

# COMMITTEE AGENDA



TO **Governance Committee**

DATE Tuesday June 30, 2015

LOCATION Council Chambers, Guelph City Hall, 1 Carden Street

TIME 3:00 p.m.

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## DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

**CONFIRMATION OF MINUTES** – March 3 and April 8, 2015 open 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-2015.3 Conflict of Interest in Hiring Policy			
GOV-2015.4 Procedural By-law and Associated Documents Review			
GOV-2015.5 Council Composition and Employment Status Review - Update			
GOV-2015.6 Governance Committee Outstanding Motions			

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GOV-2015.7 Municipal Election Act Reform Regarding Ranked Ballot and Permanent Residents Voting			
GOV-2015.8 Governance and Audit Committee – Council Shared Agenda Workplan	Ann Pappert, Chief Administrative Officer		
GOV-2015.9 Councillor Kovach’s motion from Council July 28, 2014 Re: Quarterly Reporting from Council Appointees to Government Associations			√

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**

**NEXT MEETING** – August 4, 2015



**The Corporation of the City of Guelph  
Governance Committee  
Tuesday March 3, 2015 at 3:00 p.m.**

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**Attendance**

Members: Chair Guthrie  
Councillor Bell  
Councillor Downer  
Councillor Hofland  
Councillor Wettstein

Councillors: Councillor Van Hellemond

Staff: Ms. A. Pappert, Chief Administrative Officer  
Mr. M. Amorosi, Deputy CAO, Corporate Services  
Mr. S. O'Brien, City Clerk  
Ms. J. Sweeney, Council Committee Coordinator  
Ms. L. Alonzo, Internal Auditor  
Ms. K. Gray, Business Performance Specialist

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

Chair Guthrie called the meeting to order.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**Confirmation of Minutes**

1. Moved by Councillor Hofland  
Seconded by Councillor Downer

That the open meeting minutes of the Governance Committee held on July 8, 2014 be confirmed as recorded.

*VOTING IN FAVOUR: Mayor Guthrie, Councillors Bell, Downer, Hofland and Wettstein (5)*

*VOTING AGAINST: (0)*

CARRIED

2. Moved by Councillor Hofland  
Seconded by Councillor Bell

That Councillor Downer be appointed Vic-Chair.

*VOTING IN FAVOUR: Mayor Guthrie, Councillors Bell, Downer, Hofland and Wettstein (5)*

*VOTING AGAINST: (0)*

CARRIED

## **Consent Agenda**

The following items were extracted:

**GOV-2015.1      Annual Report of the Integrity Commissioner**  
**GOV-2015.2      Internal Audit Reporting Structure**  
**Extracted Items**

**GOV-2015.2      Internal Audit Reporting Structure**

Ms. Ann Pappert, Chief Administrative Officer provided clarification with respect to functionality.

2. Moved by Councillor Hofland  
Seconded by Councillor Bell
  1. That internal audits will be reported through to the Audit Committee.
  2. That management continue to refine the processes and terms for functional and administrative reporting by the internal audit function and report back on any recommended amendments to the *Internal Audit Charter*, in 2015, to the Governance Committee.

*VOTING IN FAVOUR: Mayor Guthrie, Councillors Bell, Downer, Hofland and Wettstein (5)*

*VOTING AGAINST: (0)*

CARRIED

**GOV-2015.1      Annual Report of the Integrity Commissioner**

Mr. Robert Swayze, Integrity Commissioner presented his annual report. He advised that he did not conduct any investigations or give advice to any member of Council in 2014. He provided background information on his recommendation relating to Councillors relationship with adjudicative boards.

### **Main Motion**

3. Moved by Councillor Hofland  
Seconded by Councillor Downer
  1. That the report of the Integrity Commissioner dated March 3, 2015 be received.
  2. That the Code be amended by the addition of the following clause after the section entitled Improper Use of Influence:

“Members should not advocate on behalf of any person at a hearing of an adjudicative board (as listed on the City’s web site) and should not contact any member of such a board regarding any application before it. Councillors may file a letter with the secretary of such board providing information on an application and infrequently may appear before such board to provide information.”

## **Amendment**

4. Moved by Councillor Wettstein  
Seconded by Councillor Downer

That Clause 2 be amended by deleting the following:

Councillors may file a letter with the secretary of such board providing information on an application and infrequently may appear before such board to provide information.

*VOTING IN FAVOUR: Mayor Guthrie, Councillors Bell, Downer, Hofland and Wettstein (5)*

*VOTING AGAINST: (0)*

CARRIED

It was requested that the clauses of the main motion be voted on separately.

## **Main Motion as Amended**

5. Moved by Councillor Hofland  
Seconded by Councillor Downer

1. That the report of the Integrity Commissioner dated March 3, 2015 be received.

*VOTING IN FAVOUR: Mayor Guthrie, Councillors Bell, Downer, Hofland and Wettstein (5)*

*VOTING AGAINST: (0)*

CARRIED

6. Moved by Councillor Hofland  
Seconded by Councillor Downer

2. That the Code be amended by the addition of the following clause after the section entitled Improper Use of Influence:

“Members should not advocate on behalf of any person at a hearing of an adjudicative board (as listed on the City’s web site) and should not contact any member of such a board regarding any application before it.”

*VOTING IN FAVOUR: Mayor Guthrie, Councillors Bell, Downer, Hofland and Wettstein (5)*

*VOTING AGAINST: (0)*

CARRIED

7. Moved by Councillor Downer  
Seconded by Councillor Hofland

That staff be directed to report back to Council on Bill 8, including the retention of the Integrity Commissioner beyond 2015.

*VOTING IN FAVOUR: Mayor Guthrie, Councillors Bell, Downer, Hofland and Wettstein (5)*

*VOTING AGAINST: (0)*

CARRIED

**Adjournment** (3:41 p.m.)

8. Moved by Councillor Bell  
Seconded by Councillor Hofland

That the meeting be adjourned.

CARRIED

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Joyce Sweeney  
Council Committee Coordinator



**The Corporation of the City of Guelph  
Governance Committee  
Wednesday April 8, 2015 at 1:30 p.m.**

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**Attendance**

Members: Chair Guthrie  
Councillor Bell  
Councillor Downer

Councillor Hofland  
Councillor Wettstein

Councillors: Councillor Allt  
Councillor Billings  
Councillor Gordon

Councillor Hofland  
Councillor MacKinnon  
Councillor Van Hellemond

Staff: Ms. A. Pappert, Chief Administrative Officer  
Mr. A. Horsman, Deputy CAO, Infrastructure, Development & Enterprise  
Mr. S. O'Brien, City Clerk  
Ms. T. Agnello, Deputy Clerk  
Ms. J. Sweeney, Council Committee Coordinator

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**Call to Order (1:30 p.m.)**

Chair Guthrie called the meeting to order.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**Chairs Meeting Procedures**

Mr. Stephen O'Brien, City Clerk reviewed the role of the Chair and Vice-Chair and highlighted best practices for chairing a meeting. He highlighted meeting procedures and reviewed the criteria for closed meetings.

There were a number of questions on meeting procedures for which staff provided clarification.

**Adjournment (2:40 p.m.)**

1. Moved by Councillor Downer  
Seconded by Councillor Hofland

That the meeting be adjourned.

CARRIED

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Joyce Sweeney  
Council Committee Coordinator

**GOVERNANCE COMMITTEE  
CONSENT AGENDA**

**June 30, 2015**

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**

<b>REPORT</b>	<b>DIRECTION</b>
<p><b>GOV-2015.3            CONFLICT OF INTEREST IN HIRING POLICY</b></p> <p>That the Conflict of Interest in Hiring Policy be approved.</p>	Approve
<p><b>GOV-2015.4            PROCEDURAL BY-LAW AND ASSOCIATED DOCUMENTS REVIEW</b></p> <p>1. That the report dated June 30, 2015 entitled “Procedural By-law and Associated Documents Review”, be received.</p> <p>2. That Council approve of the redline changes to Procedural By-law (2014)-19784, through the repealing of this by-law and the enactment of a new Procedural By-law.</p> <p>3. That the following documents be revised to align to the new corporate structure and amendments to the Procedural By-law be approved:     Council Terms of Reference     Standing Committee Terms of Reference     Closed Meeting Protocol     Meeting Flow for Chairs.</p> <p>4. That City of Guelph By-law (1989)-13137, being a by-law adopting codification of the By-laws of the Corporation of the City of Guelph be repealed.</p>	Approve



**GOV-2015.5**                    **COUNCIL COMPOSITION AND EMPLOYMENT STATUS REVIEW – UPDATE**                    Receive

That the report dated June 30, 2015 titled "Council Composition and Employment Status Review – Update", be received.

**GOV-2015.6**                    **GOVERNANCE COMMITTEE OUTSTANDING MOTIONS**                    Receive

Report will be distributed with the Consolidated Agenda.  
That Report CS-2015-55 dated June 30, 2015 and entitled "Governance Committee Outstanding Motions", be received for information.

**GOV-2015.7**                    **MUNICIPAL ELECTION ACT REFORM REGARDING RANKED BALLOT AND PERMANENT RESIDENTS VOTING**                    Receive

That the report dated June 30, 2015 entitled "*Municipal Election Act Reform Regarding Ranked Ballots and Permanent Residents Voting*", be received.

**GOV-2015.8**                    **GOVERNANCE AND AUDIT COMMITTEE – COUNCIL SHARED AGENDA WORKPLAN**                    Approve

1. That the Governance and Audit Committee – Council Shared Agenda Workplan, be received.
2. That Committee input inform the next steps in the Council shared Agenda Workplan process.

**GOV-2015.9**                    **COUNCILLOR KOVACH’S MOTION ADOPTED BY COUNCIL JULY 28, 2015 RE: QUARTERLY REPORTING FROM COUNCIL APPOINTEES TO GOVERNMENT ASSOCIATIONS**

The following motion was adopted by Council July 28, 2015:  
That the following motion be referred to the Governance Committee:  
That any member of Council appointed to a municipal government organization board such as AMO or FCM and/or its committees, be required on a quarterly basis, to provide information reports to Council on the "Weekly Items for Information" regarding their attendance at meetings and a general overview of the business conducted at these meetings.

# STAFF REPORT



TO Governance Committee

SERVICE AREA Corporate Services

DATE June 30, 2015

**SUBJECT Conflict of Interest in Hiring Policy**

REPORT NUMBER CS – 2015-57

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To inform Council of the revised Conflict of Interest in Hiring Policy; to summarize the changes made to the revised policy and to seek Council's approval of the policy.

### KEY FINDINGS

- *The Municipal Act 2001*, Section 270 requires the City to adopt and maintain a policy (see Appendix 1) for hiring of employees and relatives of elected officials.
- Both from an accountability and transparency perspective, its best practice to have a hiring policy that ensures both employees and elected officials are not placed in a position of conflict to choose between the interests of the Corporation and a family relative or a significant relationship.
- The attached policy was reviewed by external legal counsel to ensure compliance with applicable employment legislation.

### FINANCIAL IMPLICATIONS

None

### ACTION REQUIRED

Governance Committee to approve the Conflict of Interest in Hiring Policy.

## RECOMMENDATION

That the Conflict of Interest in Hiring Policy be approved.

# STAFF REPORT

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## BACKGROUND

The Conflict of Interest in Hiring Policy will replace the former “Hiring and Employment of Relatives” Policy that was approved by Council in April, 2005.

Both policies reference the City’s commitment to:

- ensuring a transparent hiring process,
- making merit based hiring decisions,
- using fair and consistent practices that are free from influence based on family relationships.

## REPORT

As a responsible and public employer within the City of Guelph it is important to have a policy that expresses a commitment to fair, merit-based hiring practices that are free from any real or perceived improper influence based on family or significant social relationships. This policy creates clarity for staff and elected officials by defining circumstances which could lead to real or perceived conflicts of interest in hiring or other employment related decisions at the City. The policy defines responsibilities, addresses how such situations will be remedied and speaks to how violations of the policy will be handled.

The following is a summary of the general changes that have been made to this policy from the last policy approved by Council in 2005:

1. Updates

This policy has been written using the current policy template. Updates have been made to the definitions section and titles and responsibilities have been changed to reflect the new Corporate structure.

2. Additions

The following key elements have been added to the new policy:

- Reference to the Ontario Human Rights Code S.24(1)(d) which states that the right to equal treatment with respect to employment is not infringed where an employer grants or withholds employment or advancement in employment to a person who is the spouse, child or parent of the employer or employee.
- Significant social relationships are recognized as a possible source of conflict of interest and therefore addressed in this policy. These relationships are defined as:
  - A current or former relationship outside of work that would make it difficult for the individual with the decision-making responsibility to be objective or that for a reasonable individual would create the appearance of bias, either favourable or unfavourable. Relationships can be as follows:
    - Romantic and/or sexual relationships

# STAFF REPORT

- Significant personal/social relationships (friendships and emotional connections)
  - Godparents/godchildren
  - Business relationships (working together in a business outside the City)
- A section on compliance has been added to address violations of the policy.

### 3. Removals

A separate section referring specifically to summer and part-time hiring has been removed. Summer and part-time employees are included in the new policy under scope and the policy in its entirety applies to employees in these classifications.

### **Municipal Act - Elected Officials**

Members of Council are required at all times to govern themselves in accordance with the provisions of the *Municipal Conflict of Interest Act* and must declare a conflict of interest in matters in which they have a direct or indirect pecuniary interest. The *Municipal Conflict of Interest Act* further provides that the "pecuniary interest, direct or indirect, of a parent or the spouse, same-sex partner or any child of the member shall, if known to the member, be deemed to also the pecuniary interest of the member."

### **CORPORATE STRATEGIC PLAN**

Innovation in Local Government

2.3 Ensure accountability, transparency and engagement

### **DEPARTMENTAL CONSULTATION**

The attached policy was reviewed by external legal counsel to ensure compliance with applicable employment legislation.

### **FINANCIAL IMPLICATIONS**

Not applicable.

### **COMMUNICATIONS**

This policy will be communicated to staff upon approval.

# STAFF REPORT

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## ATTACHMENTS

Appendix 1- Conflict of Interest in Hiring Policy

Dana Nixon, Manager, Staffing & Workforce Planning  
**Report Author**

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### Approved By

David Godwaldt  
GM, Human Resources  
X 2848  
[david.godwaldt@guelph.ca](mailto:david.godwaldt@guelph.ca)

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### Recommended By

Mark Amorosi  
Deputy CAO, Corporate Services  
x 2281  
[mark.amorosi@guelph.ca](mailto:mark.amorosi@guelph.ca)

# CORPORATE POLICY AND PROCEDURE



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POLICY	Conflict of Interest in Hiring Policy (Formerly Hiring and Employment of Relatives)
CATEGORY	Corporate
AUTHORITY	Human Resources
RELATED POLICIES	Employee Code of Conduct Policy
APPROVED BY	Guelph City Council
EFFECTIVE DATE	April 18, 2005
REVISION DATE	June 1, 2015

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## **POLICY STATEMENT**

The City of Guelph (“the City”) is committed to attracting and hiring quality employees using fair, equitable, and transparent practices that are consistently applied, free from influence, based on merit, and respectful of all applicants. This policy aims to eliminate the influence of nepotism/favouritism in City hiring and employment related decisions to maintain confidence in the integrity of the City’s hiring and employment practices.

## **PURPOSE**

The purpose of this policy is to ensure that employment related decisions, concerning existing or potential City employees, are free from any real or perceived improper influence based on family relationships and significant social relationships. At the same time, it is recognized that existing family member and significant social relationships with City employees should not unduly or unfairly restrict or enhance an individual’s opportunity to pursue employment or changes in employment at the City.

## **SCOPE**

This policy applies to all employees of the City and elected officials, and governs the City’s actions in its hiring and employment processes. Employee includes full-time, part-time, contract, temporary, casual, co-op, or students.

## **DEFINITIONS**

### **Conflict of Interest**

A “Conflict of Interest” is a situation in which an employee has personal or private interests that may compete with the public interests of the City. Such competing interests can make it difficult to fulfill his or her duties impartially. A conflict of interest can create an appearance of impropriety or a perception of bias that can undermine confidence in the person and in the City generally. A conflict exists even

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if no unethical or improper act results from it. A conflict of interest can either be an apparent conflict or a real conflict.

### **Apparent Conflict**

An apparent conflict exists where an informed and reasonable person reviewing the matter and having thought the matter through could conclude that a conflict of interest exists.

### **Real Conflict**

Exists where a personal interest exists and that interest:

- Is known to the employee; and
- Has a connection to the employee's duties that is sufficient to influence or interfere with the performance of those duties.

### **Related Individuals/ Family Members**

The following family relationships are included under this policy:

- spouse (includes married and common-law of the same or opposite sex)
- mother, father, or legal guardian (foster or step)
- son, daughter (foster or step)
- sister, brother, step-sister, step-brother
- aunt, uncle, niece and nephew
- mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law
- grandchild, grandparent, step-grandparent, step-grandchild
- any Family Member who lives with the employee on a permanent basis

### **Significant Social Relationships**

A current or former relationship outside of work that would make it difficult for the individual with the decision-making responsibility to be objective or that for a reasonable individual would create the appearance of bias, either favourable or unfavourable. Relationships can be as follows:

- romantic and/or sexual relationships
- significant personal/social relationships (friendships and emotional connections)
- godparents/godchildren
- business relationships (working together in a business outside the City)

### **Supervisor**

Any employee, regardless of job description or title, with decision-making responsibility over another employee. A supervisory relationship exists even if there are many levels of supervision between two employees who are related individuals.

### **Direct decision-making responsibility**

Includes, but is not limited to, the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline, approve pay sheets, alter working conditions, or responsibly direct employees or adjust their grievances, or to recommend, approve, or deny any of these actions.

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## **In-direct decision making responsibility**

Exists between the employee and the second-removed Manager.

## **Influence**

Influence is the actual, potential, or perceived use of one's position at the City or relationship with another employee to gain a desired outcome. This could be through the relationship itself, or through fear, intimidation, or the other person's desire to please or to gain favour.

## **Chain of Command**

A continuous reporting relationship of individuals. For example: Employee A reports to Supervisor B who reports to Manager C, who reports to General Manager D, who reports to Deputy CAO E. A, B, C, D, and E are in the same chain of command. Where clarification is required, it shall be provided by the Deputy CAO/CAO.

## **Nepotism or Favouritism**

Preference granted to a family member or significant social relationship, usually in the form of hiring practices or other employment decisions without regard or with lesser regard to the individual's merit, qualifications or performance.

