow of internal audit reports, management responses and status reports. As the internal audit function continues to evolve we recognize a gap in our formal process with respect to informing our Standing Committees when audits have been completed.

This new process operationalizes the recommendations and actions flowing from an internal audit and allows the Standing Committee to provide appropriate oversight in their service areas.

KEY FINDINGS

The present flow of internal audit reports, management responses and action plans does not include a process for informing the Standing Committees when an audit in their respective service areas has been completed.

The proposed new process ensures that the Standing Committees can actively monitor the status of implementation of audit recommendations and provide management oversight as per their mandate.

The current Quarterly Status Report from the Internal Auditor which reports on the number of completed and outstanding audit recommendations becomes redundant with the newly proposed process.

FINANCIAL IMPLICATIONS

N/A

STAFF REPORT

ACTION REQUIRED

1. That CAO report CAO-A-1409 entitled, "Internal Audit System – Flow of Reports", be approved.

RECOMMENDATION

1. That the internal audit process flow of reports described in this report be approved.
2. That the Quarterly Status Report from the Internal Auditor be discontinued.

BACKGROUND

As the internal audit function continues to evolve at the City of Guelph it is recognized that the current flow of reports does not include communication with the Standing Committees for each service area. We are therefore recommending a new process that will ensure the involvement of the Standing Committees and enable the appropriate level of management oversight through regularly reporting.

REPORT

The current internal audit process requires the Internal Auditor to present audit reports and management responses to Council for receipt. This process does not require the Auditee to inform their Standing Committee that an audit has been conducted or to share the audit report, management response and/or action plan for implementation of the audit recommendations.

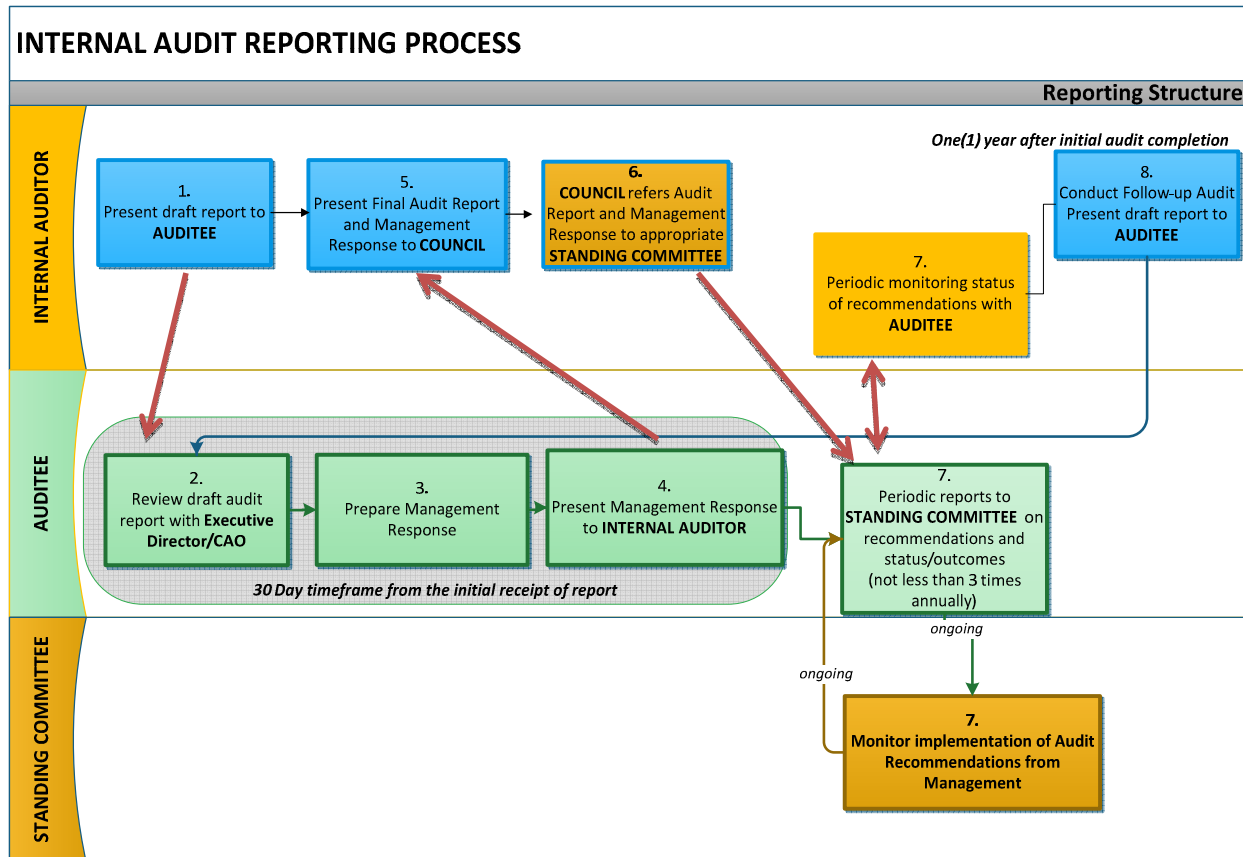
As stated in the Terms of Reference for all Standing Committees:

"Standing Committees of Council are created to enable Council's work. Committees work on behalf of Council to provide advice and make recommendations to Council. They are an important forum for policy debate and public input on issues within Council's area of responsibility. To capture the efficiency afforded by working in smaller groups, Council does not repeat the detailed discussion and analysis conducted by the Committee during Council sessions.

The Committee's mandate defines its core areas of management and responsibility. Established by the City's Procedural By-law, it is the mandate of the Committee to ensure that appropriate policies, principles, procedures and roles are established for the functional areas that comprise the scope of the Committee's responsibility."

