

COMMITTEE AGENDA



TO **Governance Committee**

DATE April 10, 2012

LOCATION Council Chambers

TIME 3 p.m.

DISCLOSURE OF PECUNIARY INTEREST

CONFIRMATION OF MINUTES – January 25, 2012

PRESENTATIONS (Items with no accompanying report)

a)

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-7 First Report of the Integrity Commissioner	Robert Swayze		✓
GOV-8 Executive Director Compensation – Competitive Salary Market Position			
GOV-9 2012 Council Governance survey			
GOV-10 Procedural By-law and Closed Meeting Protocol Amendments			

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.

NEXT MEETING – July 9, 2012

**The Corporation of the City of Guelph
Governance Committee
Wednesday January 25, 2012, 3:00 p.m.**

A meeting of the Governance Committee was held on Wednesday January 25, 2012 in the Council Chambers at 3:00 p.m.

Present: Mayor Farbridge and Councillors Dennis, Findlay, Hofland, and Piper

Also Present: Councillors Bell, Furfaro and Van Hellemond

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Ms. C. Bell, Executive Director of Community & Social Services; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. S. Aram, Acting Treasurer; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Mr. B. Labelle, City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator.

There was no disclosure of pecuniary interest.

1. Moved by Councillor Hofland
Seconded by Councillor Piper

THAT the minutes of the Governance Committee meeting held on October 11, 2011 be confirmed as recorded and without being read.

VOTING IN FAVOUR: Councillors Dennis, Findlay, Hofland, Piper and Mayor Farbridge (5)

VOTING AGAINST: (0)

Carried

Consent Agenda

The following items were extracted from the Consent Agenda to be dealt with separately:

- GOV-2012 A.2 Corporate Strategic Plan
- GOV-2012 A.3 Governance Committee Work Plan, Rolling Calendar and Annual Agenda
- GOV-2012 A.6 Development of a Corporate Business Planning Framework

2. Moved by Councillor Dennis
Seconded by Councillor Hofland

THAT the balance of the Governance Committee January 25, 2012 Consent Agenda, as identified below be adopted:

a) **Governance Committee Mandate and Charter**

Mayor Farbridge
Mr. B. Labelle

THAT the Governance Committee receive the updated Committee Mandate and Charter to guide its annual operations for 2012.

b) **Governance Committee Progress Report – Q4, 2011**

Mayor Farbridge

THAT the Governance Committee receive the fourth quarter progress report for 2011;

AND THAT the Committee begin progress reporting on an annual basis.

c) **Council Appointments to Guelph Youth Council**

REPORT

THAT Guelph City Council is no longer required to appoint two City Councillors to the Guelph Youth Council;

AND THAT the Chair of the Community and Social Services Committee or their designate acts as a liaison with Guelph Youth Council, the City of Guelph's Youth Services Coordinator, and community stakeholders.

VOTING IN FAVOUR: Councillors Dennis, Findlay, Hofland, Piper and Mayor Farbridge (5)

VOTING AGAINST: (0)

Carried

Presentation – CAO Performance Appraisal Process

Connie Van Andel, Barcon Consulting, provided an overview of past CAO performance appraisal processes and outlined the process for 2012, 2013 and 2014.

The Committee posed various questions for follow up and clarification.

Developing the 'Corporate Strategic Plan'

The Chief Administrative Officer provided an overview of the staff report contained within the meeting agenda with respect to the development of a Corporate Strategic Plan.

There was discussion regarding; the proposed approach to the planning process, the identification of critical issues and business imperatives, staff involvement, thematic areas of focus, administrative challenges and recommended next steps.

REPORT

3. Moved by Councillor Piper
Seconded by Councillor Hofland

THAT Council receive, for information, the observations and actions outlined in this report to effectively begin the initial phase of creating a Corporate Strategic Plan Framework;

AND THAT Council approve Council and Executive team workshops in February/March, 2012 to validate proposed critical issues and business imperatives, confirm strategic areas of focus, directions and next steps.

VOTING IN FAVOUR: Councillors Dennis, Findlay, Hofland, Piper and Mayor Farbridge (5)

VOTING AGAINST: (0)

Carried

Governance Committee Work Plan, Rolling Calendar and Annual Agenda

4. Moved by Councillor Findlay
Seconded by Councillor Piper

THAT the Governance Committee receive the 2012 Work Plan, Rolling Calendar and Annual Agenda.

VOTING IN FAVOUR: Councillors Dennis, Findlay, Hofland, Piper and Mayor Farbridge (5)

VOTING AGAINST: (0)

Carried

Development of a Corporate Business Planning Framework

The General Manager of Economic Development & Tourism introduced members of the Business Development Team which is comprised of representatives from each of the City's four main service areas. He summarized the components of the Business Planning Framework noting that the group has, and will continue to consult with other municipalities which have undertaken similar initiatives.

There was discussion in relation to the probable intersects between the Business Planning Framework and the development of the City's Strategic Plan as well as in relation to potential reporting mechanisms used to provide information on the established performance measures.

Mayor Farbridge
Mr. B. Labelle
Ms. B. Boisvert

January 25, 2012

Governance Committee

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Ms. A. Pappert
Mr. P. Cartwright

5. Moved by Councillor Findlay
Seconded by Councillor Piper
THAT the report dated January 25, 2012 which has been prepared by the Office of the CAO regarding the development of a "Corporate Business Planning Framework" be received as information.

VOTING IN FAVOUR: Councillors Dennis, Findlay, Hofland, Piper and Mayor Farbridge (5)

VOTING AGAINST: (0)

Carried

The meeting adjourned at 4 p.m.

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Chairperson

**GOVERNANCE COMMITTEE
CONSENT AGENDA**

April 10, 2012

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.

A Reports from Administrative Staff

REPORT	DIRECTION
<p>GOV-2012 A.7) FIRST REPORT OF THE INTEGRITY COMMISSIONER</p> <p>THAT the Code of Conduct for council and Local Boards be amended in accordance with Appendix 2 attached to this report.</p>	Approve
<p>GOV-2012 A.8) EXECUTIVE DIRECTOR COMPENSATION – COMPETITIVE SALARY MARKET POSITION</p> <p>That the 55th percentile of the approved comparator group be established as the competitive position for Executive Director level positions to be consistent with and aligned to the Chief Administrative Officer and other full-time Non-Union positions;</p> <p>AND THAT the 2011 salary range for Executive Director level positions be established as \$136,288.80 - \$170,361.00;</p> <p>AND THAT the 2012 salary range for Executive Director level positions be established as: \$139,028.80 - \$173,786.00.</p>	Approve
<p>GOV-2012 A.9) 2012 COUNCIL GOVERNANCE SURVEY</p> <p>THAT the April 10, 2012 Governance Committee report entitled '2012 Council Governance Survey' be received.</p>	Receive

GOV-2012 A.10) **PROCEDURAL BY-LAW AND CLOSED MEETING
PROTOCOL AMENDMENTS**

Approve

1. That a new Procedural By-law be adopted pursuant to the proposed amendments highlighted in Attachment A to the April 10, 2012 Governance Committee report entitled 'Procedural By-law and Closed Meeting Protocol Amendments';
2. That the Closed Meeting Protocol be revised pursuant to the amendments proposed in Attachment B in the same report.

attach.