## **Management Plan**

A plan created by the City to minimize the reality or perception of a conflict of interest in employment by, among other things, removing the decision-making power of one employee over another where the two employees are related individuals.

## **TERMS AND CONDITIONS**

1. This policy is in accordance with the *Ontario Human Rights Code*. S. 24 (1) (d) of the Code states that the right under section 5 to equal treatment with respect to employment is not infringed where an employer grants or withholds employment or advancement in employment to a person who is the spouse, child or parent of the employer or an employee.
2. The hiring process promotes equitable opportunity. Candidates are selected and employment decisions made in accordance with the City's recruitment & retention practices that are consistent, free from influence, based on merit, and respectful of all applicants, collective agreements, the Employee Code of Conduct, as well as any other applicable City policies.
3. No employee shall attempt to use a family or significant social relationship for his or her personal benefit or gain. This includes an employee misusing their authority to influence or make an employment related decision. Employment related decisions where a benefit may be gained or authority may be misused include but are not limited to the following:
  - the approval/denial of compensation increases;
  - hire, transfer, promotion, demotion decisions;
  - performance rating, discipline or termination;
  - the assignment and approval of overtime;



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- the assignment or direction of work assignments and project opportunities;
  - approval of leaves of absences;
  - the negotiation of salary level;
4. Applicants who are invited for interviews will be requested to disclose the names of any spouse, child or parent who is a current employee or elected official of the City. Job applicants will be asked whether they are aware of any family or significant social relationships currently working as a City employee or elected official by disclosing a "yes" or "no" response. With the exception of a spouse, child, or parent relationship, applicants will not be requested to provide the names of any other family member or significant social relationships, in accordance with the *Ontario Human Rights Code*.
  5. A spouse, child or parent of a current City employee or elected official shall not be considered for employment, or changes in employment, if placement would create a direct or indirect reporting relationship with the above mentioned family members.
  6. A spouse, child or parent of a current City employee or elected official shall not be considered for employment where the relationship would create operational issues for a department or division; or a conflict or perceived conflict of interest.
  7. No employee shall be in a direct or indirect reporting relationship; or be placed in a position of influence over an employed family member or significant social relationship.
  8. Employees who become involved in a spousal relationship, significant social relationship, or who become related over the course of their employment may continue as employees if no direct reporting or indirect reporting relationship exists between such employees, and if there is a direct reporting or indirect reporting relationship, a management plan will be developed.
  9. Family members of City employees or elected officials will be considered for employment or advancement provided they:
    - have made application in accordance with established procedure;
    - have been considered in accordance with established procedure;
    - possess the necessary qualifications; and
    - are considered to be the most suitable candidate.

## **RESPONSIBILITIES**

### **Employee**

- Immediately notify supervisor in writing of any conflict of interest. This includes the existence or formation of a direct or indirect reporting relationship with a family member or person with whom there is a significant social relationship.

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## **Manager/Supervisor**

- Inform General Manager or Human Resources directly, if the employee has knowledge of a reporting relationship where an undisclosed conflict of interest exists.
- Do not knowingly place employees in positions where their duties could create a conflict of interest with a family member or significant social relationship.
- Where a conflict of interest exists, notify the department's General Manager/Manager, who, in consultation with Human Resources, shall determine whether the employee has breached or may potentially become in breach of this Policy.
- Where a direct or indirect reporting relationship exists between family members or where a significant social relationship exists between employees, in consultation with Human Resources, the manager/supervisor will make reasonable efforts to transfer one of the employees to a different division or department.

If a conflict of interest cannot be avoided through a transfer, a Management Plan must be developed. The purpose of a Management Plan is to remove the decision-making responsibilities of one employee over another where there would be a conflict of interest or alternatively eliminate their working proximity. The employees' first neutral supervisor will create and recommend a Management Plan to the General Manager. Neither of the related individuals will be involved in the creation of the Management Plan.

The completed Management Plan must be approved by the General Manager and submitted to the General Manager of Human Resources for review and comment. It will then be submitted to the Service Area, Deputy CAO and the Deputy CAO, Corporate Services for final approval.

The Management Plan will strive to:

- Ensure objective decision-making
- Create and maintain an atmosphere of transparency, equity, and fairness
- Allow for the effective and efficient operation of the department/division
- To provide support as required.

Management Plans may be reviewed annually or earlier if needed, by the first neutral supervisor. There may be a secondary review by one of the General Manager(s), Deputy CAO(s), and the General Manager, Human Resources.

The affected employees will receive a copy of the Management Plan and a copy will be filed in the employees' file located in Human Resources.

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## **General Manager / Manager**

- If a real or apparent conflict exists, and it is reported that the employee is or may be or may become in breach of the Policy, instruct the employee in writing, to withdraw from participation in any dealings or decision-making processes relative to the issue at hand. If the employee has knowingly or wilfully breached the Policy, determine the appropriate disciplinary measure, in consultation with Human Resources.

## **Deputy CAO and CAO**

- Ensure compliance with the policy
- Provide final approval of Management Plans
- Act as the point of contact should the real or apparent conflict exist between the General Manager and an employee within their department.

## **Human Resources**

- Provide consultation, as requested or required to employees on this Policy and specific situations involving a conflict of interest.
- Review of Management Plans and submission to General Manager with recommendations.
- Coordinate the investigation of a suspected violation of the policy, consult on the appropriate disciplinary action if required, and maintain the necessary documentation
- Provide assistance with the development and implementation of Management Plans and transfers.

## **Elected Officials**

Members of Council are reminded that they are required at all times to govern themselves in accordance with the provisions of the *Municipal Conflict of Interest Act* and must declare a conflict of interest in matters in which they have a direct or indirect pecuniary interest. The *Municipal Conflict of Interest Act* further provides that the "pecuniary interest, direct or indirect, of a parent or the spouse, same-sex partner or any child of the member shall, if known to the member, be deemed to also the pecuniary interest of the member."

## **COMPLIANCE**

Violations of this policy are serious. A violation of this policy may include, but is not limited to, the deliberate concealment of a relationship that is defined in this policy, or refusal to comply with an approved Management Plan.

Anyone found to have concealed a relationship as defined within this policy or to have otherwise violated this policy may be subject to discipline up to and including termination.

## **LEGISLATION**

Ontario Human Rights Code

# COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Corporate Services  
DATE June 30, 2015

**SUBJECT Procedural By-law and Associated Documents Review**  
REPORT NUMBER CS-2015-56

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## SUMMARY

### PURPOSE OF REPORT:

To review and revise the Procedural By-law, the Council and Committee Terms of reference, the Meeting Flow, the Closed Meeting Protocol documents and to align them with the existing corporate structure and make housekeeping changes for clarity.

### KEY FINDINGS

In late 2014, the corporate structure was realigned. As a result, the Procedural By-law and other corporate documents needed to be aligned with the new structure. In addition there have been issues requiring clarity of the Procedural By-law and this is an opportunity to comprehensively review the Procedural By-law and associated documents.

### FINANCIAL IMPLICATIONS

As this is a procedural matter, there are no financial implications.

### ACTION REQUIRED

To recommend Council amendments to the City's Procedural By-law and associated documents and to recommend repealing of the Municipal Code.

## RECOMMENDATION

1. That the report dated June 30, 2015 entitled "Procedural By-law and Associated Documents Review" be received,
2. That Council approve of the redline changes to Procedural By-law (2014) - 19784, through the repealing of this bylaw and the enactment of a new Procedural by-law,

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3. That the following documents be revised to align to the new corporate structure and amendments to the Procedural By-law be approved:
    - Council Terms of Reference
    - Standing Committee Terms of Reference
    - Closed Meeting Protocol
    - Meeting Flow for Chairs; and,
  4. That City of Guelph By-law (1989)-13137 being a by-law adopting codification of the By-laws of the Corporation of the City of Guelph be repealed.

## **BACKGROUND**

At the Council meeting of December 8, 2014, as a result of a reorganization of the City's Services Areas from 5 to 3, Council acknowledged the change of the standing committee structure to align with the new service areas and directed as follows:

That the City's Procedural By-law, Standing Committee Terms of Reference and any other documents referring to the Standing Committees be amended accordingly.

As such a review of the Procedural By-law, the Council and Standing Committee Terms of Reference and the Committee Chairs Meeting Flow Guide have been revised to reflect the new standing committee structure. These documents will all be brought before Council for adoption.

## **REPORT**

The Procedural By-law, the Council and Standing Committee Terms of Reference and the Meeting Flow document will require changes to align with the new corporate structure. In addition, this has been an opportunity to review the documents and in particular the Procedural By-law in order to make housekeeping changes and some more substantive changes to areas of the by-law that require clarity and also for process improvements.

In gathering information for the Procedural By-law review, input was sought from staff, the Executive Team and the Members of Council. In addition, Clerks staff tracked procedural matters at Committee and Council that were subject to interpretation or not clear. Attached hereto please find a document detailing comments from Members of Council and the staff responses.

A summary of material changes to the Procedural By-law is also attached. This summary details the type of change, nature and reason for the change. In particular, staff would like to highlight 4 main changes in the Procedural By-law:

- a) notice of motion procedure,
- b) clarity as to who can move and second a motion for reconsideration,
- c) removal of the Standing Committee Terms of Reference
- d) deletion of reference to the City Code.

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There has been some confusion regarding the notice of motion process in particular with respect to the intent of the motions and the timing of delegations. It is being proposed that the notice of motion be on the agenda and in writing from its inception. This means that no verbal notices will be permitted. This also means that staff, and other members of Council will have time to be better prepare for fulsome discussion on the matter at a subsequent meeting of Council when it is brought forward for consideration.

There is also cause to streamline the delegation process. When the Notice of Motion is brought back and debated, Council must determine if it should be referred back to standing committee for consideration of if it is to be reconsidered. In both cases, there is a clearer opportunity for the public to delegate. With regard to a referral back to committee, it is best served for the public to speak at the standing committee meeting as that is the body who will make the decision on the matter. The initial discussion at Council is to refer back and discussion is limited to the merits of referral. Past experience has shown that inevitably delegations veer towards commenting on the main motion. In short, the appropriate opportunity to discuss the main motion is at the standing committee once it is referred back.

Reconsiderations are similar, in that the first motion on the floor is to reconsider. Again, only the merits of reconsideration should be discussed by Council, so there should be no discussion of the main motion. Once the matter is reconsidered, then the public shall be able to delegate to the main motion.

With respect to a motion to reconsider, the Procedural By-law wording is being clarified to detail that only those Members of Council who voted in the majority and those not present when the vote was taken, including those who were not a member of Council at the time, may move or second a motion to reconsider.

The Standing Committee Terms of Reference is a valuable document which details areas of responsibility for the standing committee and all parties involved in the standing committee process. Similarly a Council Terms of Reference details same. Although these are valuable documents that clarify roles and responsibilities, they are not documents that govern the proceedings of Council and its Committees, so it is proposed that these documents be updated and be stand alone and simply be referenced in the Procedural Bylaw.

In relation to the Closed Meeting Protocol, staff are suggesting added wording and scripts be included for greater transparency when rising from Closed Sessions.

When the Municipal Code came into existence in 1989, by-laws were only starting to be created electronically, and were not filed in a central repository for staff to access. There was no municipal search engine for Council documents and no electronic listing of City by-laws.

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The Municipal Code was in the form of a Council By-law; the purpose of which was to provide for the indexing and depository of frequently referred to by-laws and by-laws frequently amended, into 300 potential chapters. The City paid a third-party to index these for us until 1993, when we started indexing the by-laws electronically in house. In that same year "RecordSearch" was implemented, which is an internal search engine to locate resolutions and by-laws.

At present staff do not access the Municipal Code as Council documents have been available on the internet back to 1999. In addition, staff rely on the "RecordSearch" tool to access resolutions dating back to 1993 and Council by-law recitals dating back to the City's inception.

Consequently, the original intent of keeping a Municipal Code is inefficient and redundant now that staff, Council and the public have more user friendly means of access to information. As we are always cognizant of public accessibility, posting documents to the City website is more useful than having documents in an internal drive that can only be accessed by staff. Therefore we are proposing to Council that the Municipal Code By-law be repealed. This change is reflected in recommendation number 4 noted above.

#### **CORPORATE STRATEGIC PLAN**

- Organizational Excellence: 1.3 Build robust systems, structures and frameworks aligned to strategy

#### **DEPARTMENTAL CONSULTATION**

Staff attended an Executive Team meeting to review the Procedural By-law for input and a copy of the current Procedural By-law was circulated to Council for comment. The proposed changes have been incorporated in the draft by-law.

#### **COMMUNICATIONS**

Not applicable.

#### **ATTACHMENTS**

- ATT-1 Redline Procedural By-law
- ATT-2 Changes Proposed by Members of Council
- ATT-3 Material Changes to the Procedural By-law
- ATT-4 Redline Council Terms of Reference
- ATT-5 Redline Standing Committee Terms of Reference
- ATT-6 Redline Closed Meeting Protocol
- ATT-7 Redline Meeting Flow- Standing Committee Chair's Guide

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**THE CORPORATION OF THE CITY OF GUELPH**

By-law Number (2014) - 19784

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 #518 and to repeal By-laws (2012)-19375, (2013)-19558 and (2013)-19634.

## 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 as required;~~

**“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 ~~an~~ 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~~ Deputy CAO”** means staff who report to the CAO and are responsible for multijurisdictional service 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;

**“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 when a quorum is present;

**“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;

**“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;

**“Quorum”** means a majority of the total members of a Committee or Council;

**“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 comprised of, appointed by resolution of, and directly reporting to Council, ~~created from time to time~~, and ~~currently~~ comprised of the following Committees:

Audit Committee

~~Community & Social Services Committee~~

Corporate ~~Services Administration, Finance & Enterprise~~ Committee

Governance Committee

~~Operations, Transit & Emergency~~ Infrastructure, Development and Enterprise Services Committee

Nominating Committee

~~Planning, Building, Engineering & Environment~~ ublic Services Committee

Emergency Governance Committee

**“Vice Chair”** means a member of the Committee appointed by ~~Council~~ the Committee members 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 Location, Date and Time of Meetings

- (a) Regular Council, Council Planning and Standing Committees 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.

### 2.2 Quorum and Commencement of Meetings

- (a) Unless there is a quorum 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.
- (b) 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.

### | 2.3+ 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 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 2.31(a) and (b), staff shall give legislated notice of items on any agenda, in accordance with the applicable legislation.

### | 2.42 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.

#### 2.54 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 8.8 of this By-law, the time limitation for delegations speaking 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 2.54(b) without advance notice.

#### 2.5-6 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 2.6 5(c).

#### 2.76 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. (moved into s 2.1)~~
- ~~(a)~~ (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.
- ~~(b)~~ (e) 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.
- ~~(c)~~ (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.

- (de) 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.
- (ef) On urgent or extraordinary occasions, an emergency special Standing Committee Meeting may be called without the notice provided for in sub-Section 2.76(d).
- (fg) Standing Committee recommendations become resolutions of Council upon approval.
- (g) Standing Committees ~~are not empowered to shall not~~ direct ~~that~~ any action be taken by the Corporation or any of its employees, except to request further clarification or unless referred to Council for final approval, give minor administrative direction on any matter of business under consideration.

## 2.87 Closed Meetings

- (a) Meetings shall be open to the public.
- (b) Notwithstanding Section 2.87(a), a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
  - i. the security of the property of the municipality or local board;
  - ii. personal matters about an identifiable individual, including municipal or local board employees;
  - iii. a proposed or pending acquisition or disposition of land by the municipality or local board;
  - iv. labour relations or employee negotiations;
  - v. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - vi. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - vii. 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; or,
  - viii. ~~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.
- (cd) 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.
- (de) 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.
- (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) Council shall have regard to the closed meeting protocols in the conduct of closed meetings and the reporting out of information.

(hg) Electronic Devices

- 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 audible setting in order to be notified, 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~~ Reflection
- 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~~ Reflection
- 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
- Staff Updates and Announcements
- 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 Items to Council, be listed on the appropriate Standing Committee agenda for discussion or consideration. Information Items are packages distributed to Members weekly.

#### 4. DISCLOSURE OF PECUNIARY INTEREST

- 4.1 When a Member present at a Meeting has a pecuniary interest as defined ~~in by~~ 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 at the meeting, disclose the pecuniary interest and the general nature thereof and ~~refrain from discussing, debating or voting on the matter, not take part in the discussion of, or vote on any question in respect of the matter, and not attempt in any way whether before, during or after the meeting to influence the voting on any such question.~~
- 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, the member retire shall leave from the Meeting for the portion in which that matter is ~~discussed, debated or voted on~~under consideration.
- 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, without note or comment, 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

- 6.1 Members of the public who constitute the audience at a meeting, shall not:
- (a) address Council without permission;
  - (b) bring food or beverage, with the exception of water, 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.



## 7. PRESENTATIONS

- 7.1 (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.
- 7.2 (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) 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 Deputy CAO Executive Director for the appropriate service area.
- 7.3 Where a City-staff 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.

## 8. DELEGATIONS

- 8.1 (a) 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.
- (b) No delegations shall be made to notices of motion on Council agenda. Delegates will have an opportunity to speak at Standing Committee for notices of motion that have been referred back to committee.
- (c) Delegates shall only be permitted to Council budget meetings designated for the purpose of receiving budget delegations.
- 8.2 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.
- 8.3 No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee.



- 8.4 Delegates shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event.
- 8.5 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.
- 8.6 A delegate shall only register themselves to speak and not provide the Clerk with names of any other delegates.
- 8.7 If a delegate is unable to attend the meeting for which they are registered, they may have another person read their written submission.
- 8.8 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) A delegate may only address Council or Committee with respect to an item on the agenda.
- (b) A delegate may not address Council or Committee with respect to a by-law on the agenda whose subject matter has previously appeared on a Standing Committee or Council agenda.
- (c) A delegate may not address Council or Committee with respect to a Notice of Motion.
- 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.
- i. Matters requested by delegates shall not be placed on the agenda by way of addendum.
- ii. Matters requested by delegates shall be placed on the agenda of the appropriate Standing Committee and not on a Council agenda.
- iii. Standing Committee shall refer matters requested by delegates to staff with instructions for further information.
- (be) 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.
- (cf) Notwithstanding Section 8.8, designated representatives of the County of Wellington appearing before the Community & Social Public Services Committee with respect to land ambulance service matters, shall have no time limitations placed on their delegation.
- 8.11 (a) For the purpose of Council meeting agendas, 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.
- (b) For the purposes of Standing Committee meeting agendas:
- i. Delegates have until 11:00 a.m. the day of the meeting to register with the Clerk to speak to an item listed on that meeting agenda.