STAFF REPORT

Staff are therefore recommending that the following internal audit reporting process be implemented.



This process enables the Standing Committees to fulfill their mandate as set forth in their terms of reference. It also provides management the opportunity to report on their progress in implementing audit recommendations which may improve their efficiency and effectiveness.

Staff recommend that management report to their Standing Committee on a not less than four-month frequency on the status of implementation of audit recommendations.

Staff also recommend that the Quarterly Status Report prepared by the Internal Auditor to report on the number of outstanding and completed audit recommendations be discontinued as the proposed new process makes that report redundant.

Staff further recommend that while most internal audit reports should be referred to the respective Standing Committees, in the case of corporate-wide audits, such as the Overtime audit, that these reports will be referred to the Governance

STAFF REPORT

Committee unless directed otherwise. The rationale for this recommendation is that the standing committees are comprised of all chairs of Standing Committees. Further, most corporate-wide audit reports deal with corporate policy and are therefore the purview of the Governance Committee.

CORPORATE STRATEGIC PLAN

1.3 Organizational Excellence – Build robust systems, structures and frameworks aligned to strategy.

2.3 Innovation in Local Government – Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION


Executive Team has been consulted in the development of this report.

FINANCIAL IMPLICATIONS

N/A

COMMUNICATIONS

No formal communication plan is required. The process will be distributed to staff.



Report Author

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Approved By

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STAFF REPORT



TO Governance Committee

SERVICE AREA Corporate and Human Resources

DATE July 8, 2014

SUBJECT Non-union and Management Employee – Overtime Policy Changes

REPORT NUMBER CHR-2014-45

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To disclose information regarding approved direction from the Closed Meeting of Council on May 26, 2014 concerning changes to the Overtime Policy for Non-union and Management Employees (NUME).

KEY FINDINGS

Direction was provided to staff on a number of changed to the Overtime Policy for Non-union and Management Employees at a closed session of Council on May 25, 2013. All changes reflect staff efforts to address rising compensation costs based on the principals of fairness, reasonableness, and equity while remaining competitive to attract and retain talent.

These changes are a result of the following:

- Human Resources work to better align the City's pay practices to those of comparator municipalities;
- The internal audit on overtime; and
- The Overtime Task Force charged with executing many of the recommendations of the audit.

Direction was provided to staff to implement recommendations in the internal audit on overtime and confirmed by the Overtime Task Force at the May 25th Closed Session of Council as follows:

1. Removal of the two hour rule for non-union positions in pay grades 5 & 6
2. Capping the amount of banked overtime for non-union staff at 70 hours

Direction was also provided to staff at the May 25th Closed Session of Council to implement the changes that were recommended by Human Resources as a result of an extensive compensation survey conducted with the City's 18 municipal compensation comparators. They are as follows:

1. With the exception of Supervisors, overtime will be calculated weekly, and will be paid at straight time, from their regular work week to 44 hours and all subsequent overtime will be paid at 1.5 times their hourly rate as required by the Ontario ESA.
2. Supervisors in pay grades 1 - 6 will be paid for all overtime after one complete hour worked at straight time.

STAFF REPORT



FINANCIAL IMPLICATIONS

Human Resources estimate savings at approximately \$110,000 for 2014 based on 2013 experience.

ACTION REQUIRED

Receive this report for information.

RECOMMENDATION

That the July 8, 2014 report entitled "Non-union and Management Employee – Overtime Policy Changes" be received for information.

BACKGROUND

On November 19, 2013, the Audit Committee was provided with a report from the Internal Auditor detailing the Auditor's findings of the City's overtime policies, practices, and costs including recommendations for changes to overtime practices.

On November 19, 2013 the Chief Administrative Officer submitted staff's response to the recommendations, which included the creation of an Overtime Task Force. The Overtime Task Force was sub-divided into three sub-committees which were to address Financial Practices, Transit Plan and Management Policies.

On November 25, 2013 Council directed staff to implement a number changes to non-union compensation in the areas of progression pay, benefits and vacation. At that time, Council was informed that "changes to the Overtime Policies for NUME staff will be referred to the task force assigned to address overtime issues resulting from the Overtime Audit recently undertaken by the Internal Auditor."

The changes as directed by Council at the Closed Session of Council on May 25, 2014 support the efforts of the Overtime Task Force in addressing the recommendations of the Internal Auditor and reflect staff's efforts to address rising compensation costs based on the principals of fairness, reasonableness, and equity while remaining competitive to attract and retain talent.

REPORT

The Law

The *Ontario Employment Standards Act (ESA)* requires overtime pay (1.5 times) for all hours worked over 44 by employees in non-supervisory roles. The ESA does not require the employer to compensate supervisory/management staff for overtime work. Currently, the City's overtime compensation practices exceed the requirements under the law. A survey of municipalities in Ontario reveals that in the majority of cases, overtime provisions for non-union employees meet or exceed ESA requirements.

Survey

Human Resources surveyed comparable municipalities to determine overtime practices for non-union employees including topics related to:

1. Lieu bank maximums and the ability to replenish throughout the year, and;
2. Compensating Supervisor positions for overtime.

STAFF REPORT



There were 18 comparators surveyed and 14 responded. Of the 14 responses received, no respondents permit the replenishing of overtime banks. Seven pay overtime and the other seven provide five lieu days to supervisory staff.

The comparator group, who responded to the survey, advised that they are reviewing their respective overtime policies and practices and anticipate making changes within the next year.

Current Practices

Management Employees (i.e. Manager level and above)

The City's current practice is to provide five extra days in recognition of all overtime incurred. Of the 14 municipalities who responded, all provide a minimum of five extra days. No change is being recommended to this practice.