COMMITTEE REPORT



TO Governance Committee

SERVICE AREA Integrity Commissioner
DATE April 10, 2012

SUBJECT First Report of the Integrity Commissioner

SUMMARY

Purpose of Report:

To provide comments and recommend amendments to the Code of Conduct for Council and Local Boards and to update Council on recent developments in the municipal accountability and transparency regime in Ontario.

Committee Action:

To approve the amendments to the Code of Conduct contained in Appendix 2 to this report.

RECOMMENDATION

THAT the Code of Conduct for Council and Local Boards be amended in accordance with Appendix 2 attached to this report.

BACKGROUND

After a competitive process, I was selected and appointed Integrity Commissioner for the City of Guelph by By-law on November 28th, 2011. I am certified by the Law Society of Upper Canada as a specialist in municipal law and currently also serve as Integrity Commissioner for Oakville, Brantford and Port Hope. Only approximately forty municipalities in Ontario have chosen to adopt a code of conduct for council and all members of Guelph Council should be proud that they have adopted one. It amounts to a promise by each of you to your citizens, over and above the strict legal requirements of your office, that each of you will behave in an open and ethical manner.

The field of municipal ethics has changed dramatically in the past year with the issuance of the report by Justice Cunningham who conducted the Mississauga

Judicial Inquiry and considered the following facts. The Mayor of Mississauga felt that she was doing her duty by promoting a five star hotel in the downtown and attended numerous meetings with the developer and a vendor of land to further this desired result. Her son had a substantial interest in the development and when the matter came to Council she declared a conflict of interest as required by the *Municipal Conflict of Interest Act*. Notwithstanding her compliance with the Act, the report viewed her support of the development in the background as contravening the common law obligation not to promote a cause as a public official while having a conflict of interest

Of interest to all sitting councillors, the report went further and made many recommendations including that the *Municipal Conflict of Interest Act* be amended:

- To expand the definition of family to include siblings and other relatives
- To expand the definition of conflict beyond pecuniary to include private interests
- To expand the definition of meetings where a conflict must be declared to include all meetings attended by a Councillor in his or her official capacity
- Expand the role of the Integrity Commissioner to investigate and report on matters covered by the Act.

I attended meetings with provincial staff as a representative of the Integrity Commissioners of Ontario, an association founded by the current Ontario municipal Integrity Commissioners, to discuss the recommendations of the report and it is expected that the government will respond to these recommendations in the near future.

The recent case of *Tuchenhagen v. Mondoux*, 2011 ONSC 5398 decided in the Ontario Superior Court of Justice also raises the bar for Councillors determining when to declare conflicts of interest. The Appellant, Councillor attended a meeting to consider a staff recommendation to accept an offer to purchase land from the Respondent on a tax sale. The recommendation was not accepted and no conflict was declared by the Appellant but nine days later he wrote an E-mail to staff indicating that he may be interested in purchasing the land. The appellant was present at a subsequent meeting to declare the land surplus and again did not declare a conflict. He ultimately made an offer on the land through a company owned by him and declared a conflict when it reached Council. The Court found that after he wrote the E-mail he was no longer looking at the matter only from the perspective of a member of council and should have declared a conflict at all subsequent meetings. He was disqualified by the court from sitting as a councillor for 4 years.

ROLE OF THE INTEGRITY COMMISSIONER

I am pleased and honoured to serve as your Integrity Commissioner. My responsibilities are limited to the following:

1. To advise Council and its local boards as well as members of Council and local boards ("Members") on the Code of Conduct

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2. To conduct enquiries requested by Council, a local board, a member of staff or a member of the public to determine whether a Member has contravened any provision of the code, and
 3. To attempt to settle complaints about any Member before commencing an enquiry.

The *Municipal Act* requires that the Integrity Commissioner is an office independent from City staff and reports directly to Council. Apart from administratively, the Integrity Commissioner has no part to play in the staff chain of command of the City. The only time staff become directly involved is if a member of staff complains about a Member.

The experience in other municipalities is that the prime activity of the Integrity Commissioner is to act as a confidential advisor to Members on interpreting the Code of Conduct. A duty of strict confidentiality is imposed on him by the *Municipal Act*. All advice given by the Integrity Commissioner is binding on him and will be logged and confirmed in writing to the Member. The Integrity Commissioner may be requested to conduct an investigation of a Member but before doing so, the Protocol attached to the Code of Conduct requires him to do a preliminary report to an open meeting of Council including whether the enquiry is appropriate, an estimate of the cost and the time to complete it.

It is not in any way intended that the Integrity Commissioner act as a replacement for the City Solicitor in legal matters or the City Clerk in election and other matters. They are the experts that should be consulted by Councillors in these areas. However, there are circumstances where the Solicitor or Clerk as an employee of the municipal corporation may have a conflict in giving independent advice to a single Member. They may decide to refer some of these questions to the Integrity Commissioner. Also, the Code of Conduct goes beyond strict municipal legislation and involves subtleties in the ethical behaviour of individual Members with each other, with staff and as representatives of the corporation. The Integrity Commissioner is the best source of advice as to whether the Code has been complied with since he is empowered to enforce it. As the earlier section of this report has recounted, the ethical responsibilities of Members have recently become more complicated in Ontario. If questions of interpretation of the Code of Conduct arise, Members are encouraged to contact the Integrity Commissioner at any time for such advice which in many cases could be accomplished with a telephone call. All advice given, whether in person or on the telephone, will be followed up in writing and will remain binding on the Integrity Commissioner. The gist of the advice may be shared in annual reports to Council but the name of the Member will usually not be disclosed.

It should be noted that there is no solicitor/client relationship between a Member and the Integrity Commissioner, whose duty is to Council as a whole. If a member informs the Integrity Commissioner that he or she has breached the Code of Conduct, it is his responsibility to report that directly to Council. In this case, it would be preferable for the Member to seek independent legal advice.

REPORT

At the request of staff I have reviewed the current Code of Conduct (attached as Appendix 1) and I have been asked to report to Council if I feel that amendments are required. I have completed this review and found the code, for the most part to be satisfactory. It is important that Council as a whole embraces the Code and I am certain that debates and much discussion has occurred which created the wording. I did not want to interfere with the "made in Guelph" aspect.

However, I am of the opinion that the wording can be improved in a few areas without changing the intent of Council. Attached to this report as Appendix 2 is a list of amendments to the Code recommended by me, in the following areas:

1. Under the heading of "Definitions" the local boards are listed but many advisory boards are omitted. In my opinion it would be preferable to include all boards as defined in Section 223.1 of the Municipal Act which is the restricted definition most codes have used. If this change is acceptable to Council, I understand that the Clerk will maintain a list of them and notify each member upon adoption.
2. Also under the heading of "Definitions" and later under "Confidentiality" I am of the opinion that the wording of these two sections confuse how confidential information is defined and what disclosure is prohibited. I have attempted to clarify this wording without changing the intent.
3. Under the heading of "Business Relations" I am of the opinion that, after the Cunningham Report, a Councillor cannot act as a "paid agent before Council" and comply with the *Municipal Conflict of Interest Act* as well as the common law. I am aware that other codes in Ontario contain this section.
4. The Code omitted any reference to Members representing the City with decorum and I have recommended a new section to be inserted.