- ii. Delegates have until 9:00 a.m. on the Friday of the week prior to the meeting to ~~notify the~~ ~~submit a written comment to the~~ Clerk ~~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 for points~~ of order or privilege, 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.
- 8.16 After all delegations have been heard, the related item shall immediately be brought forward for the consideration of Council or Committee.

## 9. WRITTEN SUBMISSIONS

- 9.1 People may submit written correspondence on matters listed on the agenda by the timelines as specified in 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, and include legible names.
  - (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.

## 10. CONSENT REPORTS

- 10.1 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 provided for as follows:
  - (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.
- 10.2 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 to~~ a Standing Committee shall not be forwarded to Council unless direction to do so is included in the resolution.

- 10.4 Council shall consider reports of Standing Committees of Council as well as Committees, boards and commissions in the following order:
- (a) Standing Committees
  - (b) Special/Ad Hoc Committees; and
  - (c) Boards and commissions.
- 10.5 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.

## 11. CONSENT AGENDA

### 11.1 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;
    - ~~Correspondence for the information of Council;~~
  - iii. Items of a timely nature; and,
  - iv. Motions at the Standing Committee that result in a tie.
- ~~(b) 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-with~~ respect ~~to~~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.

### 11.2 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.

## 12. CONDUCT OF MEMBERS

- 12.1 Council and Committee Members shall govern themselves according to Council's Code of Conduct.
- 12.2 The Mayor or Chair shall preserve order and decide questions of order and privilege.
- 12.3 Every Member desiring to speak, shall raise his or her hand so as to be recognized by the Mayor or Chair.
- 12.4 Every Member, on being recognized, shall remain seated in his or her place, and address themselves to the Mayor or Chair.
- 12.5 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.
- 12.6 No member shall without leave of the Council or Committee:
- (a) speak to an issue for more than five (5) minutes (cumulative);
  - (b) use offensive words or speak disrespectfully of Council, Committee staff, or any person;
  - (c) speak on any subject other than the subject under debate;
  - (d) speak in contempt of any decision of the Council or Committee;
  - (e) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or,
  - (f) 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 Clerk and /or staff as required 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.
- 12.7 Subsection 12.6(a) shall not apply to a Committee Chair, or his or her designate when presenting the Committee's report to Council.

## 13. POINTS OF ORDER OR PRIVILEGE

### 13.1 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.

### 13.2 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.

## **14. MOTIONS AND ORDER OF PUTTING QUESTIONS IN COUNCIL AND COMMITTEE**

14.1 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.

14.2 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.

14.3 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.

14.4 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 within 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, or to Council, 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
  - v. 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.

- 14.7
- (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.

## 15. VOTING

### 15.1 Open Meeting Voting

- (a) When one or more motions as set out in Section 14 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) Tie Votes
  - i. Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
  - ii. Motions which end in a tie vote at any committee which reports to Council, shall be reported to Council, with no recommendation 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.

## 15.2 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 2.87, Council may 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 2.87, Council or Committee may:
  - i. 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,
  - ii. to give direction to staff to include a recommendation as part of an Open Meeting report on a subsequent meeting agenda.
- (d) Notwithstanding Section 15.1(g) there shall be no recorded votes in a Closed Meeting unless otherwise requested by a Member.

## 16. RECONSIDERATION OF A COUNCIL DECISION

- 16.1 (a) Council may reconsider an entire resolution that was decided ~~as a previous decision of~~ during any term of Council. A reconsideration of a portion of a resolution shall not be permitted. Such reconsideration can either amend the previous decision or rescind it.
- i. No question shall be reconsidered more than once during the term of Council.
  - ii. A motion to reconsider shall not be reconsidered.
- (b) A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution resulting in legally binding commitments that are in place on the date the motion to reconsider is considered by Council.
- (c) If Council passes a resolution and adopts the same matter by by-law, only the resolution may be reconsidered.
- (d) If the decision resulting from the reconsideration warrants, the by-law will be amended or repealed accordingly.
- 16.2 (a) 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 regular meeting of Council pursuant to Section 19 of this By-law.
- (b) No delegations shall be permitted to speak on a notice of motion to reconsider.
- 16.3 Any-Only a Member of Council who voted with the majority in respect of a previous decision or was absent from the vote or was not a member of Council at the time may move or second a motion for reconsideration.
- 16.4 A motion to reconsider must be carried in the affirmative by a minimum of a majority of the Whole of Council.
- ~~16.5 Debate or delegations 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.~~
- 16.56 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.
- 16.67 No question shall be reconsidered no more than once during the term of Council, nor shall a vote to reconsider be reconsidered.

Comment [TA1]: Legal opinion



## 17. BY-LAWS

- 17.1 The Clerk shall submit to Council a summary of all By-laws proposed for adoption, including the By-law numbers, titles and explanatory notes.
- 17.2 Every proposed By-law shall be at the Council Meeting and be available to any person interested in reviewing same.
- 17.3 Unless otherwise requested or separated, all By-laws proposed for adoption shall be passed in one single motion.
- 17.4 The Clerk shall be responsible for their correctness should they be amended at a Council Meeting.
- ~~17.5~~ As per section 8.9(be) a delegate may not address Council or Committee with respect to a by-law on the agenda whose subject matter has previously appeared on a Standing Committee or Council agenda.
- ~~17.65~~ Every By-law passed by Council shall:
- (a) be signed by the Mayor, or the presiding officer at the meeting;
  - (b) be signed by the Clerk or designate;
  - (c) be sealed with the seal of the City, and;
  - (d) indicate the date of passage.
- ~~17.76~~ Council shall enact a By-law to confirm all actions taken by Council at that meeting.

## 18. ANNOUNCEMENTS

- 18.1 Council meeting 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.
- ~~18.2~~ Standing Committee meeting updates may be made by the Deputy CAO's or their designate; and, announcements provided to the Chair prior of the meeting, shall be read by the Chair at the end of the Standing Committee meeting.

## 19. NOTICE OF MOTIONS AND SPECIAL RESOLUTIONS

- 19.1 Notice of Motions
- ~~(a)~~ At a Regular Council meeting or a Regular Council Planning meeting, a Any Member ~~may~~ shall 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.
- ~~i.~~ The notice for the motion shall be in writing and shall be submitted to the Clerk prior to the regular agenda deadline for inclusion in the Council meeting agenda which is not a Council Planning meeting or a special meeting.
  - ~~ii.~~ The motion may not be submitted as part of an addendum to a Council agenda.
- ~~(b)~~ At the time of giving the notice coming forward on an agenda, the Member shall introduce and fully disclose its intent. The introduction of a notice does not require a seconder and is not, at that time, debatable.
- ~~(c)~~ 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.

(de) Upon request of the member who introduced the notice, A the 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 included as a Special Resolution in an agenda of ~~the next a~~ Council meeting which is not a Council Planning meeting or a special meeting.

(e) No delegations shall be permitted to speak on a notice of motion.

~~(fe)~~ If a motion is introduced and not brought forward in the next two (2) subsequent meetings of Council, which are not Council Planning meetings or special meetings, the motion expires.

#### 19.2 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.

#### 19.3 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 15.2(c)(i) of this By-law.

(b) Council or staff may provide contextual information prior to Council's consideration of the Special Resolution.

### 20. **ADDENDUM AGENDA**

20.1 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.

20.2 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~~ Deputy CAO(s) if the urgent nature of the matter requires a decision prior to the next Council or Committee meeting.

### 21. **ADJOURNMENT**

21.1 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.

21.2 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.

21.3 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.

- 21.4 Notwithstanding Section 21.1, 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.

## 22. STRIKING COMMITTEE

- 22.1 (a) Council as a whole shall appoint Chairs to all Standing Committees.
- (b) Council as whole shall select the 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 position every two years when selecting a Standing Committee Chair. In appointing the Standing Committee Chair, consideration shall be given to workload balance, individual interests and Councillor development.
- (c) Each Standing Committee shall 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) 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

- 23.1 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 boards and other public agencies.
- 23.2 The Mayor shall chair the Nominating Committee.
- 23.3 The Nominating Committee shall be composed of the Mayor and the Chairs of the Standing Committees.
- 23.4 In the first year of each new term of Council, the Nominating Committee shall, as soon as possible, make recommendations to Council on all other Council Member appointments.
- 23.5 In ~~all~~ other years of the Council term, and as needed, the Nominating Committee shall make recommendations on Councillor Member appointments to Council prior to the last regularly scheduled Council meeting in November.
- 23.6 For Councillor vacancies that occur during the term of Council, the Nominating Committee shall make a recommendation to Council.
- 23.7 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

24.1 The following Committees ~~and Boards are appointed by and~~ report directly to Council:

- (a) Ad Hoc ~~Standing~~ Committees
  - ~~i. Striking Committee – comprised of Members of Council~~
  - ii. Nominating ~~Committee~~ – comprised of Chairs of the Standing Committee Chairs & Mayor
  - iii. ~~Emergency Governance~~
- (b) ~~Operating~~ Standing Committees
  - i. ~~Audit~~
  - ii. ~~Corporate Services~~
  - iii. Governance
  - iv. Infrastructure, Development and Enterprise
  - v. Public Services
  - ~~viiiv. 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.*

- ~~e) 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~~
- ~~e) Corporations~~
  - ~~i. Guelph Municipal Holding Company (GMHI)~~
  - ~~ii. Guelph Junction Railway~~
- ~~cd) Quasi-Judicial / Adjudicative Committees~~
  - ~~i. Appeals Committee~~
  - ~~i. Municipal Election Compliance Audit Committee~~
- ~~f) Committees with Delegated Authority~~
  - ~~i. Committee of Adjustment~~
  - ~~ii. Appeals Committee~~
  - ~~iii. Property Standards/Fence Viewers Committee~~

## 25 COUNCIL MEETING AS SHAREHOLDER

~~25.~~ Council meets as the Shareholder of the following Corporations:
 

- ~~i. Guelph Municipal Holdings Incorporated (GMHI)~~
- ~~ii. Guelph Junction Railway Company~~

## 265. STANDING COMMITTEES COMPOSITION S, SPECIAL/AD-HOC COMMITTEES AND ADVISORY COMMITTEES

~~25.1 Standing Committee Procedures~~

- ~~e) Council shall appoint the following Standing Committees:~~
  - ~~i.~~

- ~~26.1 (a)~~ A Standing Committee, other than the Emergency Governance Committee, shall be comprised of four (4) members of City Council and the Mayor, deal with the subject matter specific to its scope of responsibilities and make recommendations to Council for approval.
- ~~26.2 (b)~~ 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.
- ~~26.3 (c)~~ The Governance Committee shall be comprised of the Chairs of the Audit, Corporate Services, Infrastructure, Development and Enterprise, and Public Services committees and the Mayor.
- ~~26.4 (d)~~ Notwithstanding Section 22.1, the Mayor shall Chair the Governance and Nominating Committees
- ~~26.5 (e)~~ 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.
- ~~26.6 (f)~~ Standing Committees shall deal with matters relating to the specific area of jurisdiction regarding municipal functions as detailed in the Standing Committee Terms of Reference as adopted by Council resolution from time to time. Section 25.2.
- ~~26.7 (g)~~ 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. which committee shall have jurisdiction regarding the matter.
- ~~(d) The responsibilities of each Standing Committee shall be as follows:~~
- ~~i. Leadership & Stewardship
 
    - ~~A. establish priorities for Committee work scheduled annually;~~
    - ~~B. track outstanding Committee items; and~~
    - ~~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~~~~
- ~~(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 and 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 and Environment Committee; Operations, Transit and Emergency Services Committee and the Mayor.~~
- ~~(i) — Notwithstanding Section 22.1 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.~~

## ~~25.2 — Standing Committee Responsibilities~~

- ~~(a) — The Audit Committee scope of responsibilities includes:~~
  - ~~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 Community & Social Services Committee scope of responsibilities include:~~
- i. ~~Culture & Tourism~~
  - ii. ~~Community Engagement & Social Services Liaison~~
  - iii. ~~Parks & Recreation~~
  - iv. ~~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 Corporate Administration, Finance & Enterprise Committee scope of responsibilities includes:~~

- 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 Governance Committee scope of responsibilities includes ensuring that appropriate policies, principles, procedures and roles are established to guide and enhance:~~
- ~~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 Operations, Transit & Emergency Services Committee scope of responsibilities includes:~~

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

~~The following Advisory Committees report to it:  
Transit Advisory Committee~~

~~(f) The Planning, Building, Engineering and Environment Committee scope of responsibilities includes:~~

- ~~i. Engineering Services~~
- ~~ii. Planning~~
- ~~iii. Building Services~~
- ~~iv. Solid Waste Resources~~
- ~~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.~~

**~~275.23~~ SPECIAL/Ad Hoc COMMITTEES**

~~27.1 (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 directly or through a Standing Committee~~ on that matter.

~~27.2 (b)~~ Notwithstanding Section ~~25.56(a)~~30.1 only the Members of a Special/Ad Hoc Committee shall participate in, debate or ask questions at Special/Ad Hoc Committee meetings;

~~27.3 (e)~~ Special/Ad Hoc Committees shall report back to Council.

**~~285.34~~ ADVISORY COMMITTEES**

~~28.1 (a)~~ Advisory Committees are created by Council with no defined ending, to report through the appropriate Standing Committee on a specific subject matter.

~~28.2 (b)~~ No Members of Council shall be appointed to Advisory Committees.

~~28.3 (e)~~ The appointment of a citizen member to an Special/Ad Hoc committee or Advisory Committee may be ~~terminated forfeited~~ 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.

**~~295.45~~ MEMBER ABSENT FROM COUNCIL**

~~29.1 (a)~~ ~~The appointment of~~A The office of a Member of Council ~~becomes vacant to a Committee may be terminated~~ if the Member has been absent from Meetings of the ~~Council Committee~~ for three ~~consecutive~~successive months without being authorized to do so by a resolution of the ~~Council Committee~~ entered upon its minutes.

**~~30.25.56~~ NON COMMITTEE MEMBER PARTICIPATION AT MEETINGS**

~~30.1 (a)~~ Members of Council who are not Committee Members may attend both Open and Closed Meetings. They may ask questions for clarification for no more than 5 minutes cumulatively, but shall not enter into debate, nor extract items from the consent agenda.

~~30.2 (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 delegate regarding an issue for no more than five (5) minutes (cumulative).~~

### **3126. GENERAL RULES**

- ~~3126.1~~ No provision of this By-law shall be suspended except by affirmative vote of at least two-thirds of the Members present for each incidence of suspension of the rules.
- ~~3126.2~~ 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.
- ~~3126.3~~ 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. governed where practicable by Roberts Rules of Order.
- ~~3126.4~~ This By-law comes into force on May 25, 2015.
- ~~3126.5~~ The short title of this By-law is the Procedural By-law.
- ~~3126.6~~ Appendix 1, the "Motions Table", forms part of this By-law and shall be used as a reference.

### **3227. PROCEDURAL BY-LAWS FOR OTHER BOARDS, COMMITTEES OR COMMISSIONS**

- ~~3227.1~~ 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.

### ~~28. MUNICIPAL CODE AMENDMENT~~

- ~~28.1 Municipal Code Amendment #518, which amends Chapter 20 of the City of Guelph Municipal Code by removing Article II and substituting the aforementioned clauses is hereby adopted.~~

### **3329. REPEAL OF PREVIOUS BY-LAW**

- ~~3329.1~~ By-law Numbers ~~(2012)-19375, (2013)-19558 and (2013)-19634~~ (2014) - 19784 ~~are is~~ hereby repealed.

**PASSED this TWENTYETH day of JULY, 2015.**

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CAM GUTHRIE - MAYOR

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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.