Supervisors

In 2005, changes to the overtime policy were implemented for employees in pay grades 5 & 6, many of who were Supervisors. Supervisors are currently required to work the first two hours (weekly) of overtime with no additional compensation, and receive 1.5 times for all overtime above the first two hours.

Non-Union Non-Management Employees

Staff are paid for all overtime worked above their regular work day at 1.5 times. This is a greater right of benefit than the *Employment Standards Act* requires. This practice does exist within the City's comparator group.

Banking Overtime

NUME staff currently eligible to be compensated for overtime may elect to bank up to 70 hours to be taken as 'lieu' time. The current policy permits the practice of using lieu time and replenishing the lieu bank back up to 70 hours throughout the year.

This practice has often resulted where banked overtime is used regularly as opposed to vacation, leading to unused vacation banks at the end of year. This practice increases the financial obligations at year end (i.e. where unused vacation must be 'accrued' on the City's financial statements) and this liability can impact the City's credit rating. The practice of replenishing an overtime lieu bank is an outdated municipal practice and is not seen in the City's NUME compensation comparator group.

In response to the internal audit recommendations on overtime, staff are recommending changes to our NUME overtime practices, which include both cost containment and cost avoidance measures to sustain and manage employee compensation costs today and into the future.

RECOMMENDATIONS

Based on historical trends, the majority of NUME's overtime is worked between regular scheduled hours (35) and 44 hours. There were very few instances where staff was required to work in excess of 44 hours in one week. The recommendations in this report will save the City approximately \$110,000 in overtime costs.

STAFF REPORT



The following tables will demonstrate the current practice and the recommended practice:

Paid Overtime	
Current Practice	Recommended Practice
<p>Employees in pay grades 1 - 4 receive 1.5 times their hourly rate for all overtime worked on a daily basis.</p> <p>Employees in pay grades 5 and 6 (primarily Supervisors) work the first two hours without compensation and all subsequent hours are paid at 1.5 times their hourly rate.</p> <p>After the two hour rule is provided, Supervisors are paid for all overtime at 1.5 times.</p> <p>Employees in pay grades 7 and above are provided with one week in lieu of overtime worked on an annual basis.</p>	<p>With the exception of Supervisors, overtime will be calculated weekly, and will be paid at straight time, from their regular work week to 44 hours and all subsequent overtime will be paid at 1.5 times their hourly rate as required by the Ontario ESA.</p> <p>The two hour rule will be eliminated under this new policy.</p> <p>Supervisors in pay grades 1 - 6 will be paid for all overtime after one complete hour worked at straight time.</p> <p>Employees in pay grade 7 and up will be provided with one week in lieu of overtime worked on an annual basis. Additional lieu time may be granted by the Executive Director and Human Resources where excessive overtime was required.</p>

Banked Overtime	
Current Practice	Recommended Practice
<p>Employees who qualify for overtime as described above, can elect to bank overtime worked up to a balance of 70 hours and replenish the bank throughout the year.</p>	<p>Employees who qualify for overtime as described above, can only bank overtime up to a maximum of 70 hours once per year.</p> <p>Additional overtime will be paid out in accordance with the recommendations noted above and required by ESA.</p>

Of the 14 municipalities who responded to the survey, several advised that they are in the process of changing their overtime policies and/or will be reviewing their policies in 2014. Human Resources will report back to Council in May of 2015 if further changes to the Overtime Policy are warranted as a result of changes within the comparator group.

SUMMARY

All changes directed by Council outlined in this report are either direct savings to the City's budget and/or are a cost avoidance/containment strategy.

The changes are fair, sustainable, and are consistent with practices in the City's comparator group.

The changes also represent the balance required to maintain our competitiveness from an attraction and retention perspective while managing costs.

STAFF REPORT



CORPORATE STRATEGIC PLAN:

Innovation in Local Government

2.3 Ensure accountability, transparency and engagement

FINANCIAL IMPLICATIONS:

The recommended changes to the overtime policy, based on trending, will realize approximately \$110,000 in savings based on overtime costs in 2013.

- Removing the two hour rule will cost an estimated: \$26,000
- Paying straight time to 44 hours and 1.5 times after 44 hours weekly for Employees in pay grades 1 – 6 (i.e. non-union non-management positions) is an estimated savings of: (\$60,000)
- Paying straight time for all overtime hours worked at for Supervisory positions is an estimated savings of: (\$76,000)

The recommendations in this report addresses the issues identified by the Internal Auditor in the Overtime Audit and more closely aligns the City of Guelph practice for non-union overtime with the broader municipal community – which is an important consideration when balancing changes to terms and conditions of employment with the need to remain competitive in the market.

CONSULTATIONS:

Staff surveyed the City’s NUME compensation comparator group and reviewed multiple overtime policies for supervisory/management staff.

Staff obtained an outside legal advice regarding recommend changes.

COMMUNICATIONS:

A detailed communication plan is being developed and will be provided to all Non-Union and Management Employees.

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Recommended By

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STAFF REPORT



TO Governance Committee

SERVICE AREA Corporate and Human Resources

DATE July 8, 2014

SUBJECT Review of Discretionary Positions

REPORT NUMBER CHR 2014-44

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide information related to the discretionary positions under the accountability and transparency provisions of the *Municipal Act, 2001*.

KEY FINDINGS

An Auditor General position is not recommended given the existing Internal Auditor position that exists at the City of Guelph.

A Lobbyist Registry and Registrar position is not recommended given cost considerations.

A municipal Ombudsman position is not recommended given potential legislative changes to the *Municipal Act, 2001* as per recent readings of such legislation in the Ontario Legislature.

FINANCIAL IMPLICATIONS

None

ACTION REQUIRED

Committee Members receive the report for information.