I assisted the Acting Clerk in drafting the Protocol attached as part of the Code and have no comments on it.

CORPORATE STRATEGIC PLAN

This report supports strategic goal 5: "A community-focused, responsive and accountable government".

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

N/A

ATTACHMENTS

Appendix 1 – Current Code of Conduct for Council and Local Boards
Appendix 2 - Amendments to the Code recommended by the Integrity Commissioner.

Prepared and Recommended By:

Robert J. Swayze

Integrity Commissioner

519-942-0070

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City of Guelph
Code of Conduct for Council and Local Boards

Tab	CITY COUNCIL
Authority	S. 223.2(1) Municipal Act
Subject	CODE OF CONDUCT FOR COUNCIL & LOCAL BOARDS
Related Policies	Accountability and Transparency
Approved by	COUNCIL
Review Date	Annually

POLICY STATEMENT A written Code of Conduct for Council and Local Boards(Code of Conduct) helps to ensure that the members of Council, advisory committees, and local boards of the municipality (as defined in the *Municipal Act*), share a common basis for acceptable conduct. This code is designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Guelph’s elected and appointed representatives operate from a base of integrity, justice and courtesy. The key principles that underline the Code of Conduct are as follows:

- all members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- members should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- members are expected to perform their duties in office in a manner that promotes public confidence and will bear close public scrutiny;
- members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.

PURPOSE

Municipal Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well being of the community and regard for the integrity of the Corporation. The purpose of the Code of Conduct is to:

- Protect the public interest.
- Encourage high ethical standards among members of Guelph City Council and local boards.
- Provide a universal understanding of the fundamental rights, privileges, and obligations of members of Guelph City Council and local boards.
- Provide a means for members of Guelph City Council and local boards to obtain information on some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.

DEFINITIONS

Members - include the Mayor and Members of Guelph City Council and the following local boards:

- Accessibility Advisory Committee
- Board of Trustees of the Elliott
- Committee of Adjustment
- Downtown Board of Management
- Guelph General Hospital Commission
- Heritage Guelph
- Municipal Election Compliance Audit Committee
- Property Standards/Fence Viewers Committee

Confidential Information – while the classification of information as “confidential” is a matter of Council discretion whether labelled as confidential or not, disclosure of information will not constitute a breach of the Code of Ethics unless that information is of an inherently confidential nature such as:

- Personal data of employees or others.
- Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
- Records of a financial nature reflecting

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- information given or accumulated in confidence.
 - Files prepared in connection with litigation and adjudicative proceedings.
 - Reports of consultants, draft documents and internal communications, which, if disclosed, may prejudice the effective operation and reputation of the municipality, its officers and employees and its effective operation.

Integrity Commissioner – The person appointed by City Council By-Law in accordance with Section 223.3 of the *Municipal Act, 2001* and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the application of the Code of Conduct for members of Council and Local Boards.

GIFTS AND BENEFITS

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his / her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or advance paid to, or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member. The following are recognized as exceptions:

- a) compensation authorized by by-law;
- b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution otherwise reported by law;
- d) services provided without compensation by persons volunteering their time;
- e) a suitable memento of a function honouring the member;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign country;
- g) food and beverages consumed at banquets, receptions or similar events, if:
 - I. attendance is in keeping with his or her representative role;

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- II. the person extending the invitation or a representative of the organization is in attendance; and,
 - III. the value is reasonable and attendance at events sponsored by the same entity is infrequent.
- h) communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories (b) (e) (f) (g) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the City Clerk.

The disclosure statement must indicate:

- the nature of the gift or benefit;
- its source and date of receipt;
- the circumstances under which it was given or received;
- its estimated value;
- what the recipient intends to do with the gift; and,
- whether any gift will at any point be left with the City.

Any disclosure statements will be a matter of public record.

Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts or benefits from one source during a calendar year worth in excess of \$500. No member shall seek or obtain by reason of his / her office any personal privilege or advantage with respect to City services not otherwise available to the general public and not consequent to his or her official duties.

CONFIDENTIALITY All information, including documentation or deliberation received, reviewed or taken in closed session of Council and its committees is confidential. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential

information acquired by virtue of their office, except when required by law to do so. Under the Procedural By-law, authorized under section 239 of the *Municipal Act*, where a matter that has been discussed at a closed) meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the in camera meeting. Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential. Particular care should be exercised in ensuring confidentiality of the following types of information:

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or Request For Proposal submissions if so specified;
- information deemed to be "personal information" under the *Municipal Conflict of Interest Act*; and
- statistical data required by law not to be released (e.g. certain census or assessment data).

This list is provided as an example and is not exhaustive. Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

Members of Council should not access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

USE OF CITY
PROPERTY

No member shall for personal purposes or profit, permit the use of any City property, equipment, services, or supplies other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised, unless such use is permitted by one of the following exceptions:

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- Reasonable and incidental personal use of equipment such as computers, fax machines, cell phones, blackberries, etc., where the City incurs no additional costs relating to such use, and the use is of limited duration and frequency.
 - Use of City property and facilities where such use is universally known to be available to other residents upon request and on equal terms.

No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Guelph.

No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

WORK OF A
POLITICAL OR
PERSONAL
NATURE

Members are required to follow the provisions of the *Municipal Elections Act, 1996*. No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities in any City facility for the purpose of seeking the support of City employees working in that facility. No member shall use the services of persons for his or her election campaign purposes during the working hours for which those persons receive compensation from the City.

No member shall use City facilities, services or property for his or her personal or business use. No member shall use the services of persons for his or her personal or personal business use during the working hours for which those persons receive compensation from the City.

CONDUCT
RESPECTING

No member shall allow the prospect of his / her future employment by a person or entity to detrimentally affect

CURRENT AND
PROSPECTIVE
EMPLOYMENT

the performance of his / her duties to the City.

BUSINESS
RELATIONS

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*. A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

INFLUENCE ON
STAFF

Only Council as a whole has the authority to approve budget, policy, committee processes and other such matters. Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City.

Council directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with decisions adopted by Council. This means that under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establish the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and manage implementation within the resources at their disposal. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions. No member shall compel any staff

member to engage in activities that are contrary to the directions of Council or the policies of the municipality.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

IMPROPER USE OF INFLUENCE

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relatives, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within Council in return for present actions or inaction.

For the purposes of this provision:

"private advantage" does not include a matter:

- that is of general application;
- that affects a member of Council, his / her immediate relatives, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- that concerns the remuneration or benefits of a member of Council.

COMPLAINTS ALLEGING VIOLATION OF THIS CODE

Where a member of Council or local board, an employee of the City or a member of the public has reasonable grounds to believe that a Member has breached this code, a complaint may be

submitted to the Clerks Department in prescribed form which will be forwarded to the City Integrity Commissioner who will process it in accordance with the Complaint Protocol attached hereto as Appendix "1".