**Proposed changes to the Procedural By-law  
by Members of Council**

Legend:  
Staff Response  
Proposed Action

<b>Add/Delete /Revise*</b> *Please note bylaw section	<b>Details Regarding Change</b>	<b>Staff response and Proposed Action</b>
<b>Index:</b>	London contains an index of the various parts of the Bylaw, Niagara contains a Table of Contents, Guelph has nothing	<p><b>Agreed:</b> For the consolidated version for council we will prepare a copy with a table of contents.</p> <p>Staff prepares a consolidated version with a table of contents once the by-law is passed.</p>
<b>1 Definitions:</b>	Guelph, London and Niagara are all different in terms of what is defined and how things are defined. Some are particular to the municipality (ie there might be no relevance to defining in a standard way in some circumstances because of unique nature of municipality).	<p><b>Each municipality is unique and varies in its terminology and definitions, so it's difficult to compare.</b></p> <p>Staff will add any definitions that Council directs as appropriate for clarification of terminology.</p>
<b>2.7c) Closed Meetings</b>	In the spirit of transparency - provide general rationale when going into closed session at the open meeting. NOTE: I think we are doing closed incorrectly. We should call meeting to order always in open session. Move to go to Closed in Council Chambers and then recess to ante room for closed discussion. In this manner, there is always an appearance that "closed session" is merely an adjunct of open and not a meeting of its own.	<p><b>Agreed and already included in section 2.7c). These concerns would be addressed if the chair at each meeting reads a script in open to go into closed and rises from closed into open to explain what was discussed in closed. Staff is supportive of such changes</b></p> <p>These concerns would be also be addressed by a change to the Closed meeting protocols and referral to them in the procedural by-law.</p>
<b>2.7 (g)Electronic devices turned off in closed meetings</b>	Electronic devices being turned off during closed meetings with exception of on call emergency personnel. This is not being enforced. Either it must be enforced or the rule must be changed/deleted.	<p>These concerns would be addressed by a change to the Closed meeting protocols to require that the Chair reads the closed meeting script regarding the rules for electronic devices at each meeting.</p>



<b>3.1 and 3.2 Order of Business</b>	Change "Silent Prayer" to "Silent Reflection" Secularity adheres to Supreme Court ruling. Should be labelled accurately since it's not a prayer time.	Agreed and is being proposed
<b>6.1 (b) Public Decorum at Meetings</b>	Water should be added as an exception to this rule	Water poses no problems.  Agreed and is being proposed
<b>8. Delegations</b>	<b>Delegations</b> in London are always heard by Committee of the Whole Part 14. Note what it says about repetition. Very Important for getting through meetings.	We do not have a committee of the whole system as does London; we have a standing committee system. We are unlike London or Hamilton, who only accepts delegations at standing committee and not Council. It would not be prudent from a transparency and accountability perspective to limit delegations to either standing committee or Council only, although it may be more practical from an administrative perspective to do so.  This change is not being recommended.
<b>12.6 Speaking to a motion:</b>	Niagara and London - specifically identifies you may speak once for a time of no more than 5 minutes. You must speak to the motion you cannot wander or pontificate	This is already covered in section 12.6 of the Guelph procedural bylaw.
<b>12.6 &amp; 12.7 Rules of Debate and Conduct -</b>	<b>RULES OF DEBATE AND CONDUCT</b> <b>9.1 Order - decorum - maintained - Mayor</b> The Mayor shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council. <b>9.2 Mayor - speaking on motion - to leave Chair</b> The Mayor may answer questions and comment in a general way without leaving the Chair, but if he/she wishes to make a motion or to speak on a motion taking a	The majority of this is included in sections 12.6 & 12.7 of the Guelph By-law:  12.6 No member shall without leave of the Council or Committee:  (a) speak to an issue for more than five (5) minutes (cumulative); (b) use offensive words or speak disrespectfully of Council, Committee staff, or any person; (c) speak on any subject other than the subject under debate; (d) speak in contempt of any decision of the Council or Committee;

	<p>definite position and endeavouring to persuade the Council to support that position, then he/she shall first leave the Chair.</p> <p><b>9.3 Mayor - leaving Chair - member designated in place</b> If the Mayor desires to leave the Chair for the purpose of taking part in the debate or for any other reason, he/she shall designate another member to fill his/her place until he/she resumes the Chair.</p> <p><b>9.4 Speaking - recognition by Chair - required</b> Before a member may speak to any matter, he/she shall first be recognized by the Chair.</p> <p><b>9.5 Speaking - order - determination</b> When two or more members indicate simultaneously that they wish to speak, the Chair shall name the member who is to speak first.</p> <p><b>9.6 Speaking - limitation - subject - maximum 5 minutes</b> When a member is speaking to a motion, he/she shall confine his/her remarks to the motion and in speaking shall be limited to a maximum of 5 minutes, unless otherwise decided by a majority vote of the members present.</p> <p><b>9.7 Speaking - once only - exception - vote - reply</b> A member shall not speak more than once to any motion, unless otherwise decided by a majority vote of the members present, but the member who has made a motion shall be allowed to reply for a maximum of 5 minutes.</p> <p><b>9.8 Speaking - under debate - motion - prohibited</b> A member who has already spoken to any motion under debate shall not be permitted to move any motion described in section</p>	<p>(e) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or,</p> <p>(f) 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.</p> <p>12.7 Subsection 12.6(a) shall not apply to a Committee Chair, or his or her designate when presenting the Committee's report to Council.</p> <p>A change is being proposed that in lieu of the member being removed by the police, that the member be removed by Clerks and/or other staff as necessary.</p>
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	<p>11.7 of this by-law, except a motion to proceed beyond the hour of 11:00 PM.</p> <p><b>9.9 Motion - under debate - questions - before vote</b>  When a motion is under debate, a member may ask a concisely worded question of another member, the City Manager, Managing Director or appropriate staff, through the Chair prior to the motion being put to a vote by the Chair in accordance with section 12.4 of this by-law.</p> <p><b>9.10 Motion - under debate - read - at any time</b>  A member may require the motion under debate to be read at any time during the debate, but shall not interrupt a member who is speaking.</p> <p><b>9.11 Disruption - Council - by member - prohibited</b>  A member shall not disturb the Council by any disorderly deportment, including conduct contrary to the Code of Conduct established by the Council.</p> <p><b>9.12 Offensive language - insults - prohibited</b>  A member shall not use profane or offensive words or insulting expressions.</p> <p><b>9.13 Disobedience - rules - points of order - prohibited</b>  A member shall not disobey the rules of the Council or a decision of the Chair or of the Council on points of order or on the interpretation of the rules of procedure of the Council.</p> <p><b>9.14 Leaving seat - disturbance during vote - prohibited</b>  A member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the result is declared.</p> <p><b>9.15 Speaking - rising and addressing</b>  A member may rise to speak, after</p>	
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	<p>addressing himself/herself to the Chair.</p> <p><b>9.16 Interruption - speakers - exception</b>  A member shall not interrupt a member who is speaking, except to raise a point of order or a question of privilege.</p> <p><b>9.17 Leaving meeting - not to return - Chair informed</b>  A member shall not leave the meeting when he/she does not intend to return thereto without first advising the Chair.</p> <p><b>9.18 Disorderly conduct - member to be removed - question</b>  In the event that a member persists in a breach of the rules prescribed in sections 9.11 to 9.17 inclusive of this by-law, after having been called to order by the Chair, the Chair shall put the question "Shall the member be ordered to leave his/her seat for the duration of the meeting?" and such question is not debatable.</p> <p><b>9.19 Disorderly conduct - member to leave seat</b>  If the Council decides the question set out in section 9.18 of this by-law in the affirmative by a majority vote of the members present, the Chair shall order the member to leave his/her seat for the duration of the meeting.</p> <p><b>9.20 Apology - member to resume seat - by permission</b>  If the member apologizes, the Chair, with the approval of the Council, may permit him/her to resume his/her seat.</p> <p><b>9.21 Failure to leave seat - removal by Sergeant-at-Arms</b>  If a member does not leave his/her seat after being ordered to do so by the Chair in accordance with section 9.19 of this by-law and if the member does not apologize in accordance with section 9.20 of this by-law, then the Chair shall seek the appropriate</p>	
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	assistance from the Sergeant-at-Arms.	
<b>13.2d) Impugning Staff</b>	<b>Administration - integrity questioned - procedure (London)</b> When a member considers that the integrity of a member of the Civic Administration has been impugned or questioned, the Chair shall, if they choose to do so, permit the City Manager or a Managing Director or his/her designate to make a statement to the Council.	Presently included in section 13.2(d)
<b>14. Questions on a motion</b>	When a motion is under debate, a member may ask a concisely worded question of another member, the City Manager, Managing Director or appropriate staff, through the Chair prior to the motion being put to a vote by the Chair in accordance with section 12.4 of this by-law.	Section 14 re: "Motions and order of putting questions" details with how motions are to be dealt with. It is understood that questions may be asked. The City of London bylaw is more prescriptive than that of the City of Guelph. Staff is trying to keep the Guelph by-law clear and concise and not overly prescriptive.  Not being recommended.
<b>14.1 Motions</b>	Must first be put on the floor before they are discussed - this to me is paramount to making Council work.	Already included in 14.1. 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.
<b>14.6 c) Motions to Defer</b>	Niagara region: "Defer" must contain a time when Council will again consider. In other words, you cannot kill a motion by deferring to time indefinite	A deferral in Guelph bylaw may be for a specific time. Council may not know when a matter is coming back, so a deferral may be appropriate. If it is the will of Council a deferred matter can be brought back at any time.  Not being recommended.
<b>19. Notices of Motion</b>	Whereas Guelph gives an authority to NOM's, neither Niagara nor London do. In fact see my point #11 - this is the way it should be done.	Staff sees value in keeping the NOM process as it allows members of Council to bring forward matters which are otherwise not before committee or council for consideration.

	<b>Note the "Schedules" attached to London's Procedural Bylaw - they preclude any NOM's - it becomes the Clerk's duty to assign "general matters" to Standing Committees.</b> In other words, it reduces the potential for grandstanding/pontification at meetings.	The process requires that (other than reconsiderations) motions resulting from NOM's be referred back to standing committee for consideration. So the process is respectful to the standing committee/ Council decision making process and allows staff the time and opportunity to provide a review and comment on the matter.  Not being recommended.
<b>22 Striking Committee</b>	Review needed of Committee Chairs being selected by Council and then they select committee members in camera. Preferred previous method of committee members being selected in open Council and then Committees selecting their Chairs. There are pros and cons to both but it is more transparent to have done in open Council. Don't understand need for in camera selection of committee members.	This is a substantive change which would require Council's direction.
<b>23.7 Nominating Committee</b>	Needs correction as there are not enough committees now for each Councillor to sit on two.	Agreed and is being proposed.
<b>Section 25 – Standing committee Terms of Reference</b>	Remove the Terms of Reference for committees. I think this is important so that when we change up the ToR we do not have to amend the by-law.	The terms of reference are important but they are not meeting procedures.  Agreed and is being proposed
<b>25(h) Standing Committees, Special/Ad Hoc Committees &amp; Advisory Committees</b>	I don't think that the Governance Committee needs to be made up of the Chairs. It can be any Councillor who has an interest in serving on Governance though I think the Mayor should be Chair. This would also mean that a Chair could sit on another committee instead of Governance.	There is some continuity in having the Chairs lead the decision making for Governance matters. Serving as Chair affords the individual insight into matters given that they attend previews and have input regarding the agenda.  This is a substantive change which would require Council's direction.

<b>25 (b)</b>	I think there should be a Councillor on Heritage Guelph. HG has some provincial legislation attached to it and it is helpful to have a Councillor who has a better understanding of the issues.	<p>There are many advisory committees that are legislated such as the Accessibility Advisory Committee, to name one. Council previously made a decision, that unless otherwise legislated, members of Council would not serve on advisory committees for two main reasons; because they should focus on setting high level priorities and because they considered it a conflict for a member of Council to be representing the interests of the Advisory committee and that of Council.</p> <p>This is a substantive change which would require Council's direction. Furthermore, this may be considered as part of the broader Council Composition and Employment Status Review project which will be delivered through 2016-2018 subject to budget approval.</p>
<b>26.2 General Rules</b>	Authority - should be a reference right at the start of the Procedural By-law to which authority Guelph Council refers when our procedure is either ambiguous or silent (Roberts, Bourinot, Sturgis).	Agreed and staff is proposing Roberts as the parliamentary authority.
<b>Schedules:</b>	The London Schedules are pretty good at simply outlining roles of each standing committee.	<p>Staff is proposing the standing committee terms of reference be a stand-alone document referred to in the procedural by-law - as it does not speak to meeting procedures.</p> <p>Recommending removal of Standing Committee terms of reference.</p>
<b>Cost and Motions: Region of Niagara</b>	Niagara Region 19.2 Notwithstanding Section 19.1, a Motion which relates to an expenditure of \$1,000,000 or more may only be considered if written notice thereof and a written staff report thereon were distributed not less than twenty-four (24) hours prior to the time of the Meeting.	<p>As a practice, unbudgeted financial matters require a funding component to be identified, or they are referred to the budget process for consideration. This may be more appropriate as part of a financial policy approved by council.</p> <p>Staff is proposing a change in section 2.7g) which will clarify monetary item requests as follows: Standing committees do not have authority to</p>

		<p>direct action to be taken where it is not in the budget or the departmental work plan.</p> <p>If further change is proposed, this is a substantive change which would require Council's direction.</p>
<b>Budget:</b>	<p>Niagara - Budget Committee NOT Council receives delegation (5.10) London does Budget in Committee too - see Schedule "F" Strategic Priorities and Policy Committee - Note that Guelph could have a Budget "Committee of the Whole" and this might be a good idea. We could then entertain delegates far differently than we did.</p>	<p>We operate as Council in Committee of the Whole for the purpose of presenting and approving the budget. Council does entertain delegations on its budgets. It has been the will of Council at the City of Guelph that Council as a whole deals with the vetting and approval of the budget.</p> <p>Already included in the Procedural By-law as Council has the right to meet as Committee of the Whole for special meetings including Budget.</p>



### Summary of material proposed changes to the Procedural By-law

<b>New /Revised</b>	<b>Amendment</b>	<b>Purpose</b>
New throughout	Change Executive Director to Deputy CAO and change Standing Committee names.	To align with the new corporate and governance structures.
New definition	Quorum defined as majority of total members of Council/ Committee.	For clarity
Revise : 2.7(g)	Standing Committees do not have authority to direct action to be taken where it is not in the budget or the departmental work plan	For clarity
New : 2.8(g)	Council shall have regard to the closed meeting protocols in the conduct of closed meetings and the reporting out of information.	To align closed meeting procedures with the protocols.
Revise: 3.1 & 3.2	Silent Prayer to Silent Reflection	To formalize existing process and to comply with recent Court rulings.
New : 3.3 & 18.2	Staff Updates & Announcements	To formalize existing process
New : 8.1(b) & 8.9 (c) & 19.1(e)	8.1(b) No delegations at Notice of Motion (NOM) stage as the public has the right to delegate at Standing Committee once referred back. 8.9(c) No delegations with respect to NOM. 19.1(e)No delegations shall be permitted to speak on a NOM.	Process improvement
New : 8.1(c)	Defining when public has opportunity to delegate regarding Budget	Process improvement
New: 8.9(b) & 17.5	No delegations on a by-law whose subject matter has appeared on any previous agenda.	Process improvement
Delete : 11.1(b)	Items shall routinely be placed on Standing Committee agenda unless they are timely in nature and shall therefore be placed on a Council agenda	Redundant as already detailed in 11.1(a)iii.

Revised: 11.2(b) & New 30.1	Non-member Councillor not able to extract items from a Standing Committee agenda	For clarity Only Standing Committee members shall be permitted to have rights to extract items from the agenda.
Revise : 16.1(a)	Process for reconsideration: To explain that motions must be reconsidered in their entirety.	Process improvement
Revise: 16.1(b)	Process for reconsideration: That matters where legally binding commitment has occurred, upon shall not be reconsidered.	Process improvement
Revised: 16.1(c)	Process for reconsideration: To define who may bring forward a motion to reconsider.	For clarity
New: 16.2(b) Delete: 16.5	No delegation shall be permitted to speak on a notice of motion to reconsider.	Process improvement Delegations will be able to speak to the main motion if it is reconsidered by Council.
Revise : 19.1(a) & (b)	Notice of Motion now required to be in writing and provided to the Clerk for inclusion on a council agenda.	Process improvement
Delete 22.1(e)	Council meets as Striking Committee once each term following the municipal election.	For clarity Other than immediately following an election, the Nominating Committee recommends Council member appointments.
Revise 24 & New 25	Defining committees of Council and Council as Shareholder	To formalize existing committees and reporting relationships and to align with the new corporate and governance structures.
Delete Most of : 26	Deleting details of Standing Committee(s) areas of jurisdiction	The purpose of The Procedural By-law is to provide rules for Council/Committee meeting proceedings. The Standing Committee Terms of Reference define the areas of responsibility.

Revised: 31.3	Where matters are not detailed in the City's Procedural By-law Roberts rules of order prevail	For clarity To rely on a recognised parliamentary document/procedure where a matter is not covered in the Procedural. By-law.
Delete : Old 28	Municipal Code	To delete reference to a records index that is no longer in use.

## Guelph City Council Terms of Reference

This Guelph City Council Terms of Reference is the overarching-a guiding document for City of Guelph Council governance responsibilities. There are several companion documents that flow from it including Guelph Standing Committee Terms of Reference, Council's Code of Conduct, City of Guelph Corporate Values and the principle-based Governance Framework.

### Introduction

Members of Council are elected by fellow Guelph citizens to make decisions about and oversee the provision of services by the City Management in exchange for taxes paid by the community.

The intent of this Terms of Reference is to clarify the role of Council on behalf of the community.

City Council uses a system of standing committees to manage its legislative process and make decisions. With some exceptions the business of the City is introduced at a committee and debated for recommendation to Guelph City Council. Committee and City Council meetings provide important forums for debate and public input on issues of importance to the community.

### Guiding Principles

1. All Council work will be carried out in accordance with provisions of the Municipal Act and other governing legislation.
2. The Council's Code of Conduct, transparency and accountability will guide Council efforts, promoting the highest ethical standards and professionalism while ensuring that the best interests of the community are met.
3. The Council endorsed corporate values of wellness, integrity and excellence will be supported.
4. The Council endorsed principle based Governance Framework is reflected in the Responsibilities and Duties defined below.
5. Council will respect the work of Standing Committees; seeking clarification and adding value rather than replicating the work of those Committees.
6. Council will engage the public in its work.

## **Mandate**

As provided by the Municipal Act, it is the role of City Council to,

1. Represent the public and to consider the well-being and interests of the municipality;
2. Develop and evaluate the policies and programs of the municipality;
3. Determine which services the municipality provides;
4. Ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
5. Ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
6. Maintain the financial integrity of the municipality; and
7. Carry out the duties of council under relevant Provincial Acts.

With respect to its responsibilities under the Ontario Planning Act and related legislation, it is the role of City Council to:

8. Uphold the purposes of the Act and related legislation;
9. Serve as the approval authority for all planning matters under the Act, with the exception of the approval of the Official Plan, planning matters appealed to the Ontario Municipal Board and those planning matters delegated to the staff or another body.

## **Specific Principle-Based Responsibilities:**

### **Principle #1: Leadership & Stewardship**

1. Approve the City's strategic direction.
2. Plan for the succession and renewal of senior administration.
3. Establish risk tolerance and ensure appropriate mitigating strategies are provided in reports and recommendations coming to Council.

### **Principle #2: Empowerment & Accountability**

4. Delegate authority as permitted in the Municipal Act to ensure the best use of resources and highest appropriate expertise is applied to City business.
5. Allocate responsibilities to Council Standing Committees, Ad Hoc Committees and Advisory Committees through Terms of Reference and annual work plans and to City management through the Chief Administrative Officer.
6. Establish effective accountability mechanisms through annual work plans and yearly monitoring reports.
7. Ensure City compliance with the Municipal Act, Planning Act and all provincial and federal legislation.

### **Principle #3: Communication, Engagement & Transparency**

8. Ensure overall flow of information among stakeholders and with Council is effective and efficient.

9. Ensure an annual communication plan exists to guide communication with citizens and stakeholders.
10. Oversee appropriate engagement of citizens and stakeholders in the development of reports brought to Council.
11. Ensure continuous access to performance results to citizens and prepare an annual report from Council.

#### **Principle #4: Service & Fairness**

12. Set an example for corporate social responsibility
13. Ensure Council conducts its business consistent with Council policies
14. Consider Guelph's commitment to sustainability in the areas of social, economic, cultural and environmental stewardship environmental stewardship when developing recommendations
15. Strive for balance when considering particular service needs within the context of the greater interests of the whole community, and within municipal resources.

#### **Principle #5: Accomplishment & Measurement**

16. Establish annual objectives and evaluate performance of the CAO. Monitor progress against the strategic plan.
17. Oversee performance measures process of Standing Committees and create additional measures if gaps exist.
18. Receive for information annual reports from Boards, Agencies and Corporations reporting to Council.
19. Evaluate Council's performance.