RECOMMENDATION

1. The report dated July 8, 2014, titled "Review of Discretionary Positions," be received for information.

BACKGROUND

Effective January 1, 2007, the *Municipal Act, 2001* (the "Act") was amended by the *Municipal Statute Law Amendment Act, 2006*. As part of the general theme of

STAFF REPORT



broadening municipal jurisdiction and to create a less prescriptive statutory framework, a key amendment provided municipalities with legislative tools to help ensure integrity and accountability in public office. Under Part V.1 of the *Municipal Statute Law Amendment Act, 2006* entitled "Accountability and Transparency" (sections 223.1 to 223.24) municipalities were permitted to pass by-laws to establish:

- a code of conduct for council and local board members
- an Integrity Commissioner
- a municipal Ombudsman
- an Auditor General
- a lobbyist registry and registrar

Under the current legislative framework, these positions are discretionary for all Ontario municipalities except for the City of Toronto.

In 2008, Guelph City Council passed a resolution taking no action to appoint the discretionary positions at that time. In 2011, Guelph City Council appointed an Integrity Commissioner and in 2013, Guelph City Council adopted a Code of Conduct for Council and Local Boards. The budget for the Integrity Commissioner is \$15,000. The City of Guelph does not currently have a municipal Ombudsman, an Auditor General or a lobbyist registry and registrar.

REPORT

The discretionary positions noted above and as permissible under the Act have the responsibility to provide objective and independent checks on City activities and to enhance the accountability of City Council and City administration. A general summary of each of the remaining discretionary positions not currently appointed by Guelph City Council is noted below:

- An Auditor General could have responsibility for assisting City Council in holding itself and City administration accountable for public funds and for the achievement of value for money in City operations.
- A Lobbyist Registrar could enhance the transparency and integrity of City government decision making through public disclosure of lobbying activities and regulation of lobbyists' conduct.
- An Ombudsman could have responsibility to investigate, in an independent manner, any decision or recommendation made or act done or omitted in the course of the administration of the City.

The appointment of an Auditor General and/or Lobbyist Registrars has been more common in Ontario municipalities. Auditor General positions have been appointed in Greater Sudbury, Markham, Oshawa, Ottawa, Toronto and Windsor. Staff are not recommending that an Auditor General position be appointed given that the City of Guelph currently has an Internal Auditor position whose mandate it is to serve as "a

STAFF REPORT



professional, independent assurance and consulting function designed to add value and improve the City of Guelph's operations and systems of internal controls." Furthermore, the Internal Auditor "brings a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes." The External Audit function budgets \$64,500 with an additional budget of \$25,000 for actuarial analysis which is part of year end activity. The budget of Internal Audit is \$200,600 per year.

Formalized lobbyist registry structures are in place in Ottawa and Toronto. Ottawa combines the role of Integrity Commissioner and Lobbyist Registrar into one single position whereas Toronto has separate positions appointed. Hamilton and Windsor currently have voluntary lobbyist registries. Formalized structures for lobbyist registries result in significant costs. The City of Toronto spent approximately \$1 million in 2013 on operating costs for their registry system. The City of Ottawa, whose registry system was implemented in the fall of 2012, spent approximately \$190,000 for the months that it operated in 2012. These costs do not include capital costs to initiate the registry systems. Staff is not recommending the implementation of a lobbyist registry in Guelph given these costs.

Since the Act was amended in 2007, the appointment of municipal Ombudsman positions across the province has been limited. The City of Toronto, as required by the *City of Toronto Act*, has appointed a municipal Ombudsman. No other Ontario municipality has appointed a municipal Ombudsman.

In March 2014, the Government of Ontario introduced the *Public Sector and MPP Accountability and Transparency Act, 2014*, which provided for new accountability and transparency measures for Broader Public Sector organizations including Ontario municipalities. With the dissolution of the government in advance of the June 12, 2014 provincial election, this proposed legislation only reached second reading and was not enacted into law. As it relates to Ontario municipalities, the legislation would have called for the expansion of oversight of the Office of the Ontario Ombudsman to municipalities. In doing so, the legislation would have required municipalities to appoint their own municipal Ombudsman. If a municipality did not appoint their own Ombudsman, the Office of the Ontario Ombudsman would default to having jurisdiction. This is similar to the default process which currently exists for closed meeting investigations for Ontario municipalities. In addition, the Office of the Ontario Ombudsman would have "double oversight" and jurisdiction to investigate complaint(s) after a local ombudsman process had been completed and reported. Staff is not recommending that an Ombudsman position be appointed given that this legislation may arise under the newly formed government in Ontario. Given the recent election, staff is proposing to monitor the legislative agenda of the newly formed government in Ontario and report back accordingly on the advancement of any such legislation.

This report is part of the Governance Committee's rolling calendar. A review of discretionary positions report comes before Governance Committee once per term.

STAFF REPORT



CORPORATE STRATEGIC PLAN

This report supports the following strategic directions:

2.3 Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

Office of the CAO

FINANCIAL IMPLICATIONS

None

COMMUNICATIONS

None

ATTACHMENTS

None

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STAFF REPORT



TO Governance Committee

SERVICE AREA Corporate and Human Resources

DATE July 8, 2014

SUBJECT 2014 Municipal Election- Compliance Audit Committee Appointment

REPORT NUMBER CHR 2014-43

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide information related to the appointment of the Compliance Audit Committee for the 2014 Municipal Election.

KEY FINDINGS

As required by the Province under the *Municipal Elections Act (MEA)* Sections 81 and 81.1, citizen appointees have been identified to serve on the Compliance Audit Committee for the December 1, 2014 to November 30, 2018 term of Council. Vacancies were advertised for two (2) weeks from May 1 to May 15, 2014.

As of 2009, the *MEA* made the appointment of a compliance audit committee mandatory for all municipalities. The current 2010-2014 term of Council was the first time that a compliance audit committee was established at the City of Guelph.