**Complaint Protocol for
Code of Conduct for Council
and Local Boards**

Application

1. This process applies to members of Guelph City Council and its local boards as defined in Section 223.1 of the *Municipal Act*. ("Members")

Integrity Commissioner

The City of Guelph Integrity Commissioner shall be responsible for the provision of services as established by Council which will include the following:

1. To provide written and oral advice to Members, City staff and members of the public concerning the interpretation of and compliance with, the Code of Conduct Council for Council and Local Boards governing the ethical behaviour of Members.(the "Code")
2. To provide Council and its local boards, with specific and general opinions and advice on the interpretation of the Code, including revisions thereto.
3. To conduct enquiries into a request made by Council, a local board, a Member, a member of City staff or a member of the public into whether a Member has contravened any applicable provision of the Code.
4. To attempt to settle any complaint between the complainant and the Member before commencing an enquiry.

Procedure for Making a Complaint

1. All complaints or requests for inquiries shall be submitted to the Clerks Department and sworn before a commissioner of oaths in the form provided in Appendix "A" and the Clerk shall forthwith forward them to the Integrity Commissioner.
2. All complaints or requests for inquiries must clearly state:
 - a. the Member to whom the complaint relates;
 - b. the nature of the alleged contravention;
 - c. the specific provision(s) of the Code allegedly contravened;
 - d. names of any witnesses to the alleged contravention; and
 - e. written material in support of the alleged contravention.
3. Upon receipt of a complaint or request for enquiry, the Integrity Commissioner shall first determine if it is within his/her jurisdiction and whether there is a procedure under other legislation or City policy to deal with the complaint. If it is determined that other procedures apply, the Integrity Commissioner shall refer the complainant to the appropriate person or agency to follow that process. This would include such matters as:
 - a. the grievance provisions of a collective agreement;
 - b. the complaint provisions under the *Ontario Human Rights Code*;
 - c. a complaint of alleged criminal activity;
 - d. procedures in the *Municipal Act*, the *Municipal Conflict of Interest Act* or the *Municipal Elections Act*;
 - e. the complaint provisions of the *Workplace Violence Prevention*

Policy; or

- f. the complaint provisions of the *Harassment and Discrimination Policy*.

Where it has been determined that a complaint should be dealt with under one of the above processes, it will no longer be considered or dealt with by the Integrity Commissioner and the time limits within the above processes will apply accordingly.

4. Upon receipt of a complaint or request to conduct an enquiry within his/her jurisdiction, the Integrity Commissioner will deliver a preliminary information report to an open meeting of Council including the following:
 - a. The opinion of the Commissioner as to whether the enquiry is appropriate and whether it can be conducted within the law applicable to such an enquiry.
 - b. An indication as to whether it is the Commissioner's intention to conduct the enquiry under the *Public Inquiries Act*.
 - c. A preliminary indication of the members of staff and/or consultants needed to assist the Commissioner.
 - d. An estimated cost of the enquiry.
 - e. The estimated time required to complete the enquiry and prepare a final report.
 - f. Where appropriate, the Commissioner may recommend that the alleged infraction be reported to the police and that the enquiry be suspended until the police investigation is completed.
5. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith or that there are no grounds or insufficient grounds for an enquiry, the Integrity Commissioner shall not conduct an enquiry and shall state the reasons for not doing so in the preliminary report.

Procedure for Obtaining Advice:

- i. Where a Member, an employee or a member of the public is seeking to obtain advice from the Integrity Commissioner, he/she shall submit to the City Clerk the completed form provided (Appendix B).
- ii. All advice of the Integrity Commissioner to Members, employees and the public shall be confirmed in writing. No Solicitor/Client relationship will exist in the giving of such advice.
- iii. Where the Integrity Commissioner learns of a violation through the request for advice from any Member, he or she is required to report such a violation to Council.
- iv. The Integrity Commissioner may decline to give advice if he/she determines that it will put him in conflict with his/her duty to Council as a whole.

Confidentiality

1. The Integrity Commissioner shall carry out all enquiries in a manner which will ensure that the individual to whom the complaint relates is treated fairly and all complaints shall be treated as confidential to the extent possible and in accordance with the *Municipal Act*.
2. All records of investigations shall be kept confidential and access limited to those in the City with a need to know for the purposes of conducting a full

investigation.

Intake Procedures

- 1 Upon receipt of a complaint involving a Member other than the Mayor, the Clerk shall immediately advise the Mayor and Chief Administrative Officer ("CAO").
- 2 Upon receipt of a complaint involving the Mayor, the Clerk shall immediately advise the CAO and the three longest serving members of Council authorized to act in place of the Mayor.
3. The Integrity Commissioner may attempt to settle any complaint. Except where otherwise required by the *Public Inquiries Act*, the Commissioner shall provide a copy of the complaint and supporting material to the member with a request for a written response to the allegation within ten days and provide a copy of such response to the complainant with a request for a written response also within ten days.

Investigations

After the presentation of the information report to Council, the Integrity Commissioner shall take all steps necessary to promptly investigate the complaint within his or her jurisdiction, including entering any City office for such purpose and consultation with City staff with access to all information and records described in subsections 3 and 4 of Section 223.4 of the *Municipal Act* and may retain independent professional services if required.

1. The Integrity Commissioner shall make every effort to complete an investigation within 30 days.
2. If the Integrity Commissioner requires more than 30 days to complete an investigation, the following shall be notified accordingly:
 - a. The complainant;
 - b. the individual to whom the complaint relates; and
 - c. the Mayor in the case of a complaint concerning another Member; or the three longest serving members of Council in the case of a complaint concerning the mayor.
3. A complaint involving an alleged contravention that has already been thoroughly investigated will not be re-investigated unless new evidence is presented.

Reporting the Results of an Investigation

1. The Integrity Commissioner shall report his/her findings to an open meeting of Council and where the enquiry relates to a local board the report will be submitted to both Council and the local board.
2. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
3. The Commissioner shall give a copy of the final report to the complainant and the Member whose conduct is concerned prior to the Council meeting at which it will be considered.
4. The Member to whom the complaint relates shall be given an opportunity to

address Council and respond to the complaint.

5. The Member shall be permitted to introduce information not already in evidence including witnesses to support his or her position, and shall have the option of attending with legal counsel.

Actions by Council

1. In reviewing the final report, Council will determine whether it will impose any of the following penalties on a Member if the Integrity Commissioner reports that it is his/her opinion that the Member has contravened the Code:
 - a. Issue a motion of reprimand
 - b. Suspension of the remuneration paid to the Member in respect of his services as a Member for a period of up to 90 days
 - c. request the member involved to return any gift or benefit received in contravention of the Code of Conduct;
 - d. request the member involved to repay the value of the benefit;
 - e. remove the member from committee or local board appointments;
 - f. request an apology; or
 - g. withhold confidential materials/matters for a period of time.
2. All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents.
3. The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to requests for enquiries and for conducting investigations. City Council shall be responsible for determining penalties where appropriate.