#### **Principle #6: Continuous Learning & Growth**

20. Set the tone for a culture that values innovation and change.
21. Ensure development for the CAO.
22. Approve annual operating priorities that include resources for employee and Council learning and development.
23. Ensure Mayor and Councillors have the information, knowledge and skills to optimize their contribution.

### **Committees Reporting Directly to Council**

#### **Ad Hoc Committees**

1. Striking Committee – Council
2. Nominating Committee – Standing Committee Chairs & Mayor

#### **Standing Committees**

##### Governance

1. Audit **Committee**
2. Governance **Committee**
3. 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.*

## Operating

1. ~~Community & Social~~ Corporate Services Committee
2. Infrastructure, Development ~~Corporate Administration, Finance & Enterprise Committee~~
3. ~~Governance~~ Public Services Committee
4. ~~Operations, Transit & Emergency Services Committee~~
5. ~~Planning & Building, Engineering & Environment Committee~~

## **Quasi-Judicial/Adjudicative Committees**

1. ~~Municipal Election Compliance Audit Committee~~ Appeals

## **Corporations**

1. Guelph Municipal Holdings Incorporated Company (GMHI)
2. Guelph Junction Railway Company (GJR)

## **Committees with Delegated Authority**

1. Committee of Adjustment
2. Municipal Election Compliance Audit
2. ~~Appeals Committee~~
3. Property Standards/Fence Viewers ~~Committee~~

## **Composition and Term**

1. Council is comprised of 12 members plus the Mayor.
2. Two members are elected from each of six wards.
3. The Mayor is elected at-large and serves as Chair.
4. The Mayor is full-time and members of Council are part-time.
5. The term of Council is four years.
6. The compensation is reviewed each term.
7. The need for a review of representation and size of Council is reviewed each term.

## **Resources**

As head of the administrative arm of city government, the Chief Administrative Officer (CAO) may be called upon by City Council to delegate work to staff in support of Council directions and requirements.

Individual Councillors may not provide direction to staff. Because Council has delegated responsibility to the CAO for the administration of the affairs of the City in accordance with policies and plans established and approved by Council, under the direction of the CAO staff have the responsibility and the authority to provide consultation, advice and recommend direction for the consideration of Council.

## Operating Procedures

1. The operating procedures of Council are provided in the Procedural By-law.
2. The Procedural By-law is reviewed once a term, or as required to ensure it meets the needs of Council and its statutory responsibilities under the Municipal Act.

## Roles of Stakeholders With Respect to Council Meetings

### Chair's Role (Mayor)

Specific roles and responsibilities for the Mayor as Chair of Council include:

#### Preparation

1. Call the meetings.

#### In Council Meetings

2. Maintain order and decorum during meetings, decide questions of procedure, and generally ensure that the Council work proceeds smoothly.
3. Ensure adequate and appropriate opportunities are provided for input by the public and other key stakeholders at meetings.
4. Engage all members in the decision-making process.
5. Define discussion parameters.
6. Frame the issues and set the tone for Council's discussions.
7. Focus the discussion.
8. Build consensus, when possible.
9. Foster a constructive culture/tone of meetings.
10. Guard responsibilities and boundaries of all stakeholders.
11. Ensure the will of the whole of Council prevails.
12. Handle new business arising in a timely manner.

#### After Council Meetings

13. Serve as the primary spokesperson for Council.
14. Provide any clarification or follow up on matters related to the decisions of Council to the CAO.
15. Model the behavior expected of members.

### Committee Chair's Role

Specific roles and responsibilities for the Committee Chairs include:

#### In Council Meetings

1. Present their Committee Report to Council.
2. Respond to questions regarding Committee deliberations and recommendations.
3. Refer questions to the ~~Executive Director(s)~~ Deputy CAO's as required.



## Councillors' Role

Specific roles and responsibilities for the Councillors include:

### Preparation

1. Read all agenda material and seek clarification of the ~~Executive Directors~~ Deputy CAO's or designates on any matters prior to meetings in order to make effective use of Council's time.
2. Access presentations made by staff or public delegations which occurred during Standing Committee meetings to become more knowledgeable about the issues and various points of view.
3. Have a broad awareness of the interrelationship of the City's strategic initiatives and its operations.
4. Understand the difference between the role of Council and the role of management.

### In Council Meetings

5. Debate the issues in an open, honest and informed manner to assist the decision-making process.
6. Actively contribute to achieving Council recommendations and directions.
7. Represent and advocate on behalf of constituents, keeping in mind the entire municipality when considering and addressing issues.
8. Respect the role of Mayor as Chair.
9. Have a willingness to respectfully challenge management when necessary.

## Chief Administrative Officer's Role

Specific roles and responsibilities for the CAO include:

### Preparation

1. Provide overarching advice to ~~C~~ouncil on the policies and plans established and approved by Council on behalf of the municipality.

### In Council Meetings

2. Provide advice to council with a view to exercising general control and management of the affairs of the municipality to ensure efficient and effective operation.
3. Offer suggestions to Council to ensure management and staff receive adequate information and direction in order to establish management practices and procedures to implement Council decisions.
4. Respond to Council's questions during Council meetings in areas not clearly within an ~~Executive Director's~~ Deputy CAO's scope of responsibility.

### After Council Meetings

5. Serve as the primary spokesperson for Management or delegate this responsibility as per specific communications protocols.
6. Follow up on matters related to the decisions of Council with the Mayor and Clerk as required.

## **Executive Directors' Deputy CAO's Role**

Specific roles and responsibilities for the Executive Directors Deputy CAO's include:

### **Preparation:**

1. Undertake all necessary research and provide briefings in order to provide advice to council on the policies and programs of the municipality.
2. Direct the development of and approve all service area staff reports and presentations for Council ensuring that subject matter is of a strategic or legislated nature and/or an issue which will impact on the community as aligned to the Specific Principle-based Responsibilities of Council.
3. Ensure the specific expertise and skills are available to Council to provide response to questions arising from agenda items.
4. Confer with the City Clerk to ensure that all actions and materials arising from Standing Committee meetings and, as recommended for the consideration of City Council, are reflected in the appropriate Council Agenda, prior to circulation.

### **In Council Meetings**

5. Attend open and closed Council meetings.
6. Answer questions referred by Committee Chairs or the Mayor during Council meetings at the request of the Committee Chair or call upon staff specialists to do so.
7. Provide advice and recommendations based on professional knowledge and experience.

### **After Council Meetings**

8. Ensure that the policies and decisions of Council are implemented in a timely and efficient manner.
9. Provide timely communication updates to Council on the progress of major initiatives or issues being resolved.
10. Ensure that all essential but routine operational issues or administrative matters arising from the decisions of Council are addressed efficiently and promptly within approved policies, programs and procedures without the necessity of having those matters dealt with through the formal Council process.
11. Address any identified corporate operational issues or administrative matters arising from Council decisions to the CAO/Executive Team and ensure the resolution is to the satisfaction of the CAO.

## **City Clerk's Role**

### **Preparation**

1. Manage the City's overall legislative agenda and processes; ensure that all statutory responsibilities of the City pertaining to the City Clerk as prescribed in Provincial Legislation are executed accordingly on behalf of the Municipality (Municipal Act, Municipal Elections Act, Municipal Freedom of Information and Protection of Privacy Act, Planning Act, the Vital Statistics Act, etc).
2. Maintains Council's annual meeting calendar

3. Coordinates the registration of delegates and presentations to Council.
4. Lead the development of policies and appropriate training on relevant municipal legislation and governance issues with the Executive Team, City Councillors and the Mayor's office.
5. Provide strategic advice with respect to the governance and legislative considerations that surround the implementation of other City policies.
6. In conjunction with the Mayor as Chair of Council and, in consultation with Executive Directors and the CAO, produce each City Council Agenda and ensure the collection, publication and circulation of all applicable materials required for meetings of City Council.
7. Supervise staff in the preparation and distribution of all agendas and agenda materials.
8. Supervise the issuance of notices pursuant to statutory requirements.

### **In Council Meetings**

9. Manage the legislative process for Council and all Council Committees, ensuring that meetings are held in accordance with the Procedural By-law, Council approved protocol and applicable legislation.
10. Attend, or designate staff to attend, all meetings of Council and its Committees.
11. Provide advice on legislative protocol and meeting procedures as requested.
12. Ensure the recording of minutes and resolutions.

### **After Council Meetings**

13. Ensure the publication of minutes from meetings of Council and its Committees and catalog by-laws; which serve as the official record of the proceedings of Council.
14. Coordinate the issuance of correspondence and resolution extracts to external applicants, delegates and agencies on behalf of Council.

## **Public/Delegations Role**

### **Preparation**

1. Register as a delegation to speak to Council during Council meetings.
2. Access Council agendas and minutes from the City website.
3. Communicate with Councillors to make perspectives known and discuss issues and options.

### **In Council Meetings**

4. Attend Council meetings.
5. Adhere to procedural rules for delegations to Council.
6. Respect the role of the Mayor as Chair of Council with responsibility for timely conduct of business and retaining meeting decorum.

## Standing Committee Terms of Reference

### Introduction

Standing Committees of Council ~~are created to enable Council's work~~ facilitate the decision-making process of Council. 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 Standing Committee structure was chosen by Council because it serves to gain efficiencies for Councillors as they work collaboratively to successfully manage and ~~equally~~ share the workload. A key advantage of the Standing Committee is the practical benefit of sharing the total Council workload ~~of Council~~ across a smaller group of Councillors appointed by the whole of Council to serve in the role of Committee Members. Further, Standing Committees of Council provide an opportunity for a smaller group of Councillors to engage with staff and the public in in-depth discussion and analysis of policy issues and options in the Committees area of responsibility. It is implicit to this model of governance that ~~all trust that~~ those appointed Committee Members ~~are will diligent~~ be diligent in fulfilling their roles.

The primary disadvantage with the Standing Committee system is the ~~lost~~ diminished opportunity for all Councillors to have the same deep level of understanding of the discussions that resulted in a Committee's final recommendation to Council, if they are not present at the Standing Committee meeting. ~~A second disadvantage is that some Councillors do not have an opportunity to influence Committee work during their discussions.~~

~~These two disadvantages can be mitigated by the sharing of comprehensive Committee minutes and by offering a~~ All Councillors have an opportunity to provide written input (prior to the meeting) and/or verbal input (at the meeting) to the Standing Committee Chair for a Committee's consideration on ~~any of the agenda items scheduled in the~~ a Committee's ~~annual work plan agenda~~.

### Guiding Principles

1. All Committee work will be carried out in accordance with [the City of Guelph Procedural By-law](#) provisions of the Municipal Act, and other governing legislation [and policies](#).
2. The 'Council's Code of Conduct, ~~transparency and accountability~~ will guide Committee efforts, promoting the highest ethical standards and professionalism while ensuring that the best interests of the community are met.
3. The Council-endorsed corporate values of wellness, integrity and excellence will also be observed.
4. The Council-endorsed 'Principle Based Governance model' is reflected in the Responsibilities and Duties defined below.
5. Committees will engage the public in their work ~~through receiving~~ [receiving](#) public delegations at Committee and/or ensuring ~~the~~ Management has appropriately engaged the community and stakeholders in the development of their recommendation to Committee.

## Mandate

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~~ [Standing -Committees are established by the City's Procedural By-law for the purpose of](#) ~~to~~ [ensuring](#) that appropriate policies, principles, procedures and roles are established for the functional areas that comprise the scope of the Committee's responsibility.

## Scope of Standing Committee Responsibilities

Council has established ~~six~~ [seven](#) Standing Committees.

The scope of responsibilities for each Standing Committee is found in the following schedules:

### Operating

Schedule 1 – [Corporate Services](#)

Schedule 2 – [Infrastructure, Development and Enterprise](#)

Schedule 3 – [Public Services](#)

~~Schedule 4 – Planning, Building, Engineering and Environment Services~~

### Governance

Schedule [4](#) – Audit

Schedule [5](#) – Governance

[Schedule 6- Nominating](#)

## Specific Committee Responsibilities

The following specific responsibilities apply to all Standing Committees. Refer to Schedules for additional responsibilities for specific Standing Committees.

### Leadership & Stewardship

1. Establish priorities for Committee work scheduled annually.
2. Track outstanding Committee items.
3. Consider risk management issues when debating options and recommendations.

### Empowerment & Accountability

1. Review Annual Reports on delegated authority for each service area.
2. Recommend to Council opportunities for delegation of authority.

### Communication, Engagement & Transparency

1. Recommend improvements to information flows for each service area.
2. Maintain a rolling calendar of regular performance and accountability reports.

### Service & Fairness

1. Ensure the Committee conducts its business consistent with Council's policies.
2. Consider Guelph's' commitment to sustainability in the areas of social, economic, cultural and environmental stewardship when developing recommendations.

### Continuous Learning & Growth

1. Ensure members receive orientation on their service areas.
2. Recommend service reviews for the consideration of the Internal Auditor.

## Composition and Term

1. The Committees will be comprised of four members of Guelph City Council and the Mayor.
2. The Governance Committee is comprised of the Chairs of Audit, Corporate Services, Public Services, and Infrastructure, Development and Enterprise Committees. Committees. CSS, CAFE, OTES, and PBEE. The Mayor is the Chair of Governance.
3. ~~A Chair and a Vice Chair will be appointed by~~ City Council shall appoint the Chairs for Standing Committees of Audit, Corporate Services, Public Services, and Infrastructure, Development and Enterprise for the Standing Committees of Audit, CSS, CAFE, OTES every two years and PBEE.

4. ~~Chairs, Vice Chairs and all committee members shall be appointed by Council for a two year term. Vice-Chairs shall be appointed by their respective Committee members.~~
- 4.5. Standing Committees shall consider rotating the appointment of the Standing Committee Vice-Chairs every two years.

## Resources

The Chief Administrative Officer (CAO), the ~~Service Area Executive Director Deputy CAO's~~ and other specialists may be called upon to conduct research, communications or any other Committee identified requirements.

As Council has delegated responsibility to the CAO for the administration of the affairs of the City, in accordance with decisions adopted by Council, under the direction of the CAO staff has the responsibility and the authority to provide consultation, advice and ~~direction recommendations~~ to Council. ~~and by inference to Council Standing Committees.~~

## Operating Procedures

### Meetings

- The frequency of Committee meetings shall be established at the beginning of the year, with the authority to convene additional meetings as may be necessary to exercise its responsibilities.

### Meeting Agenda

- ~~Items included on the~~ Committee meeting agendas shall be the responsibility of the ~~Executive Director, Deputy CAO~~ of the Committee working in collaboration with the Chair ~~and City Clerk.~~

### Notice of Meetings

1. 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 paper at least 72 hours prior to the meeting.
2. It is recognized that some items consistent with Section 239 in the Municipal Act may permit 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.

### Meeting Minutes

- ~~Meeting minutes will be recorded without note or comment in accordance with section 239 (7) of the Municipal Act. Minutes from the meeting will be included in a forthcoming agenda for confirmation by the respective Committee. and distributed to the Committee members with each meeting~~

~~agenda. Minutes will capture a summary of discussions and debate without attribution.~~

## Committee Working Process

- All decisions that lead to the formulation of recommendations for Council consideration 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, any supplemental information, public input, media requests, etc.

## Quorum

- A quorum shall be a majority of the whole committee (3).

## Chair Votes

- The Chair shall vote on all motions.

## Attendance at Meetings

- Committee members are expected to attend all Committee meetings to which they have been appointed. They are expected to advise the Chair and City Clerk, in a timely manner, if they are unable to attend a meeting. Committee members are expected to be punctual.

## Reporting to Council

- The Committee will report to Council with recommendations for approval.

## Procedural Rules

- Any rule not stated herein is deemed to be provided in the current Procedural By-law, as amended from time to time.

## Roles of Stakeholders With Respect to Committee Meetings/Business

The following key stakeholders are recognized:

1. Committee Chair (applies to the Vice Chair when serving as Chair)
2. Committee Members
3. Visiting Councillors
4. Chief Administrative Officer
5. ~~Executive Director~~ Deputy CAO
6. City Clerk
7. Public/Delegations



## 1. Committee Chair Role

Specific roles and responsibilities for the Committee Chair include:

### Preparation

1. Call the meetings.
- ~~2.~~ Work in collaboration with the ~~Executive Director~~ Deputy CAO and City Clerk on the development of the agenda; including delegations; sequence; flow and timing; and to be apprised of any changes to the agenda prior to the meeting. ~~The final Committee meeting agendas shall be the responsibility of the Executive Director~~ Deputy CAO.
- ~~3.~~2. Seek out the opinions of Ward Councillors relevant to specific Committee work.
- ~~4.~~3. In reviewing materials, ensure clarity on the discussion parameters for each report appearing on the agenda.

### In Committee Meetings

1. Ensure Committee works within the assigned mandate.
2. Collaborate with the Service Area Executive Director, CAO (as required), Mayor and City Clerk to encourage efficient and effective conduct of Committee business and accomplish the work of each meeting agenda.
3. ~~Model Exhibit~~ the behavior expected of all Committee members.

*Specific to agenda items:*

4. Define discussion parameters and remind members of decision options that include *approve*, ~~not approved~~ ~~defeat~~, ~~reject~~, *amend*, *refer* or *defer a staff recommendation*.
5. Frame the issues, focus discussion and set the tone for the Committee's discussions: fostering a constructive culture for respectful dialogue between Councillors, community and staff.

*Specific to decision-making:*

6. Maintain order and decorum during meetings, decide questions of procedure, and generally ensure that the Committee work proceeds smoothly according to the Committee's work plan.
7. Engage all Committee members in the decision-making process.
8. Ensure the Committee has sufficient information to make a decision.
9. Ensure that the ~~Executive Director~~ Deputy CAO has been provided with the opportunity to clarify any matters of fact or seek professional advice.
10. Build consensus where possible.
11. Ensure the will of the Committee prevails.

*Specific to engaging the public and stakeholders:*

12. Ensure adequate and appropriate opportunities are provided for input by the public and other key stakeholders at meetings.
13. Ensure delegations understand the process and are treated with respect.
14. ~~Guarding responsibilities and boundaries~~ Be respectful of all stakeholders' points of view.

## After Committee Meetings

1. Speak on behalf of the Committee at the Council level.
2. Act as the primary spokesperson for any Committee-related inquiries in concert with the ~~Executive Director~~ Deputy CAO or delegate, as per a communications plan.
3. Work closely with the Service Area Deputy CAO ~~Executive Director~~ and the Executive Team, as required.
4. Maintain strong communications with committee members between meetings.