The Terms of Reference for the Committee has been updated for the 2014-2018 term of Council to include selection criteria, qualifications and an updated remuneration process.

FINANCIAL IMPLICATIONS

Funding for all relevant matters will be provided through the City's Election Reserve.

ACTION REQUIRED

That City Council approve the updated Municipal Election Compliance Audit Committee Terms of Reference and appoint the selected individuals to the Compliance Audit Committee.

STAFF REPORT



RECOMMENDATION

1. That the Municipal Election Compliance Audit Committee Terms of Reference, as set out in Appendix A to this report, be approved and adopted.
2. That City Council appoint the following selected people to the Committee, as required under the Municipal Elections Act, 1996, from December 1, 2014 until the end of the term of the incoming Council, November 30, 2018:
 - George Gorringer**
 - Glenn Greer
 - Lyndsay Monk

** means incumbent

BACKGROUND

The *MEA* provides that an elector who is entitled to vote in an election and who believes on reasonable grounds that a candidate has contravened a provision of the *MEA* relating to election campaign finances may apply for a Municipal Election compliance audit of the candidate's election campaign finances. As of 2009, the *MEA* made the appointment of a compliance audit committee mandatory for all municipalities. The current 2010-2014 term of Council was the first time that a compliance audit committee was established at the City of Guelph.

The purpose of a compliance audit committee is to review and determine if a request for a compliance audit should be granted. The decision of the committee as to whether or not a request for an audit is to be granted, can be appealed to the Ontario Court of Justice.

If the committee decides to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. The auditor will determine whether a candidate has complied with the provisions of the *MEA* relating to election campaign finances and is required to prepare a report outlining any apparent contravention by the candidate.

The committee is to consider the report within 30 days after receiving it and may,

- a. if the report concludes that the candidate appears to have contravened a provision of the *MEA* relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention;
- b. if the report concludes that the candidate does not appear to have contravened a provision of the *MEA* relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application.

STAFF REPORT



REPORT

In accordance with *MEA* Section 81.1 (2), a committee may be composed of between 3 and 7 citizen appointees. The following persons are not considered eligible to serve on the committee:

- a. employees or officers of the City or any of its local boards;
- b. members of City council or any of the City's local boards;
- c. any persons who are candidates in the election for which the committee is established; or
- d. any persons who have a personal or professional relationship with any persons who are candidates in the election for which the committee is established.

The Terms of Reference for the Committee has been updated for the 2014-2018 term of Council to include the selection criteria and qualifications outlined below, as well as, an updated remuneration process.

The selection of Committee members is based on skills, knowledge and experience necessary in order to effectively accomplish the Committee's objectives. Any experience in the following areas is considered an asset:

- a. accounting and audit - accountants or auditors with experience in preparing or auditing financial statements;
- b. legal professionals;
- c. academic – college or university professors with expertise in political science or local government administration;
- d. professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and/or
- e. other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*.

The selection process is based on clearly understood and equitable criteria.

Members are selected on the basis of the following qualifications:

- a. demonstrated knowledge and understanding of municipal election campaign financing rules;
- b. proven analytical and decision-making skills;
- c. experience working on committees, task forces or similar setting;
- d. demonstrated knowledge of quasi-judicial proceedings;
- e. availability and willingness to attend meetings; and
- f. excellent oral and written communication skills.

Vacancies on the Compliance Audit Committee were advertised for two (2) weeks from May 1 to May 15, 2014 through City News advertisements and on the election website, guelph.ca/vote.

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Using the above selection criteria, staff are recommending that the Municipal Election Compliance Audit Committee be composed of 3 members and that the following persons be appointed to serve on the Committee:

- George Gorringer**
- Glenn Greer
- Lyndsay Monk

** means incumbent

The Committee's term will be concurrent with the term of the 2014-2018 Council to begin on December 1, 2014.

The *Municipal Conflict of Interest Act* would apply to members of the Municipal Election Compliance Audit Committee.

CORPORATE STRATEGIC PLAN

The Municipal Election Compliance Audit Committee supports innovation in local government by overseeing the compliance audit process that ensures public accountability, transparency and engagement during the 2014 Municipal Election.

DEPARTMENTAL CONSULTATION

This section is not applicable as this is part of an administrative process managed by the City Clerk's Office in preparation for the 2014 Municipal Election.

FINANCIAL IMPLICATIONS

Funding for all relevant matters contained in this report will be provided through the City's Election Reserve.

COMMUNICATIONS

The information contained in this report will be communicated through the City's 2014 Municipal Election website, www.guelph.ca/vote, the City of Guelph website on the Boards, Commissions and Committees page, <http://guelph.ca/city-hall/council-and-committees/>, and using City social media outlets. Other communication methods may be identified and utilized in accordance with the Election Communications Plan.

STAFF REPORT



ATTACHMENTS

- Appendix A Municipal Election Compliance Audit Committee Terms of Reference
- Appendix B *Municipal Elections Act, 1996, Sections 81 and 81.1*

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Committee Terms of Reference

Municipal Election Compliance Audit Committee

1. Mandate

The powers and functions of the Compliance Audit Committee are set out in Sections 81 and 81.1 of the *Municipal Elections Act, 1996 (MEA)*. The mandate of the Municipal Election Compliance Audit Committee is to perform the functions related to the compliance audit application process in accordance with section 81 of the *MEA* and the procedures established by the municipal clerk under the provisions of the *MEA*.

These functions include:

- a. within 30 days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b. appoint a licensed auditor, if the application is granted;
- c. receive the auditor's report;
- d. within 30 days receipt of the auditor's report, consider the report;
- e. if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, commence legal proceedings against the candidate for the apparent contravention;
- f. if the report concludes that the candidate does not appear to have contravened a provision of the Act relating to election campaign finances and the committee finds that there were no reasonable grounds for the application, Council may recover the auditors costs from the applicant.