Protection from Retaliation

Any employee who files a complaint of a contravention of the Code of Conduct will not be subjected to any form of penalty or reprisal provided the complaint is made:

- in good faith; and
- in the reasonable belief of the complainant that a contravention of the Code of Conduct has occurred.

Limitation Period

The Integrity Commissioner shall not proceed with an enquiry in regard to a complaint more than 60 days after the date when the event or series of events which are the subject matter of the complaint were discovered by the complainant. An event, or series of events, is discovered on the earlier of the date upon which the complainant first knew,

- that the event(s) had occurred and by whom,
- that the event(s) may have constituted a contravention of
- the Code.

The onus of proof as to the date of discovery lies with the complainant.

Where the Integrity Commissioner decides not to proceed with an investigation of a complaint received more than 60 days after the date when the event(s) occurred, the Integrity Commissioner shall prepare and file a report to Council setting out that decision.

Complaints in Municipal Election Years

Despite any other provision of this process, any complaint received by the City Clerk 90 days prior to the date of a regular election pursuant to the *Municipal Elections Act, 1996, S.O. 1996*, shall not be referred to the Integrity Commissioner for investigation until after the election has taken place.

The 90 days referred to above, will not be included for the purposes of calculating the 60 day limitation period.

Complaint Form to the Integrity Commissioner

Please note that signing a false affidavit
May expose you to prosecution under
Sections 131 and 132 or 134 of the Criminal Code,
R.S.C. 1985, c. C-46, and also to civil
liability for defamation.

Affidavit

AFFIDAVIT OF _____ [full name]

I, _____ [full name], of the [City, Town, etc of] _____

_____ [municipality of residence] in the Province of Ontario
MAKE OATH AND SAY [or AFFIRM]:

1. I have personal knowledge of the facts as set out in this affidavit, because _____

[insert reasons e.g. I work for . . . I attended the meeting at which . . . etc].

2. I have reasonable and probable grounds to believe that a member of City of Guelph Council or a local board _____

_____ [specify name of member], has contravened

section(s) _____ [specify section(s)] of the code of

conduct for Members of Council and Local Boards (the "Code of Conduct"). The particulars of which are as

follows:

[Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular
statement of fact. If you require more space, please use the attached Schedule A form and check the appropriate box below. If you wish to include exhibits to support
this complaint, please refer to the exhibits as Exhibit A, B, etc .and attach them to this affidavit.]

Multiple horizontal lines for providing details of the complaint.

Please see the attached Schedule A ()

1. This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

SWORN [or AFFIRMED] before me at the

_____)
[City, Town, etc.])
in the Province of Ontario, on)
_____)
[date])

[Signature of commissioner]
A Commissioner for taking affidavits, etc.

)
)
)
)

[Signature]

**Integrity Commissioner Inquiry
Formal Complaint Procedure**

**Please note that signing a false affidavit
May expose you to prosecution under
Sections 131 and 132 or 134 of the Criminal Code,
R.S.C. 1985, c. C-46, and also to civil
liability for defamation.**

[Signature of Requestor]

[Date Received by Integrity Commissionrr]

[Date]

[Date Reply Issued]

[File no.]

**AMENDMENTS TO THE CODE OF CONDUCT FOR COUNCIL
AND LOCAL BOARDS RECOMMENDED BY THE INTEGRITY
COMMISSIONER**

That all pages of the Code be numbered.

Under the heading “Definitions” delete the definition of Members and insert:

Members – Include the Mayor, all members of Guelph City Council and members of all Guelph local boards as defined in Section 223.1 of the *Municipal Act*

Under the heading “Definitions” delete the definition of Confidential Information and insert:

Confidential Information – Includes the following:

1. Any information in the possession of, or received in confidence by, the City that the City is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*, or any other law.
2. Information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information, information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel, labour relations, litigation, property acquisition, the security of the property of the municipality or a local board; and any other information lawfully determined by the Council or the local board to be confidential, or required to remain or be kept confidential by legislation or order.

-
3. A matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, unless the matter is subsequently discussed in open Council or it is authorized to be released by Council/the local board or otherwise by law.
 4. Reports of consultants, draft documents and internal communications, which, if disclosed may prejudice the reputation of the City, its officers and employees or its effective operation.
 5. Information concerning litigation, negotiation or personnel matters.
 6. Information the publication of which may infringe on the rights of any person (e.g., source of a complaint where the identity of a complainant is given in confidence).

Under the heading “Confidentiality” delete the first three paragraphs and replace with:

No Member shall disclose, release or publish by any means to any person or to the public any Confidential Information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so. No Member shall use Confidential Information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body.

Under the heading “Business Relations” delete: “except in compliance with the terms of the *Municipal Conflict of Interest Act*.”

After the heading “Business Relations” insert the heading “Conduct” and insert:

As a representative of the City, every Member has the duty and responsibility to treat members of the public, one another and staff

appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. A Member shall not use indecent, abusive or insulting words or expressions toward any other Member, any member of staff or any member of the public. A Member shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or disability.

COUNCIL REPORT



TO Governance Committee

SERVICE AREA Corporate and Human Resources
DATE April 10, 2012

SUBJECT Executive Director Compensation- Competitive Salary
Market position

REPORT NUMBER CHR – 2012 – 21

Purpose of the Report: To seek approval to establish the 55th percentile for the Executive Director’s competitive position for compensation purposes and approve the recommended salary range for 2011 and 2012.

Committee Action: To approve the recommendations in the attached

RECOMMENDATION:

That the 55th percentile of the approved comparator group be established as the competitive position for Executive Director level positions to be consistent with and aligned to the Chief Administrative Officer and other full-time Non-Union positions.

That the 2011 salary range for Executive Director level positions be established as: \$136,288.80 - \$170,361.00.

That the 2012 salary range for Executive Director level positions be established as: \$139,028.80 - \$173,786.00

BACKGROUND:

In 2008, Council approved the following recommendations:

That Council approve the removal of Director level positions and salary from the Non-Union and Management Job Evaluation Plan;

AND that Council approve that the Director level positions be market-rated;

AND that Council approve the municipal comparator group for the purposes of establishing a competitive salary for the Director level positions (contained in this report);

AND that Council endorse the 60th percentile as the competitive position for the purpose of determining the 2008 compensation Job Rate for the Director level positions and;

AND that Council approve establishing two (2) levels for Director level positions as follows:

During the 2011 budget deliberations, Council directed Human Resources to align the competitive positions for Non-Union Employees from the 60th percentile to the 55th percentile.

In addition, following a market survey for the CAO position in early 2011 prior to the CAO recruitment process, Council directed staff to adjust the CAO level position to the 55th percentile of the approved comparator group.