## Vice Chairs

Vice Chairs will assume the role and responsibilities of the Chair when the Chair is unable to fulfill their role. For Operating Standing Committee Vice Chairs, this includes serving on the Governance Committee and the CAO Performance Appraisal Committee.

- ~~23. The Chair will provide the Vice Chair a minimum of two opportunities during a year to chair a Committee meeting.~~

## 2. Committee Member Role

Specific roles and responsibilities for the Committee Members include:

### Preparation

1. Read all agenda material and seek clarification from staff on any matters prior to meetings in order to make the most effective use of the Committee's time.
2. Have a broad awareness of the interrelationship of the City's strategic initiatives and its operations.
3. Understand the difference between the role of the Committee and the role of management.

### In Committee Meetings

1. Attend meetings and participate fully in all Committee work.
2. Debate the issues in an open, honest and informed manner to assist the decision-making process.
3. Actively contribute to ~~reaching the development of~~ Committee recommendations and directions.
4. Represent and advocate on behalf of constituents, keeping in mind the entire municipality when considering and addressing issues.
5. Respect the role of Committee Chair.
6. Respect the role of staff.
7. Have a willingness to respectfully challenge ~~m~~Management when necessary.

### 3. Visiting Councillor Role

Specific roles and responsibilities for Visiting Councillors include:

#### Preparation

1. Contact staff prior to Committee and Council meetings with questions.
2. Provide written input to the Chair in advance of the meeting on any committee agenda item. All members of Council, whether attending a Committee meeting or not, may provide written comment through the Chair.

#### In Committee Meetings

3. Add value to Committee work by offering verbally, to the Committee Chair, items of new information on items Committee extracted from the consent agenda, reinforcing the interests of constituents or ~~offering presenting opinions or~~ questions.
4. Make specific requests of the Committee Chair for additional information or analysis prior to recommendations coming before Council.
5. Respect the intent of the Standing Committee structure.
6. Do not directly ~~participate in the meeting with~~ engage with delegations, ~~or~~ City Staff, ~~or in~~ Committee debates, or ~~voting~~ on motions.

### 4. Chief Administrative Officer

The Chief Administrative Officer (CAO) may attend and speak at a meeting of any Standing Committees on an as needed basis, ~~with the right to speak~~.

### 5. ~~Executive Directors'~~ Deputy CAO's Role

Specific roles and responsibilities for the ~~Executive Directors~~ Deputy CAOs include:

#### Preparation

1. Collaborate with the Committee Chair and City Clerk to develop the Committee mandate and charter. Review once a term or as required.
2. Work in collaboration with the Committee Chair and City Clerk on the development of the agenda; including delegations; sequence; flow and timing; ~~and~~ to be apprised of any changes to the agenda prior to the meeting; and attend all Preview Meetings. ~~The Items on the~~ final Committee meeting agendas shall be the responsibility of the ~~Executive Director~~ Deputy CAO.
3. Ensure the timely submission of all agenda related materials to the City Clerk's Office by the prescribed submission deadlines.
4. At the request of the Committee Chair, draft an annual report from the Committee to Council
5. Maintain, in consultation with the Chair, a rolling planning calendar for the Committee.

6. In conjunction with the City Clerk, plan Committee agendas, collaborate with the Committee Chair in the finalization of all agendas and attend all preview meetings. ~~Final committee meeting agendas shall be the responsibility of the Executive Director of the Committee working in collaboration with the Chair.~~
7. Approve staff reports for presentation to Committee.
8. Answer questions posed by Council members prior to Committee meetings.

### In Committee Meetings

1. Attend open ~~Committee meetings~~ and closed Committee meetings.
2. Engage in Committee discussion and deliberation.
3. Engage in decision making at the direction of the Chair.
4. Offer opinion to Committee members in advance of, and during, Committee meetings.
5. Review written input from the public and ~~listen~~ consider verbal content from public delegations.
6. Ensure any correction of fact is provided to Committee.

### After Committee Meetings

1. Ensure follow up on all matters related to the discussion and decisions of the Standing Committee and on all time specific requests for additional information required by Council prior to their final deliberation of reports.
2. Serve as the primary spokesperson for the Service Area unless responsibility has been delegated as per ~~communication plan~~ the information flow protocol.
3. Bring to the attention of the CAO any matters of conflict or contraventions that impact ~~the~~ relevant and applicable by-laws, resolutions, policies or guidelines of City Council.

## 6. City Clerk's Role

Specific roles and responsibilities for the City Clerk include:

### Preparation

1. In consultation with Committee Chair and ~~Executive Director~~ Deputy CAO, develop Committee mandate and charter and review once a term or as required.
2. Oversee the process of appointing the Committee Chair and Committee members.
3. Manage the ~~legislative~~ Committee agenda and process for ~~Council~~ Committees and ~~ensure~~ that meetings are held in accordance with Council-approved protocol and applicable legislation.
4. In conjunction with the ~~Executive Director~~ Deputy CAO, plan committee agendas and support preview meetings.
5. Supervise staff in the preparation and distribution of agendas and agenda materials.

## In Committee Meetings

1. Attend, or designate staff to attend, all meetings of ~~Council Standing~~ Committees.
2. Provide advice on legislative protocol and meeting procedures as requested by the Chair.
3. Supervise the issuance of notices, recording of minutes and resolutions and other meeting and documentary processes.

## After Committee Meetings

4. Evaluate the effectiveness of Committee meetings and offer suggestions for improvement to the Chair and Executive Director.
5. Lead the development of policies and appropriate training on relevant municipal legislation and governance issues with the Executive Team, City Councillors and the Mayor's office.
6. Provide strategic advice with respect to the governance and legislative considerations that surround the implementation of other City policies.

## 7. Public/Delegations Role

### Preparation

1. Register as a delegation to speak to the Committee with respect to a matter appearing on a meeting agenda.
2. Access Committee agendas and minutes from the City website.
3. Communicate with Councillors to make perspectives known and discuss issues and options.
4. Participate in community engagement processes related to their issue of interest.

### In Committee Meetings

5. Attend Committee meetings
6. Adhere to procedural rules for delegations to Committees
7. Respect the role of the Committee Chair with responsibility for timely conduct of business and retaining meeting decorum

## Additional Detail to Assist Stakeholders with Role and Responsibilities

The following two tables provide additional detail to assist stakeholders to understand how they should participate in Committee work and during Committee meetings.

### Standing Committee RACI Chart

Activity	Responsible	Accountable	Consult	Inform
<b>Mandate and Charter</b>				
Develop	Clerk	Chair	<del>DCAOED</del> /Chair	
Review and recommend	Cttee	Clerk		IS/ES
Approve	Council	Cttee		IS/ES
Review once a term or as required	Cttee	Chair	Clerk/ <del>DCAOED</del>	
Report to Council (annual)	<del>DCAOED</del>	Chair		IS/ES
<b>Planning</b>				
Maintain rolling calendar	<del>DCAOED</del>	Chair	Clerk	Cttee/IS/ES
Manage meeting forecast	Clerk	<del>DCAOED</del>	Chair/ <del>DCAOED</del>	
Manage outstanding list of actions/motions	Chair/ <del>DCAOED</del>	Council	ET/CAO	
Agenda planning and preview	<del>DCAOED</del>	Clerk	Chair	
<b>Meetings</b>				
Call meetings	Clerk	Chair	Cttee/ IS	IS/ES
Submit agenda material	<del>DCAOED</del>	<del>DCAOED</del>	Clerk	
Distribute agenda packages	DS	Clerk		IS/ES
Chair meetings	Chair	Council		
Participate in meetings	See Separate Document Guideline			
Draft minutes	DS	Clerk		
Approve minutes	Cttee	Clerk		IS/ES
Present committee consent report to Council	Chair	Cttee		IS/ES
Evaluate meeting effectiveness	Clerk	Chair	Cttee/ <del>DCAOED</del>	
<b>Leadership</b>				
Appoint Chair	Striking Cttee	Clerk		
Recommend committee members	Nominating	Mayor	Council	
Approve committee members	Council	Nominating		IS/ES
Provide leadership to the committee	Chair	Council		
Ensure mandate is fulfilled	Chair	Cttee	<del>DCAOED</del>	
Annual report to Council	<del>DCAOED</del>	Chair	Cttee	

~~CAO – Chief Administrative Officer~~

~~Cttee - Committee~~

~~DCAO- Deputy CAO~~

DS - Designated staff

ES - External stakeholders

IS - Internal stakeholders as  
appropriate

~~ES - External stakeholders as  
appropriate~~

~~ED - Executive Director~~

~~CAO - Chief Administrative Officer~~

~~Cttee - Committee~~

## Standing Committee Participation of Stakeholders during Meetings

<b>City of Guelph Council Standing Committee Guidelines on Participation During Committee Meetings</b>					
<b>Obligations and Expectations of Stakeholders Participating in Standing Committee Meetings</b>					
<b>Principles:</b>					
1. Committees publish their annual work plan to encourage input from the public and Council colleagues. 2. Input is received in writing or in person during scheduled times in Committee meetings. 3. Committee meeting minutes capture the essence of discussions and analysis without attributing specific comments. 4. Commitment to fair, effective and efficient decision making practices.					
Activity	Chair	Committee Members	Visiting Councillors	Staff	Delegations/ Public
Receive background material, staff report	All Councillors receive Standing Committee agendas, staff reports and public correspondence			Create staff reports	May download from City website
Contact staff to ask questions prior to Committee meeting	Yes	Yes	Yes	<u>Not Applicable</u>	Yes
Attend entire Committee meeting: Open session Closed session	Yes Yes	Yes Yes	Yes Yes	Yes as required	Yes in open session No in closed
Engage in Committee discussion and deliberation. Engage in decision making.	Leads the Committee to stay focused on task and conclude	Yes Yes	No No	Yes. Yes as requested.	No No
Offer opinion to Committee through the Chair: in advance	Yes	Yes	Yes All Councillors	Yes	Yes
At meeting	Yes	Yes	Yes	Yes	Yes
Review written input	Yes	Yes	Yes	Yes	Yes
Listen to public delegations	Yes	Yes	Yes	Yes	Yes
Ask questions of delegations	Yes	Yes	No	No	No
Ask questions of visiting Councillors	Yes	Yes	No	No	No
Ask questions directly to staff	Yes	Yes	No	No	No
Pose questions and/or provide input to the Chair for the Committee's consideration	N/A	N/A	Yes	Yes	Yes
Request <u>of through</u> the Chair for additional information prior to Council meeting	Not Applicable	Yes	Yes	Not Applicable	Yes



## Schedule 31 – Community and Social Public Services

### **Scope of Community & Social Services Committee's Responsibilities**

The Community & Social Services Committee's scope of responsibilities includes the following functional areas:

- Culture & Tourism
- Community Engagement
- Parks & Recreation
- Business Services
- Corporate Building Maintenance

The Community & Social Services Committee has the following Advisory Committees and Boards reporting to it:

1. Accessibility Advisory Committee
2. Cultural Advisory Committee
3. Guelph Museums Advisory Committee
4. Youth Council
5. Locomotive 6167 Restoration Committee

The Community & Social Services Committee has the following Local Boards reporting to it:

1. Police Services Board
2. Sports Hall of Fame
3. Guelph Public Library Board
4. Wellington-Dufferin-Guelph Public Health Board
5. Board of Trustees of the Elliott
6. Macdonald Stewart Art Centre Board of Directors
7. Guelph Cemetery Commission

### **Scope of Public Services Committee's Responsibilities**

The Public Services Committee's scope of responsibilities includes the following functional areas:

- Culture & Tourism
- Community Engagement
- Parks & Recreation
- Business Services
- Corporate Building Maintenance
- Emergency Services

- Guelph Transit
- Public Works
- By-law Compliance, Security & Licensing
- Service Performance & Development

The Public Services Committee has the following Advisory Committees and Boards reporting to it:

1. Accessibility Advisory Committee
2. Guelph Museums Advisory Committee
3. Public Art Advisory Committee
4. Tourism Strategy Advisory Committee
5. Youth Council
6. Community Wellbeing Grant Allocation Panel
7. Transit Advisory Committee

The Public Services Committee has the following Local Boards reporting to it:

1. Police Services Board
2. Sports Hall of Fame
3. Guelph Public Library Board
4. Wellington-Dufferin-Guelph Public Health Board
5. Board of Trustees of the Elliott
6. Macdonald Stewart Art Centre Board of Directors
7. Guelph Cemetery Commission

In addition, the Public Services Committee also acts as the Committee of Management for the Elliott.

## Schedule 12 – Corporate Administration, Finance and Enterprise Services

### Scope of Corporate Administration, Finance & Enterprise Services Committee’s Responsibilities

The Corporate Services Committee’s scope of responsibilities includes:

- Corporate Services
  - Finance
  - Human Resources
  - City Clerk’s Office
  - Corporate Communications
  - Information Technology
  - Legal & Realty Services
  - Court Services

In addition, Members from the Committee are appointed by Council to hear appeals under the City’s Business Licensing By-law as the Appeals Committee.

The Corporate Services Committee has the following Quasi-Judicial/Adjudicative Committees Agency reporting to it:

1. Appeals Committee

~~The Corporate Administration, Finance & Enterprise Committee’s scope of responsibilities includes:-~~

- ~~• Corporate Administration~~
- ~~• Finance & Enterprise~~
  - ~~○ Community Energy~~
  - ~~○ Downtown Renewal~~
  - ~~○ Economic Development~~
  - ~~○ Finance~~
- ~~• Corporate & Human Resources~~
  - ~~○ Human Resources~~
  - ~~○ City Clerk’s Office~~
  - ~~○ Corporate Communications~~
  - ~~○ Information Technology~~
  - ~~○ Legal & Realty Services~~
  - ~~○ Court Services~~

~~In addition, Members from the Committee are appointed by Council to hear appeals under the City’s Business Licensing By-law as the Appeals Committee.~~

~~The Corporate Administration, Finance & Enterprise Committee has the following Advisory Committees reporting to it:-~~

- ~~1. Downtown Advisory Committee~~
- ~~2. Economic Development Advisory Committee~~

The Corporate Administration, Finance & Enterprise Committee has the following Local Boards reporting to it:

- ~~1. Downtown Guelph Business Association~~

The Corporate Administration, Finance & Enterprise Committee has the following Quasi-Judicial/Adjudicative Committees Agency reporting to it:

- ~~1. Appeals Committee~~

### **Specific Governance Committee Responsibilities:**

#### **Leadership & Stewardship**

- ~~1. Review financial management policies and make recommendations to Council.~~
- ~~2. Monitor variance reporting for Enterprise, Operating and Capital Budgets.~~
- ~~3. Make recommendations regarding the annual budget cycle.~~

### **Schedule 3 – Operations, Transit & Emergency Services**

#### **Scope of Operations, Transit & Emergency Services Committee's Responsibilities**

The Operations, Transit & Emergency Services Committee's scope of responsibilities includes:

- ~~● Community Connectivity & Transit (Guelph Transit)~~
- ~~● Public Works~~
- ~~● By-law Compliance, Security & Licensing~~
- ~~● Emergency Services~~

The Operations, Transit & Emergency Services Committee has the following Advisory Committees reporting to it:

- ~~1. Transit Advisory Committee~~

## Schedule 423 – Planning & Building, Engineering & Environment Infrastructure, Development & Enterprise

### Scope of Planning & Building, Engineering & Environment Infrastructure, Development & Enterprise Committee's Responsibilities

The Infrastructure, Development & Enterprise Committee's scope of responsibilities includes:

- Engineering Services
- Planning Services
- Building Services
- Solid Waste Resources
- Wastewater Services
- Water Services
- Downtown Renewal
- Economic Development
- Community Energy

The Infrastructure, Development & Enterprise Committee has the following Advisory Committees reporting to it:

1. Downtown Advisory Committee
2. Economic Development Advisory Committee
3. Environmental Advisory Committee
4. Heritage Guelph
5. Municipal Property and Building Commemorative Naming Policy Committee
6. Organic Waste Processing Facility Public Liaison Committee
7. River Systems Advisory Committee
8. Water Conservation and Efficiency Public Advisory Committee

The Infrastructure, Development & Enterprise Committee has the following Agencies reporting to it:

1. Downtown Guelph Business Association
2. Grand River Conservation Authority

The Infrastructure, Development & Enterprise Committee has the following Quasi-Judicial/Adjudicative Committees Agencies reporting to it (for citizen appointments only):

1. Committee Of Adjustment
2. Property Standards/Fence Viewers Committee

The Planning & Building, Engineering & Environment Committee's scope of responsibilities includes:-

- ~~Engineering Services~~
- ~~Planning~~
- ~~Building Services~~
- ~~Solid Waste Resources~~
- ~~Wastewater Services~~
- ~~Water Services~~

~~The Planning & Building, Engineering and Environment Committee has the following Advisory Committees reporting to it:~~

- ~~1. Environmental Advisory Committee~~
- ~~2. Guelph Cycling Advisory Committee~~
- ~~3. Heritage Guelph~~
- ~~4. Organic Waste Processing Facility Public Liaison Committee~~
- ~~5. River Systems Advisory Committee~~
- ~~6. Water Conservation and Efficiency Public Advisory Committee~~
- ~~7. Municipal Property and Building Commemorative Naming Policy Committee~~

~~The Planning & Building, Engineering and Environment Committee has the following Agency reporting to it:~~

- ~~1. Grand River Conservation Authority~~

~~The Planning & Building, Engineering and Environment Committee has the following Quasi-Judicial/Adjudicative Committees Agency reporting to it:~~

- ~~1. Committee Of Adjustment~~
- ~~2. Property Standards/Fence Viewers Committee~~

## Schedule 54: Audit Committee

### Scope of Audit Committee's Responsibilities

The Audit Committee's scope of responsibilities includes:

- External Audit (Annual Audit)
- Annual Financial Statements
- Auditor Performance and Review
- Adequacy of the City's Resources
- City Financial and Control Systems
- Financial Literacy
- Internal Audit
- Compliance
- Risk Management and Internal Control
- Reporting Responsibilities

### Specific Committee Responsibilities:

#### Leadership & Stewardship

##### External Audit

1. Review the external auditor's proposed audit scope and approach, including coordination of audit effort with City staff.
2. 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.
3. Resolve any disagreements between management and the external auditors regarding financial reporting.
4. 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.
5. Ensure the timely presentation of the external auditor's annual audit report to Council.