An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the *MEA* relating to election campaign finances may apply for a Municipal Election Compliance audit of the candidate's election campaign finances.

The committee is required by legislation to consider any applications for a compliance audit of the election campaign finances of any candidate who ran for the office of head of council or councillor in the City of Guelph municipal election, if the application was received in accordance with legislative requirements. Any application which does not meet the legislative deadline for submission will not be presented to the committee for review.

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2. Term

The committee shall be established before October 1 of an election year. The term of appointment is from December 1, of a regular election year to November 30, of the next regular election year.

3. Composition of the Committee

The committee is comprised of three citizen appointees.

The committee will select a Chair from among its members at its first meeting when a compliance audit application is received.

Support staff will include a Council Committee Coordinator, the Returning Officer for the election or his/her designate(s) and Legal Services staff.

4. Committee Selection

Members require the skills, knowledge and experience to contribute effectively to the accomplishment of the committee's objectives and must possess an in-depth knowledge of the campaign financing rules of the *MEA*. Therefore, experience in any of the following areas would be an asset:

- f. accounting and audit - accountants or auditors with experience in preparing or auditing financial statements;
- g. legal professionals;
- h. academic - college or university professors with expertise in political science or local government administration;
- i. professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and/or
- j. other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*.

The selection process will be based on clearly understood and equitable criteria. Members will be selected on the basis of the following qualifications:

- g. demonstrated knowledge and understanding of municipal election campaign financing rules;
- h. proven analytical and decision-making skills;
- i. experience working on committees, task forces or similar setting;
- j. demonstrated knowledge of quasi-judicial proceedings;
- k. availability and willingness to attend meetings; and
- l. excellent oral and written communication skills.

All applicants will be required to complete an application form outlining their qualifications and experience.

5. Conflict of Interest

In accordance with the *MEA*, Section 81.1 (2), the committee shall not include:

- c. employees or officers of the City or any of its local boards;
- d. members of City council or any of the City's local boards;
- e. any persons who are candidates in the election for which the committee is established; or
- f. any persons who have a personal or professional relationship with any persons who are candidates in the election for which the committee is established.

The principles of the *Municipal Conflict of Interest Act*, apply to this committee. Failure to adhere to this requirement will result in the individual being removed from the committee.

6 Responsibilities and Duties

6.1 Committee Chair

The responsibilities of the committee Chair are as follows:

- acting as the liaison between the members and the Secretary of the committee on matters of policy and process; and
- ensuring order and decorum among the committee members and the public at all meetings.

When the Chair is absent, the committee may appoint another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

6.2 Committee Members

To deal with applications from the regular election and any by-elections during the term of the municipal council, pursuant to the *MEA*, the responsibilities of committee members are to:

- a. Decide, within 30 days of receipt of an application, whether the application should be granted or rejected.
- b. Where an application is granted, appoint an auditor licensed under the *Public Accounting Act, 2004* or a prescribed person to conduct a compliance audit of the candidate's election campaign finances.

- c. Consider the report of the auditor within 30 days after receipt and act accordingly depending on whether,
 - the report concludes that the candidate appears to have contravened a provision of the *MEA* relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention;
 - the report concludes that the candidate does not appear to have contravened a provision of the *MEA* relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application.

7. Operating Principles

All committee work will be carried out in accordance with provisions of Section 81.1 of the *MEA* and any other governing legislation and policies. The committee shall fulfill its responsibilities in accordance with the Council Code of Conduct, the principles of transparency and accountability, as well as, the City's corporate values of integrity, excellence and wellness.

8. Operating Procedures

8.1 Application requirements and timelines

An application for a compliance audit shall be made to the Clerk of the municipality or the secretary of the local board for which the candidate was nominated for office. The application must be in writing and shall set out the reasons for the elector's belief.

The application must be made within 90 days after the latest of,

- (a) the filing date under section 78;
- (b) the candidate's supplementary filing date, if any, under section 78;
- (c) the filing date for the final financial statement under section 79.1; or
- (d) the date on which the candidate's extension, if any, under subsection 80 (4) expires.

The Clerk of the municipality or the secretary of the local board, shall forward the application to the committee and provide a copy of the application to the Council or local board. All applications must be forwarded to the committee within 10 days of being received.

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8.2 Decision

Within 30 days after receiving the application, the committee shall consider the application and decide whether it should be granted or rejected.

If a committee decides to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. The auditor will determine whether a candidate has complied with the provisions of the *MEA* relating to election campaign finances and is required to prepare a report outlining any apparent contravention by the candidate.

The committee's decision is final unless appealed to the Ontario Court of Justice.

8.3 Appeal

The decision of the committee may be appealed to the Ontario Court of Justice within 15 days after the decision is made and the court may make any decision the committee could have made.

8.4 Communications

The Committee Chair will act as the primary spokesperson for any inquiries.

8.5 Meetings

The committee will meet as needed with meetings to be scheduled when a Municipal Election Compliance audit application is received.

Quorum must be reached for each meeting with a majority of the whole committee (2).

Meeting minutes will be provided to each member of the committee as part of the agenda for meetings.

The meetings shall be conducted according to the *Statutory Powers Procedure Act*.

The Chair shall vote on every motion.

8.6 Meeting Agenda

The committee meeting Agenda shall be drafted by the Committee Coordinator as required to consider any applications for audit that have been filed in accordance with the legislation.

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8.7 Notice of Meetings

Public notice of all committee meetings will be provided on the City's electronic general calendar at least 72 hours prior to a meeting; by posting a notice in City Hall at least 72 hours prior to the meeting; and by publication in a local newspaper at least 72 hours prior to the meeting.