The Council approved comparator group for compensation surveys for non-union staff is based on the following criteria:

1. Size of the municipality (i.e. population)
2. Organizational structure and scope of services (Tier)
3. Average family income for residents within the municipality
4. Number of Employees working for the municipality
5. Operating Budgets
6. Geographic location/employment market (labour pool/market competition within 60 km of Guelph)

Using the above criteria, the Council approved comparator group of municipalities surveyed for compensation information consist of the following municipalities:

1. City of Barrie
2. City of Burlington
3. City of Brampton
4. City of Brantford
5. City of Cambridge
6. City of Chatham-Kent
7. City of Hamilton
8. City of Kingston
9. City of Kitchener
10. City of Mississauga
11. City of Oakville
12. City of Vaughan
13. City of Waterloo
14. Region of Waterloo
15. City of Greater Sudbury

-
16. Regional Municipality of Halton
 17. Regional Municipality of Peel
 18. Wellington County

In July 2010, the City underwent a reorganization which eliminated the Director level position and introduced a structure consisting of four (4) Executive Director level positions, with increased responsibilities which are as follows:

Executive Director, Corporate and Human Resources
Executive Director, Planning, Building and Engineering & Environment Services
Executive Director, Community and Social Services
Executive Director, Operations and Transit

At the time of the reorganization, one (1) level of compensation was established for the Executive Director level positions. This recommendation was made by an external job evaluation consultant with the intent to conduct a thorough market review based on the new roles and responsibilities.

In February 2012, the position of Executive Director, Finance and Enterprise (formerly Chief Financial Officer/City Treasurer) was realigned to the Executive Director Level.

REPORT:

Human Resources staff is required to conduct periodic salary surveys for the Executive Director level positions to ensure alignment with the approved competitive position.

Following a market review conducted in the last quarter of 2011 and completed in January 2012, to maintain the 55th percentile (i.e. competitive position within the comparator group) the recommended **2011** salary range for the Executive Director level positions is \$136,288.80 - \$170,361.00.

Additional survey details indicated that the average economic increase for 2012 is 2.8% with the most common increase (mode) being 2%. Many of the municipalities within our comparator group have not solidified the economic increase with their Council at the time of this report. However, information from those that have approved the 2012 increases, combined with information from other municipalities and the Conference Board of Canada regarding non-union wage increases for the public sector suggest that 2% would be required to maintain Guelph's relative position to the market.

Based on the additional survey data above, to maintain our competitive position for **2012** for the Executive Director level positions, a further adjustment of 2% to the salary range is recommended which represents a salary range of \$139,028.80 - \$173,786.00.

CORPORATE STRATEGIC PLAN:

Goal 5 – A community focused, responsive and accountable government.
Objective 5.6 – Organizational excellence in planning, management, human resources and people practices.

FINANCIAL IMPLICATIONS:

There are no financial implications to adjusting the salary range for the Executive Director level positions.

DEPARTMENTAL CONSULTATION:

COMMUNICATIONS:

Original Signed by:

Prepared By:
Lynne MacIntyre
Manager, Compensation, Benefits, HRIS

X2256
lynne.macintyre@guelph.ca

Original Signed by:

Submitted By:
Mark Amorosi
Executive Director, Corporate
and Human Resources
X 2281
mark.amorosi@guelph.ca

COMMITTEE REPORT



TO Governance Committee

SERVICE AREA Corporate and Human Resources, City Clerk's Department

DATE April 10, 2012

SUBJECT 2012 Council Governance Survey

SUMMARY

Purpose of Report: To provide information regarding the 2012 Council Governance Survey.

Committee Action: No formal action is required.

RECOMMENDATION

1. That the April 10, 2012 Governance Committee report entitled "2012 Council Governance Survey" be received.

BACKGROUND

In 2009, a Council Governance Survey was developed and distributed to Members of Council to be used along with an assessment of key organization goals in order to provide a general measurement of Council's overall effectiveness in relation to its statutory role and mandate. The results were shared with Council in May, 2009. The survey established a baseline for future measurement and provided further insight to assist with continuous improvement in areas such as strategic planning, public consultation and the City's governance structure.

REPORT

Section 224 of The Municipal Act states that it is Council's role:

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;

-
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (e) to maintain the financial integrity of the municipality; and
 - (f) to carry out the duties of council under this or any other Act.

Notwithstanding the legislated role of Council, effective governance in general is fundamental to achieving organizational success. It ensures objectives are clearly identified, resources are managed appropriately, and the interests of stakeholders are protected and reflected in the decision making process.

The survey attached as Appendix A, includes many of the same questions which were posed to Members of Council in 2009. There have been some refinements which relate specifically to the effectiveness of the committee structure and in relation to professional development opportunities.

The results will be analyzed and categorized into sections which relate to ongoing excellence or with respect to priority areas for future consideration. The survey results will be shared with Council, the Executive Team and the City Clerk's Department. In addition to providing an overview with respect to Council's performance in relation to its mandated role, it will also help to inform future Council orientation processes, professional development opportunities, potential amendments to the Council and Committee structure as well as governance policies, practices and procedures.

In the interests of standardizing data collection and to support continuous improvement, this survey will be administered after the first and third year of each four year Council term.

CORPORATE STRATEGIC PLAN

This report supports the strategic plan and, in particular, aligns directly with Section 5: A community focused, responsive and accountable government

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

- Strategic Planning and Corporate Initiatives
- Human Resources

COMMUNICATIONS

A questionnaire format of the attached 2012 Governance Survey will be forwarded to Members of Council. The results will be forwarded to Council and the Executive Team via email.

ATTACHMENTS

- 2012 Governance Survey

Original Signed by:

Prepared By:
Tina Agnello
Deputy City Clerk
519 822-1260 X 2811
tina.agnello@guelph.ca

Original Signed by:

Recommended By:
Blair Labelle
City Clerk
519 822-1260 x 2232
blair.labelle@guelph.ca

Original Signed by:

Recommended By:
Mark Amorosi
Executive Director,
Corporate and Human Resources
519 822-1260 x 2281
mark.amorosi@guelph.ca

DRAFT 2012 GOVERNANCE SURVEY

The following questionnaire will attempt to provide an assessment of Council's overall performance as it relates to its legislated role and mandate. It will also collect information to inform continuous improvement in areas which are fundamental for effective governance.

Instructions:

All answers are to be held in confidence, unless otherwise directed by Council. Please rank answers by circling 1 – 5 for each answer and providing any necessary supporting comments:

- 1 - strongly disagree
- 2 - disagree
- 3 - neutral
- 4 - agree
- 5 - strongly agree

A. Governance - Overall

- | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|
| 1. Council reviews the Vision with each new term to determine appropriateness. | 1 | 2 | 3 | 4 | 5 |
| 2. Council ensures that the Mission and Mandate remains current each new term. | 1 | 2 | 3 | 4 | 5 |
| 3. Council regularly articulates the value and progress of the Corporation to residents and stakeholders. | 1 | 2 | 3 | 4 | 5 |
| 4. Council takes a proactive role in developing an open and strong relationship with the CAO and senior management. | 1 | 2 | 3 | 4 | 5 |
| 5. Council strives to meet the City's goals and objectives. | 1 | 2 | 3 | 4 | 5 |
| 6. Council establishes and maintains effective working relationships with key stakeholders (ex. other levels of government, non-governmental agencies, school boards, private organizations, community groups, rate payers etc.) | 1 | 2 | 3 | 4 | 5 |
| 7. I have a solid comprehension of Council's overall governance role. | | | | | |

Further Comments:

B. Governance - Stewardship of the City of Guelph

1. The City undertakes a strategic planning process to set the long-term direction of the corporation. 1 2 3 4 5
2. Council approves the strategic direction and objectives for the corporation and the overall operating and financial plans to achieve them. 1 2 3 4 5
3. Council refers to the city's strategic plan in making policy decisions throughout the year. 1 2 3 4 5
4. Council informs the CAO of the risks and challenges facing the organization including significant developments likely to have an impact on the City or the public's perception of the organization. 1 2 3 4 5
5. Council has taken steps to ensure adequate communication with stakeholders and the public. 1 2 3 4 5
6. Council delegates operational and routine matters to staff in order to focus on broader governance and policy initiatives. 1 2 3 4 5
7. Council has effectively implemented governance processes to fulfill its responsibility for oversight and control. 1 2 3 4 5
8. Council is diligent in verifying the accountability and integrity of the Corporation's internal financial control and information management systems. 1 2 3 4 5
9. Council communicates its expectations openly and honestly to the CAO. 1 2 3 4 5
10. Council ensures that the CAO understands his/her responsibilities. 1 2 3 4 5
11. Council regularly evaluates corporate performance and the work performance of the CAO and takes any action required. 1 2 3 4 5
12. Council allows the CAO enough room to manage and does not get involved with day-to-day operations of the organization. 1 2 3 4 5
13. This organization strives to have a good balance between organizational stability and strategic innovation. 1 2 3 4 5

-
14. Council ensures that the city has developed and maintains an adequate senior management succession plan. 1 2 3 4 5

Further Comments:

C. Governance - Service Delivery by the City of Guelph

1. Council reviews the key programs and/or services delivered by the Corporation to ensure they fall within the City's mandate. 1 2 3 4 5
2. Council approves new programs and/or services delivered by the city. 1 2 3 4 5

Further Comments:

D. Governance - Self-Governance

1. Council functions independently of staff, with a consistent focus on the best, long-term interests of the Corporation. 1 2 3 4 5
2. Council Members understand their roles and responsibilities well and are given terms of reference when they become Council Members. 1 2 3 4 5
3. Councillors understand the difference between their governance responsibilities and delegated management responsibility of the CAO and senior management. 1 2 3 4 5
4. Council has the right:
- a) number of Councillors. 1 2 3 4 5
 - b) balance and mix of skills and background. 1 2 3 4 5
5. Council has developed effective processes for:
- a) orienting and educating new Councillors. 1 2 3 4 5
 - b) evaluating and where necessary, improving its own performance. 1 2 3 4 5
6. Council meeting content and agendas:
- a) are focused on significant matters concerning the future of the City. 1 2 3 4 5
 - b) use Councillor's time productively. 1 2 3 4 5
 - c) allow the right amount of time for agenda items. 1 2 3 4 5
 - d) incorporate productive Closed Meeting sessions. 1 2 3 4 5
7. Council meeting processes:
- a) Agenda materials are adequate and appropriate in preparation for 1 2 3 4 5

-
- the meeting.
- b) Agenda material is distributed far enough in advance of meetings to allow adequate preparation. 1 2 3 4 5
 - c) Council holds an appropriate number of meetings. 1 2 3 4 5
 - d) Meetings are of appropriate length. 1 2 3 4 5
 - e) Meetings are chaired in an appropriate manner. 1 2 3 4 5
 - f) Meeting rules in the Procedural By-law are adequately followed. 1 2 3 4 5
 - g) Procedures allow meaningful participation by Councillors. 1 2 3 4 5
 - h) Procedures allow timely resolution of issues. 1 2 3 4 5
 - i) The decision making process is accountable to stakeholders. 1 2 3 4 5
 - j) Council uses appropriate decision making processes. 1 2 3 4 5
 - k) Council meetings held on Tuesday nights are preferable. 1 2 3 4 5
 - l) Council and Council Planning meetings should be held on the first and third week of each month (versus the first and last) 1 2 3 4 5
8. Verbal presentations to Council are:
- a) appropriate in length. 1 2 3 4 5
 - b) focused on the right issues. 1 2 3 4 5
9. Council members participate in discussions that are open and comprehensive. 1 2 3 4 5
10. Opinions and input of individual Councillors are encouraged and equally value and respected. 1 2 3 4 5
11. Council's business practices are consistent with the operating /guiding principles of the Corporation. 1 2 3 4 5
12. Councillors comply with requirements outlined in legislation such as *the Municipal Act, the Planning Act, etc.* 1 2 3 4 5
13. Council's capacity to govern effectively is not impaired by conflicts between members. 1 2 3 4 5
14. Standing Committee effectiveness:
- a) Council has the appropriate number of Standing Committees. 1 2 3 4 5
 - b) There are too few Councillor Members on each Standing Committee. 1 2 3 4 5
 - c) The Standing Committees have clear responsibilities and mandates. 1 2 3 4 5
 - d) Agenda material is distributed far enough in advance of meetings to allow for adequate preparation by Members. 1 2 3 4 5
 - e) Agenda materials are adequate in order to prepare for the meeting. 1 2 3 4 5
 - f) Verbal presentations at meetings are of an appropriate length. 1 2 3 4 5
 - m) Meeting rules in the Procedural By-law are adequately followed. 1 2 3 4 5
 - g) Recommendations to Council are clear and easy to understand. 1 2 3 4 5

- | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|
| h) There is ample opportunity for participation by Councillors. | 1 | 2 | 3 | 4 | 5 |
| i) The decision making process is accountable to stakeholders. | 1 | 2 | 3 | 4 | 5 |
| j) The Committee uses appropriate decision making processes. | 1 | 2 | 3 | 4 | 5 |
| k) Participation from Non-Committee Members is helpful and appropriate. | 1 | 2 | 3 | 4 | 5 |
| l) A 'Committee of the Whole' system is preferable to a Council Standing Committee system. | 1 | 2 | 3 | 4 | 5 |
| m) Consolidation of Council's 4 Standing Committees which meet monthly (CAFE, PBEE, OTES, CSS) into 2 Standing Committees (CAFE+CSS and PBEE+OTES) with 6 Members plus the Mayor on each would be a viable option worthy of consideration. | 1 | 2 | 3 | 4 | 5 |

Further Comments:

E. Professional Development

1. Adequate opportunities exist for Council professional development **1 2 3 4 5**

2. Council requires further training in *(please check any/all that apply):*

- Effective Meeting Procedure (closed meeting rules, confidentiality etc.)
- Financial and Risk Management (risk assessment, risk financing etc.)
- Legislative training (regarding the *Planning Act, Municipal Act* etc.)
- Executive Management skills (conflict resolution, time management etc.)
- Communications and the Media (practical media training programs)
- Technical skills (computer software, effective writing etc.)