##### Risk Management and Internal Control

6. 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.
7. 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.
8. 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.

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

#### **Other**

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

### **Empowerment & Accountability**

#### **Compliance**

13. 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:
  - a. Tax and financial reporting laws and regulations.
  - b. Legal withholding requirements.
  - c. Environmental protection laws and regulations.
14. Review by-laws and policies specifically regulating the conduct of members of council, staff and suppliers.
15. Review the findings of any examinations by regulatory agencies, and any auditor observations.
16. 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.
17. Review the results of management's investigation and follow-up for any instances of non-compliance.
18. Review the effectiveness of the systems established to ensure compliance.

#### **Adequacy of the City's Resources**

19. Review the nature of evolving businesses managed by the City, including those changes occasioned by business or process redesign or through updated legislated requirements.
20. 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**

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



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

## **Accomplishment & Measurement**

### **Financial Statements**

24. 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.
25. Review the representation letter provided by management to the external auditor.
26. 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.
27. Recommend to Council the approval and distribution of the annual financial statements.

### **Auditor Performance and Review**

28. 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.
29. Direct and review the performance evaluation process for the external auditor.
30. Recommend changes to the external auditor's compensation for Council approval.
31. 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.
32. 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**

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

## Schedule 65: Governance Committee

### Scope of Governance Committee's Responsibilities

The Governance Committee's scope of responsibilities includes ensuring that appropriate policies, principles, procedures and roles are established to guide and enhance:

- Effective Corporate Governance
- Accountability and Transparency
- Strategic Planning Processes
- Committee and Council Effectiveness
- CAO Performance and Review
- Oversight of Governance Policies
- Succession Planning
- Council Compensation
- Council Performance Reporting

### Specific Governance Committee Responsibilities:

#### Leadership & Stewardship

##### Strategic Planning

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

##### Enterprise Risk Management

6. Understand and address risks that threaten the achievement of the organization's objectives.
7. Assess risks in terms of likelihood and magnitude of impact.
8. Oversee the development of policies and appropriate response strategies to identify, prioritize, and respond to the risks (or opportunities).
9. Monitor progress on the effectiveness of policies and response strategies.

## **Empowerment & Accountability**

### **Accountability and Transparency**

10. Receive and review recommendations for the development of strategic communications material to support community understanding of the City's financial standing and strategic directions.
11. Review and confirm the delegation of authority protocols.
12. 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**

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

## **Accomplishment & Measurement**

### **Effective Corporate Governance**

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

### **CAO Performance and Review**

22. Review and recommend governance principles, policies and procedures with respect to the recruitment, delegation of authority, compensation, succession planning and evaluation of the CAO.
23. Direct and discuss CAO succession planning efforts consistent with policy guidelines.
24. Oversee the recruitment process for a new CAO consistent with policy guidelines.
25. Oversee the performance evaluation process for the CAO consistent with policy guidelines.
26. Oversee the development of annual performance objectives for the CAO consistent with policy guidelines.

27. Direct and discuss CAO succession planning efforts consistent with policy guidelines.
28. Recommend changes to the CAO compensation for Council approval.

### **Council Compensation**

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

## **Continuous Learning & Growth**

### **Committee and Council Effectiveness**

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

## **Schedule 6: Nominating Committee**

### **Scope of Nominating Committee's Responsibilities**

The Nominating Committee's scope of responsibilities include:

- Making recommendations on the appointment of Council members to Committees, local board and other public agencies.
- Review the qualifications of Council members applying to particular Committees, local boards and other public agencies, while also taking into consideration the individual preferences of Council member applicants.
- Responding to Committee, local board, or other public agency vacancies that may arise from time to time and, as soon as possible, make recommendations to Council for a replacement Councillor.

## **Schedule 7: Emergency Governances Committee**

### **Scope of Emergency Governances Committee's Responsibilities**

The Emergency Governances Committee's scope of responsibilities include:

- the exercise of Council's legislative, quasi-judicial and administrative powers, subject to the limitations of the *Municipal Act*, with such delegated authority to be exercised only:
  - 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;
  - 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
  - for Council's normal decision making process and not for the management or co-ordination of emergency response activities.

**SUBJECT: CLOSED MEETING PROTOCOL**

**PROTOCOL STATEMENT:** To provide information regarding the statutory requirements and City procedures with respect to Council and Committee meetings that are closed to the public

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**1. DEFINITIONS**

**Closed Meeting** – A meeting that is closed to the public pursuant to Section 239 of the *Municipal Act*.

**2. SHOULD THE MEETING BE CLOSED?**

In the interests of accountability and transparency, and when possible, Guelph City Council endeavours to conduct its decision making in public. Staff are requested to consider the following questions when determining whether a matter should be considered in a Closed Meeting:

**Question 1:** Does the matter meet the criteria in the *Municipal Act* (Section 2.87 of the City’s Procedural By-law) for the meeting to be closed?

**Question 2:** If so, just because the meeting can be closed, does that mean it should be closed?

The determination regarding whether a matter should be dealt with in a Closed Meeting is the responsibility of the ~~Executive Director~~ Deputy CAO in consultation with the Chair, the City Clerk and/or the City Solicitor.

**3. MUNICIPAL ACT RULES FOR CLOSED MEETINGS**

<b>Topic/MA Exception</b>	<b>Discussion Can Include</b>	<b>Voting Permissions</b>
Security of City Property [Sec. 239(a)]	<ul style="list-style-type: none"> <li>• City property</li> <li>• City facilities</li> <li>• City Assets</li> <li>• Management issues identified by auditors</li> </ul>	<ul style="list-style-type: none"> <li>• procedural matters</li> <li>• giving directions or instructions to staff</li> </ul>
Personal Matters about Identifiable Individuals [Sec. 239(b)]	<ul style="list-style-type: none"> <li>• Municipal employees</li> <li>• Members on various boards and committees</li> </ul>	<ul style="list-style-type: none"> <li>• procedural matters</li> <li>• giving directions or instructions to staff</li> </ul>
A Proposed or Pending Acquisition or Disposition of Land [Sec. 239(c)]	<ul style="list-style-type: none"> <li>• Purchases</li> <li>• Sales</li> <li>• Leases</li> <li>• Expropriation</li> </ul>	<ul style="list-style-type: none"> <li>• procedural matters</li> <li>• giving directions or instructions to staff</li> </ul>

Labour Relations or Employee Negotiations [Sec. 239(d)]	<ul style="list-style-type: none"> <li>• Union or Employee Negotiations</li> </ul>	<ul style="list-style-type: none"> <li>• procedural matters</li> <li>• giving directions or instructions to staff</li> </ul>
Litigation or Potential Litigation [Sec. 239(e)]	<ul style="list-style-type: none"> <li>• Current or Pending Litigation</li> </ul>	<ul style="list-style-type: none"> <li>• procedural matters</li> <li>• giving directions or instructions to staff</li> </ul>
Solicitor-Client Privilege [Sec. 239(f)]	<ul style="list-style-type: none"> <li>• Legal Opinions, Advice and or Status Reports /Briefings</li> </ul>	<ul style="list-style-type: none"> <li>• procedural matters</li> <li>• giving directions or instructions to staff</li> </ul>
Matters under Other Legislation [Sec. 239(g)]	<ul style="list-style-type: none"> <li>• Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)</li> </ul>	<ul style="list-style-type: none"> <li>• procedural matters</li> <li>• giving directions or instructions to staff</li> </ul>
Educating or Training [Sec. 239(3.1)]	<ul style="list-style-type: none"> <li>• Council Orientation</li> <li>• Team Building Exercises</li> <li>• Professional Development</li> </ul>	<ul style="list-style-type: none"> <li>• No discussion or decisions that materially advance the business or decision-making of Council/ Committee</li> </ul>

#### **4. STATUTORY REQUIREMENTS FOR CLOSED MEETINGS**

Pursuant to Sec. 239, *Municipal Act*:

- Public notice of a Closed Meeting must be given  
Before holding a meeting or part of a meeting that is to be closed to the public, Council must state, by resolution, the fact of the holding of the closed meeting and the general nature of the matter to be considered at the Closed meeting
- All resolutions, decisions and other proceedings at Closed Meetings are to be recorded without note or comment
- Closed Meeting proceedings shall be recorded by the Clerk or designate
- Any person can request an investigation of whether the City has complied with the Closed Meeting rules
  - Association of Municipalities of Ontario/Local Authority Services has been appointed by the City to investigate any such complaints
  - All investigation reports are to be made available to the public

#### **5. ACCESS REQUESTS FOR CLOSED MEETING REPORTS AND MATERIALS**

Reports and materials prepared for consideration at Closed Meetings are records that may be subject to FOI access requests under the *Municipal Freedom of Information and Protection of Privacy Act*. While it would be desirable to protect the confidentiality of records that are considered at Closed Meetings, in the event of an appeal, the City could be ordered to release such records.

The City cannot refuse to disclose information provided in a Closed Meeting report simply on the basis that it was considered at a Closed Meeting. To qualify for exemption from disclosure, the information in the records has to reveal the actual substance of Council's deliberations. Content that would not reveal the substance of the deliberations may be subject to disclosure. Examples of records that may be subject to disclosure are:

- Background or historical information
- Attachments
- Copies of correspondence and cover letters
- Scope, definition, and purpose of report
- Recommendations
- Power point presentations
- Statistical data

Written material for a Closed Meeting should, when possible, be limited to only that information which would qualify for discussion at a Closed Meeting. If general context is required to frame the Closed Meeting discussion, it is recommended that it also be disclosed publically by way of one of the recommended approaches identified in Section 5 below.

## **6. CLOSED MEETING REPORTS AND RECOMMENDATIONS**

### **6.1 REPORTS**

Whenever possible, written Closed Meeting reports are preferred over verbal reports as the former provides for a more detailed account of the confidential record. Written reports also ensure that Council/Committee is prepared for any decisions they may need to consider in relation to a Closed Meeting discussion. It is also important to ensure that information that can be made available to the public is disclosed appropriately. Aside from a singular report appearing on a Closed Meeting agenda, consideration shall also be given to the following:

**Option A:** A companion report to appear on the accompanying Open Meeting agenda which provides for as much general context in relation to the Closed Meeting matter as possible without disclosing confidential details; or,

**Option B:** A recommendation for Council/Committee to direct staff to prepare a related information report to be included as part of a subsequent Open Meeting agenda.

### **6.2 RECOMMENDATIONS**

Under the *Municipal Act*, Council or Committee in a Closed Meeting is permitted to vote on procedural motions or to direct or instruct City officers, agents or employees. Some actions which conform to this requirement are inherently confidential and should not be considered publically. Other actions, however, can and should be voted on in an Open Meeting. The following are best practices with respect to the consideration of an Open Meeting motion related to a matter discussed by Council or Committee in a Closed Meeting:



**Option A:** If a companion report appears on the accompanying Open Meeting agenda, a procedural motion can appear as part of a recommendation within a staff report and be passed in a Closed Meeting to allow for the consideration of a related action in the Open Meeting. In this case, the following clause should be used to introduce the potential action:

That Council/Committee rise, report and introduce the following motion as part of the Open Meeting report entitled <NAME> appearing on the <MEETING DATE> Council <OR> Committee agenda:

1. THAT <STAFF RECOMMENDATION>

**Option B:** If there is no companion report appearing on the accompanying Open Meeting agenda but the matter requires an immediate action of Council or Committee, the following procedural motion can appear as part of a recommendation within a staff report and be passed in a Closed Meeting to introduce the potential action as a Special Resolution (this process is not recommended for a Standing Committee)

That Council rise, report and introduce the following motion as a Special Resolution of Council at its <MEETING DATE> meeting:

1. THAT <STAFF RECOMMENDATION>

In order to ensure that there is appropriate context for the introduction of a motion as a Special Resolution, the Mayor, a Member of Council or City staff shall consider presenting background information prior to Council's consideration of the motion.

**Option C:** If there is no companion report appearing on the accompanying Open Meeting agenda, and the recommendation does not require immediate action, direction can be given to staff to report back to a subsequent Open Meeting by way of a staff report. The following direction can appear as part of a recommendation within a staff report and be passed in a Closed Meeting:

1. That staff be directed to report back to a subsequent Open Meeting of Council <OR> Committee in relation to this matter.

If determined to be appropriate, greater detail can also be provided as part of this recommended direction. The following is an example to illustrate this:

1. That staff be directed to prepare an Open Meeting report and recommendation for the March 31, 2012 Council meeting in relation to the approach contemplated in Option Two of the March 3, 2012 Closed Meeting Council report entitled "Option One and Two".

## **7. PUBLIC DISCLOSURE**

### **7.1 DISCLOSING CLOSED MEETING INFORMATION**

Pursuant to the City Council Code of Conduct, Members of Council shall not disclose or release information considered in a Closed Meeting. This is a standard practice established to protect the interests of both Council and the municipality. However, if Council deems it desirable and appropriate that such information is released, Council may include the following clause as part of the recommendation which will authorize staff to manage the appropriate public disclosure:

1. That staff be directed to manage and coordinate the appropriate disclosure of information as it pertains to the <DATE OF REPORT> Closed Meeting Council report entitled <REPORT NAME>.

The proposed communications strategy in relation to a Closed Meeting matter (ie. business and communications objectives, strategic approach, target audiences, key messages, tactics, timing, spokespersons etc.) may be summarized in the Communications section of the staff report. Included in the communications strategy should be an explanation of the details/decisions (or part thereof) that are being subsequently disclosed to the public. Sharing the proposed communications strategy in advance will provide Council with the assurance that the public disclosure with respect to confidential matters will be managed appropriately and, with the support of Council, lead to a coordinated communications approach.

## **7.2 DISCLOSING CLOSED MEETING AGENDA ITEMS**

Although information contained in closed meeting reports shall not be disclosed, the Municipal Act requires that public notice of meetings be provided in a Procedural By-law. The City's Procedural By-law requires that there be public notice of meetings and that the agenda, including all items to be dealt with at each meeting, be publicly posted and made available prior to the meeting. Section 239(7) of the Municipal Act states that the municipality:

"shall record without note of comment all resolutions, decisions and other proceedings at a meeting... ."

In order to be accountable and transparent and inform all present in public of matters dealt with in closed session, Council and its committees shall open all meetings in open session and pass a motion to move into closed meeting. Once the matters in the closed meeting have been dealt with, the Council shall reconvene in open session to disclose, in a general manner, how the agenda items were dealt with in the Closed meeting. —A sample Chair's script is attached as Appendix A.

## **8. ADDITION OF A CLOSED MEETING ITEM NOT ON THE AGENDA**

Notwithstanding concerns in relation to providing reasonable public notice for matters to be considered as part of an agenda, as well as Council's ability to be fully aware of matters to be considered at a meeting, there are exceptional circumstances where items not appearing on an agenda or addendum must be added. These are typically urgent and/or time sensitive issues which require a Council resolution prior to the next scheduled meeting or in advance of the time required to convene a special meeting.

In order for a 'time sensitive' matter to be added to an agenda it requires, as soon as practicable, the CAO or ~~Executive Director~~ Deputy CAO to provide Council with an overview of the issue and provide an explanation as to its urgency. Pursuant to the City's Procedural By-law, the associated item can then be added to the agenda by a majority vote of the Members present at a meeting. If the matter is to be discussed in a Closed Meeting, Council must, in the Open Meeting, authorize the addition of the item, state the authority under the *Municipal Act* to discuss the matter in a Closed Meeting and, if possible, disclose the general nature related thereto. Such a resolution could appear as follows:

1. That a matter concerning potential litigation against the City in relation to an existing contractual agreement be added to the Closed Meeting agenda.
2. That the Council of the City of Guelph now hold a meeting that is closed to the public pursuant to Section 239(e) of the Municipal Act.

## **9. ATTENDANCE AT A CLOSED MEETING**

Unless otherwise directed by Council/Committee, attendance at Closed Meetings is limited to the CAO, Executive Team, Clerk and/or his or her designate and other staff at the discretion of the Executive Team. Staff are to remain outside the Closed Meeting room until called to speak to their specific matter. They should vacate the meeting once that matter has been dealt with by Council/Committee.

## **10. CLOSED MEETING PRELUDE**

In order to remind the ~~M~~members of ~~C~~committee/ ~~C~~council of their obligations in closed session, the Chair shall read a script, at the beginning of ~~e~~the closed session detailing the closed meeting rules for the City of Guleph attached as Appendix B.

Sample Chair's Script when rising from closed meeting

Council then moved a Motion to move into Closed Session to consider business it is permitted to do so under the *Municipal Act*, and as listed on today's meeting closed meeting agenda. The following items were considered during closed session:

- read List of items here (including review of closed meeting minutes)

In the continuing interest of transparency and open government, I will be reporting in public session any outcomes from today's closed session business.

As a result of our Closed Session today, I wish to report the following:

List here

Example: Minutes – council Closed Session – dated May 4, 2015 – these minutes were acknowledged by Council

Example: Citizen Appointments

There was direction given that a motion be considered in open session regarding this matter and is on the regular open Council agenda for consideration.

Example: OMB appeal update

Council received information regarding OMB -litigation.

Example: Local XXX negotiations

There was direction given to staff respecting negotiations.

### Script at the beginning of closed meetings

Please be advised that we are meeting in closed session as permitted in sub sections 239(2)(3) of the Municipal Act to discuss the any of following:

#### 239(2)

- (a) security of municipal property;
- (b) personal matters about an identifiable individual;
- (c) a proposed or pending acquisition or disposition of land;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation;
- (f) advice that is subject to solicitor-client privilege;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

Only those matters pertaining to the section-s of the ~~M~~municipal ~~A~~act already mentioned may be discussed. Any other matters related to the subject at hand that do not relate to these cannot be discussed.

Closed meeting matters shall not be discussed either before or after the meeting with any person(s) not related to the subject matter outside of the closed meeting.

I will be verbally reporting out in a general sense on all items in this agenda when we move into open session.

As per the ~~P~~rocedural By-law please turn off any electronic devices while attending this meeting; with the exception of on call /on duty medical or emergency service personnel who must identify themselves and place their device in a loud position and must leave the room to respond.