It is recognized that, consistent with Section 239 of the *Municipal Act, 2001* some agenda items may require a meeting to be closed to the public. The holding of any closed meetings and the general nature of the matter to be considered will be made public to ensure full transparency.

8.8 Committee Expectations and Information Needs

Meeting minutes will be recorded and distributed to committee members with each meeting agenda. All decisions that lead to the formulation of recommendations will take place at the committee meetings only and not through electronic or other outside exchanges.

All pertinent information will be shared with all committee members in advance of meetings. This can include but not be limited to meeting minutes, and any supplemental information.

8.9 Remuneration

Members of the committee shall be paid a \$200.00 retainer and an honorarium at a rate of \$100.00 per meeting. The Clerk shall ensure and verify the validity of each meeting.

Municipal Elections Act, 1996

Section 81 Compliance Audit

Application

81. (1) An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances. 2009, c. 33, Sched. 21, s. 8 (44).

Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality or the secretary of the local board for which the candidate was nominated for office; and it shall be in writing and shall set out the reasons for the elector's belief. 2009, c. 33, Sched. 21, s. 8 (44).

Deadline

(3) The application must be made within 90 days after the latest of,
(a) the filing date under section 78;
(b) the candidate's supplementary filing date, if any, under section 78;
(c) the filing date for the final financial statement under section 79.1; or
(d) the date on which the candidate's extension, if any, under subsection 80 (4) expires. 2009, c. 33, Sched. 21, s. 8 (44).

Application to be forwarded to committee

(4) Within 10 days after receiving the application, the clerk of the municipality or the secretary of the local board, as the case may be, shall forward the application to the compliance audit committee established under section 81.1 and provide a copy of the application to the council or local board. 2009, c. 33, Sched. 21, s. 8 (44).

Decision

(5) Within 30 days after receiving the application, the committee shall consider the application and decide whether it should be granted or rejected. 2009, c. 33, Sched. 21, s. 8 (44).

Appeal

(6) The decision of the committee may be appealed to the Ontario Court of Justice within 15 days after the decision is made and the court may make any decision the committee could have made. 2009, c. 33, Sched. 21, s. 8 (44).

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Appointment of auditor

(7) If the committee decides under subsection (5) to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. 2009, c. 33, Sched. 21, s. 8 (44).

Same

(8) Only auditors licensed under the *Public Accounting Act, 2004* or prescribed persons are eligible to be appointed under subsection (7). 2009, c. 33, Sched. 21, s. 8 (44).

Duty of auditor

(9) The auditor shall promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of this Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate. 2009, c. 33, Sched. 21, s. 8 (44).

Who receives report

(10) The auditor shall submit the report to,
(a) the candidate;
(b) the council or local board, as the case may be;
(c) the clerk with whom the candidate filed his or her nomination;
(d) the secretary of the local board, if applicable; and
(e) the applicant. 2009, c. 33, Sched. 21, s. 8 (44).

Report to be forwarded to committee

(11) Within 10 days after receiving the report, the clerk of the municipality or the secretary of the local board shall forward the report to the compliance audit committee. 2009, c. 33, Sched. 21, s. 8 (44).

Powers of auditor

(12) For the purpose of the audit, the auditor,
(a) is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the candidate and of the municipality or local board; and
(b) has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the audit as if it were an inquiry under that Act. 2009, c. 33, Sched. 21, s. 8 (44).

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) is repealed and the following substituted:

(b) has the powers set out in section 33 of the *Public Inquiries Act, 2009* and section 33 applies to the audit.

See: 2009, c. 33, Sched. 21, ss. 8 (45), 13 (2).

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Costs

[\(13\)](#) The municipality or local board shall pay the auditor's costs of performing the audit. 2009, c. 33, Sched. 21, s. 8 (44).

Power of committee

[\(14\)](#) The committee shall consider the report within 30 days after receiving it and may,

(a) if the report concludes that the candidate appears to have contravened a provision of this Act relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention;

(b) if the report concludes that the candidate does not appear to have contravened a provision of this Act relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application. 2009, c. 33, Sched. 21, s. 8 (44).

Recovery of costs

[\(15\)](#) If the report indicates that there was no apparent contravention and the committee finds that there were no reasonable grounds for the application, the council or local board is entitled to recover the auditor's costs from the applicant. 2009, c. 33, Sched. 21, s. 8 (44).

Immunity

[\(16\)](#) No action or other proceeding for damages shall be instituted against an auditor appointed under subsection (7) for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith. 2009, c. 33, Sched. 21, s. 8 (44).

Saving provision

[\(17\)](#) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to election campaign finances. 2009, c. 33, Sched. 21, s. 8 (44).

Section 81.1 Compliance Audit Committee

[81.1 \(1\)](#) A council or local board shall, before October 1 of an election year, establish a committee for the purposes of section 81. 2009, c. 33, Sched. 21, s. 8 (44).

Composition

[\(2\)](#) The committee shall be composed of not fewer than three and not more than seven members and shall not include,

(a) employees or officers of the municipality or local board;

(b) members of the council or local board; or

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(c) any persons who are candidates in the election for which the committee is established. 2009, c. 33, Sched. 21, s. 8 (44).

Term of office

(3) The term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed. 2009, c. 33, Sched. 21, s. 8 (44).

Role of clerk or secretary

(4) The clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this Act to implement the committee's decisions. 2009, c. 33, Sched. 21, s. 8 (44).

Costs

(5) The council or local board, as the case may be, shall pay all costs in relation to the committee's operation and activities. 2009, c. 33, Sched. 21, s. 8 (44).