## Meeting Flow: Committee Chair's Guide

STEP	NOTES
<b>1. Agenda Item Extracted</b>	<u>Only</u> Committee Members <del>and Visiting Councillors can</del> <u>may</u> extract an agenda item. <u>If visiting Councillors would like to speak to a consent agenda, they may request a member of the committee to do so, if they are agreeable.</u>
<b>2. <del>Executive Director (ED) Deputy CAO (D-CAO)</del> Introduction (optional)</b>	If required, Chair requests <del>ED-D-CAO</del> to: <ul style="list-style-type: none"> <li>provide introductory comments</li> <li>introduce the staff person who is present to speak to the report and/or answer questions</li> </ul>
<b>3. Staff Presentation</b>	Staff have 10 minutes to present (unless a longer time is prearranged <u>and noted on the agenda with the Chair</u> )
<i>Questions of Staff</i>	<i>Committee Members only</i>
<b>4. Public Delegations</b>	Delegates have 5 minutes ( <u>10 minutes for public meetings under the Planning Act</u> ) to pose questions, request information, propose changes to the staff recommendation, provide additional information, express their opinion
<i>Questions of Delegates</i>	<i>Committee Members only</i>
<b>5. Visiting Councillor Delegations</b>	Visiting Councillors have 5 minutes to pose questions <u>through the Chair</u> , request information, propose changes to the staff recommendation, provide additional information, express their opinion. <u>They are not to engage in debate with Committee members, delegations, or staff.</u>
<i>Questions of Visiting Councillors</i>	<i>Committee Members only</i>
<b>6. Final Comments by <del>D-CAO</del> ED (optional)</b>	Chair provides opportunity for <del>ED-D-CAO</del> to make final comments or provide clarification on matters raised by delegates
<i>Questions of <del>D-CAO</del> ED</i>	<i>Committee Members only</i>
<b>CHAIR TO SIGNAL TRANSITION TO COMMITTEE DELIBERATION</b>	
<b>7. Introduction of Motion</b>	<ul style="list-style-type: none"> <li>Chair requests that the staff recommendation be placed on the floor (the procedural by-law does not prohibit a Member from introducing a different motion).</li> <li>If there is no one willing to place the motion on the floor, the Chair can <del>test</del> <u>ask someone to place a motion on the</u></li> </ul>

## Meeting Flow: Committee Chair's Guide

	<p><u>floor</u> for a referral, deferral or a motion <del>of no action for</del> <u>(ie. receipt for information), which means that no action be taken.</u></p> <ul style="list-style-type: none"> <li>Only Committee Members should participate in deliberation, however, clarification can be sought through staff or a Visiting Councillor at the Chair's discretion.</li> </ul>
<b>8. Voting</b>	Approve, <del>reject</del> <u>defeat</u> , amend, defer, refer, <u>receive</u>

# STAFF REPORT



TO Governance Committee

SERVICE AREA Corporate Services

DATE June 30, 2015

**SUBJECT Council Composition and Employment Status Review - Update**

REPORT NUMBER CS-2015-58

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide an update to Council regarding the upcoming Council Composition and Employment Status Review (CCESR).

### KEY FINDINGS

- The CCESR will be conducted in three phases:
  - Phase 1 - Governance Review and Environmental Scan
  - Phase 2 - Ward Boundary Review
  - Phase 3 - Remuneration and Support Review
- An RFP will be posted to select the appropriate subject matter experts to complete the work phase 1 and 2. The RFP will give prospective vendors the ability to bid on phase 1, phase 2 or both.
- Phase 3 will be completed by a Citizen’s Review Committee for Council Compensation and Support facilitated by Human Resources staff and vetted through a workforce compensation expert.
- As each phase builds upon the prior, Council approval will be sought following the completion of each phase.

### FINANCIAL IMPLICATIONS

The total costs associated with the CCESR will be determined by a formal request for proposal in Q3 of 2015 and referred to the 2016 budget for approval.

### ACTION REQUIRED

That the report be received by the Governance Committee for information.



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## RECOMMENDATION

1. That the report dated June 30, 2015, titled "Council Composition and Employment Status Review - Update", be received.

## BACKGROUND

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.

At its July 8, 2014 meeting, the Governance Committee received report CHR 2014-46 "Council Composition and Employment Status Review – Terms of Reference". This report identified the scope of a Council Composition and Employment Status Review and the need for the use of a third-party subject matter expert to complete the work.

The following report provides an update on the CCESR project and defines the detailed scope of work, including timelines and milestones, to be conducted.

## REPORT

The work of the CCESR has been split into three distinct phases: a Governance Review and Environmental Scan, a Ward Boundary Review and a Council Compensation and Support Review. A single RFP will be produced to give vendors the ability to bid on phase 1 and/or phase 2. Phase 3 will be facilitated by Human Resources Staff. The recommendations of each phase must be approved by Council prior to the commencement of work on the following phase.

Deliverables and guiding principles for each phase have been developed to guide the work of the selected third-party subject matter expert and City of Guelph staff where applicable. These requirements, together with a list of guiding principles (provided below), form the terms of reference that will be used in the RFP to vendors.

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## Terms of Reference

### Phase 1 – Governance Review and Environmental Scan

#### Objectives

A comprehensive review of governance practices in Guelph as well as local, regional and international comparators, as Phase 1 of the CCESR to provide best practice recommendations to Council on Council's governance structures.

#### Deliverables

At the culmination of the Governance Review and Environmental Scan a final report including the following deliverables are required:

- An analysis and recommendation of the method by which councillors are elected; either at-large, through wards, or a combination thereof
- An analysis and recommendation of the total number of councillors, including the Mayor, who will together comprise City Council
- An analysis and recommendation of the employment status of councillors and the Mayor; either part-time, full-time, or a combination thereof
- An analysis and recommendation of Council committee structure; whether standing committees, committee of the whole, a combination thereof or alternatives
- An analysis and recommendation of the structure and composition of agencies, boards and committees; including standing committees and advisory committees and Council's role as it relates to them

#### Guiding Principles

When conducting the review the following principles are to be considered:

- Information received through the community engagement process
- A quantification and breakdown of councillor work time, including: time spent attending related events/gatherings, public constituency work, community activities/engagement, research, meeting preparation, in Council meetings, in committee meetings and serving on other agencies, boards and committees.
- The impact of Council composition on the representative role of Councillors
- The impact of composition on residents/community members

- 
- Benefits and drawbacks of various governance structures on meeting management processes (both for the public, staff and Council)
  - Benefits and drawbacks of various governance structures for agencies, boards and committees
  - Evaluation of the governance structure of comparator group municipalities
  - Evaluation of provincial, national and international best practices
  - Broad based consultation with the current Guelph City Council and community
  - Reinforcement, where applicable, of the provisions of the *Municipal Act*

## **Phase 2 – Ward Boundary Review**

### **Objectives**

Conduct a comprehensive review of the current municipal ward boundaries in Guelph, as Phase 2 of the CCESR to provide revised options which provide for a fair and equitable system of representation for the residents of Guelph.

### **Deliverables**

At the culmination of the Ward Boundary Review a final report including the following deliverable is required:

- Multiple options for revised ward boundaries (based on approved governance structures) as per the requirements of the *Municipal Elections Act* and the *Municipal Act*

### **Guiding Principles**

When conducting the review, subject to the overriding principle of effective representation and in consideration of the relevant legislation noted above, the following principles are to be considered:

- Respect the approved recommendations of the CCESR – Phase 1 Governance Review
- Ensure ‘effective representation’ as mandated by the Supreme Court decision in the Carter case
- Information received through the community engagement process
- Representation by population: where possible efforts should be made to ensure that wards have reasonably equal populations

- Geographic representation: revised ward boundaries should follow Guelph's natural boundaries and geographic features where possible
- Projected demographic trends: revised ward boundaries should accommodate projected growth patterns for the next several terms of Guelph City Council
- Communities of interest: to the extent possible efforts should be made to avoid splitting neighbourhoods or communities of interest into different wards.
- A best practices approach that builds on the experience of other municipal ward boundary reviews and the outcome of OMB hearings where ward boundary reviews have been appealed.
- Fiscal responsibility and alignment to the Strategic Plan for the City of Guelph

## **Phase 3 – Remuneration and Support Review**

### **Objectives**

Conduct a comprehensive review of City of Guelph Council remuneration and support through the use of a Citizen Review Committee, as phase 3 of the CCESR to provide best practice recommendations to Council on Councillor remuneration and support, including salary, benefits, staff support and financial support.

### **Deliverables**

At the culmination of the Remuneration and Support Review a final report produced by the Citizen's Review Committee for Council Remuneration and Support, including the following deliverables and in recognition of the work completed in phase 1 and 2 of CCESR, is required:

- An analysis and recommendation for the total remuneration (salary) for the Mayor and Councillors
- An analysis and recommendation for the total remuneration (benefits) for the Mayor and Councillors
- An analysis and recommendation for the support, in terms of staff, for the Mayor and Councillors
- An analysis and recommendation for the support, in terms of other resources, for the Mayor and Councillors

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## **Terms of Reference and Guiding Principles - Citizen's Review Committee for Council Remuneration and Support**

The detailed terms of reference for the 2015 Citizen's Review Committee for Council Remuneration and Support are attached. The guiding principles for the 2015 Review Committee will be set by the committee as its first order of business; the 2014 Guiding Principles are attached for reference.

The final report and recommendations of the Citizen's review Committee for Council Remuneration and Support will be vetted by a workforce compensation expert prior to Council approval.

## **Community Engagement**

Significant, comprehensive and multi-faceted community engagement is a requirement within all three phases. The selected third-party subject area expert will work with Community Engagement staff in accordance with the City of Guelph Community Engagement Framework to deliver comprehensive and multi-faceted engagement.

A detailed Community Engagement Plan, including several open house workshops in phase 1 and phase 2, will be included in the formal request for proposal to vendors in Q3, 2015.

## **Anticipated Workplan Timelines**

### **Phase 1 - Governance Review and Environmental Scan, Work completed: January – April, 2016:**

- Final report and recommendations to Council by Q2, 2016

### **Phase 2 - Ward Boundary Review, Work completed: June – September, 2016\***

- Final report and recommendations to Council by Q4, 2016

### **Phase 3 - Remuneration and Support Review, Work completed: November, 2016 – February, 2017**

- Final report and recommendations to Council by Q1, 2017

## **Q1, 2017 – Final Recommendations to Council**

**Recommendations effective as of the 2018 Municipal Election.**

\*Changes to ward boundaries, as per the *Municipal Act* S. 222 (4), are appealable to the Ontario Municipal Board within 45 days of the passing of a by-law which alters existing ward boundaries. Following Council approval of revised ward boundaries in Q4, 2016 one year is provided to accommodate a potential OMB appeal. If an appeal extends beyond December 31, 2017 new ward boundaries will not be in force for the 2018 municipal election.

## **CORPORATE STRATEGIC PLAN**

The objectives of the CCESR are consistent with the directions outlined in the Corporate Strategic Plan:

### 2.2 Deliver public services better.

*The CCESR will ensure that Council has the capacity and support required to provide effective democratic representation as well as oversight and guidance to the corporation.*

### 3.3 Strengthen citizen and stakeholder engagement and communications.

*The CCESR will ensure that Council has the capacity and support required to effectively communicate and engage with community members, businesses, NGOs and other stakeholders.*

## **COMMUNICATIONS**

Corporate Communications, in consultation with Community Engagement and the successful third-party subject area expert, will develop a communications plan for the CCESR. The communications plan will ensure that contracted third parties conduct activities in accordance with relevant City of Guelph policies and procedures, including the Community Engagement Framework, as well as established industry best practices. This work will ensure that residents are aware of all aspects of the project and that they have appropriate opportunity to participate in the process.

## **FINANCIAL IMPLICATIONS**

The CCESR is one of the first comprehensive reviews of its kind completed in the province Ontario. As such, the total costs associated with the completion of the review are difficult to estimate. The total cost will be determined by a formal request for proposal in Q3 of 2015 and be referred to the 2016 budget for approval. Further action on the CCESR project will be dependent on budget approval through the 2016 budget process.

# STAFF REPORT

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## ATTACHMENTS

Terms of Reference – Citizen’s Review Committee for Council Remuneration and Support

Guiding Principles – 2014 Citizen’s review Committee for Council Remuneration

### **Report Author**

Dylan McMahon  
Council Committee Coordinator



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### **Recommended By**

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### **Approved By**

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## **Citizen's Review Committee for Council Remuneration and Support**

### **Terms of Reference**

#### **Purpose**

To appoint a Citizens' Committee to review and establish elected officials remuneration and support.

#### **Accountabilities**

Supported by staff from Human Resources, the Committee will provide recommendations on Council remuneration and support, including salary, benefits, staff support and financial support.

In developing its recommendations, the Committee will recognize that benefits currently provided to elected officials constitute an integral part of the overall compensation package.

#### **Functions**

- Respect the approved recommendations of the Council Compensation and Employment Status Review – Phase 1 Governance Review and Phase 2 Ward Boundary Review
- Reflect on fiscal and corporate objectives as outlined in the Compensation report for non-union City staff.
- Review the matter of compensation as it relates to public office
- Enable compensation and support adjustments supported by market data and comparable municipalities in terms of scope, size and nature of work
- Review data and proposals submitted by staff from Human Resources
- Review the matter of staff support as it relates to workload and workflow
- Oversee preparation and presentation of a final report and recommendations to Council for approval

#### **Membership**

The Committee will consist of 5 members selected from the community, based on expressions of interest solicited by placing an advertisement in Guelph's local newspaper. The Chair of the Committee will be chosen by the members at its first meeting.

Members of the Committee will undertake to attend each meeting as required and the Committee will remain in force until Council approves recommendations on these matters, or such time as the Committee is formally disbanded.

In the event a member is unable or unwilling to continue to serve, a replacement will be appointed by the City Clerk from the expressions of interest previously received. The members of the Committee, including the Chair, shall serve in a volunteer capacity only with no remuneration other than for reasonable expenses incurred by attending meetings.



## **2014 Guiding Principles for City of Guelph Council Remuneration**

The philosophy is to base the compensation for the Mayor and Members of Council on realistic standards so that elected officials of the city may be compensated according to their roles and responsibilities. To achieve the above, a Compensation plan reflects one that:

- Is fair and reasonable and will attract a diverse and representative pool of candidates from Guelph residents wishing to seek election to Council but also be seen as fair by taxpayers;
- Recognizes that the work of the mayor and council is demanding and important and as such they should be appropriately compensated;
- Recognizes the complexity, responsibilities, time commitments and accountabilities associated with the role of Mayor and Council;
- Is aligned to the 60th percentile (similar to the City's non-union employees) of the comparator group and is appropriate for the average full-time earnings within the community;
- Applies an appropriate ratio between the role of a part-time councillor and that of a full-time mayor;
- Must demonstrate fiscal responsibility and align to the Strategic Plan for the City of Guelph.

# COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Corporate Services  
DATE June 30, 2015

**SUBJECT** *Municipal Election Act* reform regarding Ranked Ballots  
and Permanent Residents Voting

REPORT NUMBER CS-2015-60

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## SUMMARY

### PURPOSE OF REPORT:

To advise of legislation regarding Ranked Ballots and Permanent Residents Voting.

### KEY FINDINGS

Current legislation is prescriptive and does not allow ranked ballot voting or permanent residents to vote. The Minister of Municipal Affairs has advised that a review of the *Municipal Election Act* (MEA) is underway which includes, but is not limited to, a review of ranked ballots. The City will have an opportunity for input in this process.

### FINANCIAL IMPLICATIONS

As this is a preliminary information report and staff are awaiting the process for the MEA reforms, there are no financial implications at this time.

### ACTION REQUIRED

To recommend that Committee receive the information contained in the report.

## RECOMMENDATION

1. That the report dated June 30, 2015 entitled "Municipal Election Reform Regarding Ranked Ballots and Permanent Residents Voting" be received.

## BACKGROUND

On April 24, 2014 Council passed a resolution as follows:

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.

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More recently there has been a move afoot to promote the possibility of ranked ballots for the next municipal election. In fact, there has been a group formed in Guelph called "123 Guelph" which is promoting this initiative and City Clerk's Office staff has met with representatives of this group to gather information and discuss this matter further.

## **REPORT**

In its current form the *Municipal Elections Act* does not permit for permanent residents to vote nor does it permit for the use of ranked ballots. The MEA states that:

- 17.(2) A person is entitled to be an elector at an election held in a local municipality if, on voting day, he or she,
- (a) resides in the local municipality or is the owner or tenant of land there, or the spouse of such owner or tenant;
  - (b) is a Canadian citizen;
  - (c) is at least 18 years old; and
  - (d) is not prohibited from voting under subsection (3) or otherwise by law.

The ballot is one of the few prescribed documents in the MEA regulations.

Section 41 of the MEA States as follows:

41. (1) When an election is to be held, the clerk shall provide ballots in the prescribed form.

The prescribed form is the traditional ballot, which does not allow for the ballot to be set up in such a way that people can cast a vote by ranked ballot.

Moving forward, the Ministry of Municipal Affairs and Housing (MMAH) is conducting a review of the *Municipal Elections Act* (MEA). This review is in direct response to the Minister's Mandate Letter and was announced formally on May 28, 2015. The MEA review will consider the following aspects of the legislation:

- Campaign finance
- Third party advertising
- Accessibility
- Enforcement
- Ranked ballots

The Ministry is requesting submissions to its MEA review by July 27, 2015. A public consultation discussion guide and online feedback submission tool is available at [Ontario.ca/municipalelections](http://Ontario.ca/municipalelections). Members of Council and the public are encouraged to submit feedback via this channel as they see fit.

Until legislative changes are made to the guiding MEA legislation, there is no ability for the City to enact electoral process changes that would allow for permanent residences to vote and/or for ranked ballots to be implemented. The City Clerk's

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Office will report back to committee as the legislative review, public consultation and subsequent legislative changes are carried out.

### **CORPORATE STRATEGIC PLAN**

- Organizational Excellence: 1.3 Build robust systems, structures and frameworks aligned to strategy
- Innovation in Local Government: 2.3 Ensure accountability, transparency and engagement

### **DEPARTMENTAL CONSULTATION**

Members of Council and the Executive Team have been made aware of the consultation process and have been encouraged to provide feedback directly through the MMAH website or to the Ministry through the City Clerk.

### **COMMUNICATIONS**

The City Clerk has met with the Guelph 123 group to gather information and discuss ranked balloting. The City Clerk is also involved with the working group organized by the MMAH to review ranked balloting as an option. Finally, the City Clerk serves as a member of the Association of Municipal Managers, Clerks and Treasurers of Ontario's (AMCTO) Legislation and Policy Advisory Committee, which has been reviewing the MEA and has been involved in providing feedback to the MMAH.

#### **Prepared By:**

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