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TO Governance Committee

SERVICE AREA Corporate and Human Resources, Clerk's Office

DATE July 8, 2014

SUBJECT Governance Committee Outstanding Motions

REPORT NUMBER CHR – 2014 – 47

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To advise the Governance Committee of the status of all pertinent outstanding motions of the Governance Committee.

KEY FINDINGS

Staff continue to work towards reconciling the outstanding motions through reports forthcoming to the Governance Committee as noted in the outstanding list.

FINANCIAL IMPLICATIONS

There are no financial implications.

ACTION REQUIRED

To receive the report for information.

RECOMMENDATION

That report CHR-2014-47 – Governance Committee Outstanding Motions, be received for information.

BACKGROUND

This is the second of two reports in 2014 to update the Governance Committee on outstanding committee motions. The first report was presented to the Governance Committee on April 9, 2014.

REPORT

The outstanding motions list for the Governance Committee is attached as well as the target date with respect to reporting back on each.

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CORPORATE STRATEGIC PLAN

This report supports strategic direction 2.3: To ensure accountability, transparency and engagement.

FINANCIAL IMPLICATIONS

There are no financial implications.

DEPARTMENTAL CONSULTATION

CAO's Office

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment 1 – Governance Outstanding Resolutions

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Governance Committee Outstanding Motions As of June 2014

Date of Committee	Subject Matter	Lead / Target
May 26/14 Council	AUD-2014.11 Internal Audit Report – Legal and Realty Services Follow Up Audit 2. That the Governance Committee address the lack of policy to ensure internal audit results are tabled with the appropriate standing committee of Council.	CAO's Office -Q3 2014
May 26/14 Council	GOV-2014.9 Council Remuneration 13. That the Citizen Review Committee for Council Remuneration further recommends that Council direct staff to explore the feasibility of going to a full-time Council and give consideration to the compensation of the structure in terms of number of Councillors.	Clerk's- Q1 of 2015 Directly related to GOV- 2013.22
May 26/14 Council	GOV-2014.10 Internal Audit 1. That the City of Guelph Internal Auditor report to the Committee of the Whole for the remainder of the 2010-2014 Council term; and 2. That the Governance Committee review the reporting relationship for the Internal Auditor on an on-going basis commencing with the next term of Council.	CAO's Office - to come forward by Q1 2015
April 28/14 Council	GOV-2014.6 Memo from Mayor Regarding Permanent Resident Voting in Municipal Elections That staff report back to the Governance Committee on the matter of seeking changes to Provincial legislation that would all permanent residents the right to vote in municipal elections.	Clerks's Office - to come forward by Q2 2015.
Dec 16/13 Council	GOV-2013.22 Council Composition & Employment Status 1. That a Council Composition & Employment Status Review be conducted by a third party subject matter expert during the 2014-2018 term of Council with the intent that any proposed changes to be subsequently approved by Council take effect for the 2018-2022 term of office. 2. That all costs associated with the review be referred to the 2015 budget process for Council approval. 3. That the Terms of Reference for the Council Composition and Employment Status Review come back to the Governance Committee for approval.	Clerk's - Staff report on July 8, 2014 GOV agenda outlining scope of work.
Nov 26/12 Council	Staff be directed to report back in 2013 with respect to the options and implications of conducting an employment	

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	<p>status and composition review for Guelph City Council during the 2014-2018 term of office with potential changes to take effect for the 2018-2022 term of office; And that the matter of administrative efficiencies to assist with Councillor workload be included in the scope of the report.</p>	
Dec 16/13 Council	<p>GOV-2013.19 Approval of Intergovernmental Strategic Framework & Action Plan</p> <ol style="list-style-type: none"> 1. That the Intergovernmental Strategic Framework be approved. 2. That staff be directed to report back on an ongoing process for setting annual and term of Council IG priorities, including an approach for integrating intergovernmental priority-setting into the Corporate Strategic Planning process for the 2015-18 term of Council. 	CAO's Office - Q3 2014
December 9/13 Nominating Committee	<p>That the procedure for appointing Vice Chairs to standing committees be referred to the Governance Committee for review.</p>	Clerk's - on July 8, 2014 GOV agenda
Dec 3/13	<p>GOV-2013.20 Review of the Corporation of the City of Guelph's Identity: Phase 1 Findings and Next Steps</p> <ol style="list-style-type: none"> 1. That the December 3, 2013 report entitled "Review of the Corporation of the City of Guelph's Identity: Phase 1 Findings and Next Steps", be received. 2. That staff be directed to report back in 2014 with implementation options for Committee consideration 	CAO's Office -Q3 2014
Dec 3/13	<p>Status of Governance Enhancements Memo</p> <p>That the CAO be directed to report back to Governance Committee in 2014 regarding an appropriate structure and process for Council to have strategic discussions and provide effective governance for the organization's talent management and human resource management practices.</p>	CAO's Office/Mayor 's Office - to come forward by Q4 2014
Dec 3/13	<p>Integrity Commissioner</p> <ol style="list-style-type: none"> 1. That report CAO-C-1308 entitled "Integrity Commissioner" be received. <p>That Governance Committee direct staff to develop a Charter for the Integrity Commissioner position for Governance Committee consideration in Q2 - 2014.</p>	CAO's Office/ Clerk's - Q4 2014
Oct. 28/13 Council	<p>That staff be directed to review all policies and procedures relating to the Integrity Commissioner position, and establish an evaluation procedure for reviewing the Integrity Commissioner's performance. (<i>Councillor Guthrie's motion for which notice was given July 29/13</i>)</p>	

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July 29/13 Council	Code of Conduct re: Adjudicative Boards That the opinion of the Integrity Commissioner that the Code should limit Councillors in using their influence with adjudicative boards be referred to the Governance Committee for consideration and report back to Council.	Integrity Commissioner- to come forward to committee by Q4 2014
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