Please identify any others not listed above:

3. Format of training sessions. Please circle your preferences regarding the following :

a) Would you prefer sessions to be in the:

Morning Afternoon Early Evening

b) Would you prefer to attend sessions during the:

Weekdays Weekends Both

c) Would you prefer the duration of the sessions to be:

Part days Full days Other:
 (no more that 4 hours) (at least 7 hours) (please specify) _____

d) Would you prefer the sessions be implemented:

On 2 or more consecutive days

Spread out over a longer period of time

Further Comments:

F. Support

- | | | | | | |
|---------------------------------------------------------------------------------------------------------|----------|----------|----------|----------|----------|
| 1. A City of Guelph Councillor should be a full-time position. | 1 | 2 | 3 | 4 | 5 |
| 2. Council requires further administrative support for the following: | | | | | |
| a) to assist with the organization of ward meetings. | 1 | 2 | 3 | 4 | 5 |
| b) to coordinate personal attendance at various events. | 1 | 2 | 3 | 4 | 5 |
| c) to manage details relating to constituency matters. | 1 | 2 | 3 | 4 | 5 |
| d) to coordinate and manage travel arrangements and expenses. | 1 | 2 | 3 | 4 | 5 |
| e) to assist with general office administrative tasks (calendar management, photocopying, filing etc.). | 1 | 2 | 3 | 4 | 5 |

Further Comments:

G. Other Comments

Please identify any other comments or suggestions you have in relation to Council's overall performance and/or factors which should be considered to support effective governance practices:

Name: _____

THANK-YOU!

Please return in hardcopy to the Clerk's Department or via email to clerks@guelph.ca by May 31, 2012.

COMMITTEE REPORT



TO **Governance Committee**

SERVICE AREA Corporate and Human Resources, City Clerk's Department

DATE April 10, 2012

SUBJECT **Procedural By-law and
Closed Meeting Protocol Amendments**

SUMMARY

Purpose of Report: To propose amendments to the Procedural By-law and Closed Meeting Protocol in order to provide for greater clarity, better align with current conventions and establish best practices as they relate to various matters including Closed Meetings, public disclosure and meeting procedure.

Committee Action: To recommend the adoption of a new Procedural By-law and Closed Meeting Protocol to Council in relation to the amendments proposed herein.

RECOMMENDATION

1. That a new Procedural By-law be adopted pursuant to the proposed amendments highlighted in Attachment A to the April 10, 2012 Governance Committee Report entitled "Procedural By-law and Closed Meeting Protocol Amendments";
2. That the Closed Meeting Protocol be revised pursuant to the amendments proposed in Attachment B in the same report.

BACKGROUND

In 2011, a comprehensive assessment of the Procedural By-law was conducted for the purpose of implementing amendments to provide for greater clarity and conformity to the current practices of Council and Committee. The revisions were informed by the statutory requirements of the *Municipal Act* (the Act), best practices in relation to meeting procedure and existing protocols. The assessment included a consultation process whereby staff and Members of Council were asked to provide comments in relation to the proposed amendments. Being the first broad review of the By-law since 1996, the assessment was very thorough and resulted in

a Procedural By-law which was well connected with the statutory requirements of the Act as well as the conventional practices of City Council and Committee.

In July 2011, Council approved a Closed Meeting Protocol which was to serve as a guide to reference the legislated requirements for Closed Meetings but also to encourage best practices to support openness and transparency as it related to governance matters and municipal business in general.

REPORT

Procedural By-law Amendments

Since the approval of Procedural By-law (2011)-19300, there have been observations made by staff and Members of Council to suggest that further revisions may be in order. Staff completed an evaluation of the proposed amendments and scanned the By-law for additional opportunities to provide greater clarity to enhance current meeting procedures and protocol.

Most of the suggested amendments to the By-law, attached as Attachment A, are 'housekeeping' modifications to correct formatting issues or to adjust language for additional clarity. These changes do not impact the spirit, intent or use of the By-law. There are several modifications also proposed herein, however, that establish new provisions or revise existing clauses to better meet the requirements of the Act or to more clearly articulate an existing convention which may not have been fully accounted for in the previous By-law. The following is an overview of all such proposed amendments to the Procedural By-law:

New/ Revised	Amendment	Purpose
Revised (pg. 2)	Definition - "Committee"	To mirror the Act's definition of Committee.
New (pg. 3)	Definition - "Open Meeting"	For clarity.
New (pg. 3)	Definition - "Registered Delegate"	For clarity.
Revised (pg. 3,22-23)	Names (and responsibilities) of CAFE and OTES	To reflect recent organizational changes.
Revised (pg. 6)	Closed meeting exceptions incorporated into By-law body.	For clarity and improved reference.
New (pg. 7)	Council Planning Agenda Order of Business added	To clarify the Order of Business for Council Planning. This will allow for a Notice of Motion to be introduced at Council Planning (consideration must still occur at a Regular Council meeting).
New (pg. 8)	Procedure to add 'time sensitive' items to an agenda after the agenda/addendum deadline.	This allows the CAO/ET to advise Council or Committee of the need to add an urgent issue to the agenda. The decision to add the item is subject to a majority vote of the Members present.

New (pg. 8)	Closed Meeting minutes will be recorded, distributed and confirmed by Council.	To comply with the Act and provide for an account of all Closed Meetings. This process will supplement the current practice of providing for an account of the Closed Meeting as part of the Open Meeting minutes.
New (pg. 13)	Procedure to appeal the decision of Mayor/Chair in relation to a Point of Order or Privilege	For clarity and improved reference. The ability for an appeal of the Mayor/Chair re: a Point of Order or Privilege has always existed.
New (pg. 15,16)	Provisions regarding voting <ul style="list-style-type: none"> • Members shall vote • Tied votes are lost • The failure to vote (by a qualified Member) will be recorded in the negative 	To mirror requirements of the Act.
Revised (pg. 16)	Separation of a motion to vote on distinct clauses.	For clarity on the need to vote separately on every clause within a main motion (including those added by way of a previous amendment).
New (pg. 16)	No recorded votes on the following motions (unless requested by a Member): <ul style="list-style-type: none"> • Adjournment / Recess • Suspension of the Rules of Procedure • Extend meeting beyond 11pm • Motion to add an item not appearing on the agenda • In / Out of a Closed Meeting • Call the question 	This provision increases the efficiency with which Council and Committee can dispose of non-substantive procedural motions.
Revised (pg. 17)	To provide the following opportunities in which Council or Committee may wish to exercise in order to rise and report: <ul style="list-style-type: none"> • As a special resolution • As part of an Open Meeting report • To direct staff to report back at a subsequent meeting 	For clarity with respect to potential options which are further detailed in the Closed Meeting Protocol attached hereto as Attachment B.
Revised (pg. 17)	Reconsideration clauses amended to: <ul style="list-style-type: none"> • Revise the definition to include rescind • Require that it be introduced as a Notice of Motion • To clearly articulate the voting requirement to be a majority of the Whole of Council 	<ul style="list-style-type: none"> • Standard definitions to rescind and reconsider are very similar. • It should require a Notice of Motion to allow for a proper assessment to be done in relation to the potential impacts. • Given the current Council composition the requirement is 7 Members, regardless of how many are present at a meeting when the vote is taken.

Revised (pg. 19)	The intent to introduce a Notice of Motion can be introduced at a Council Planning meeting but consideration can only be given to it at a 'Regular' Council Meeting.	Time difference between Council and Council Planning is insufficient to allow for the necessary preparation and follow up of Council and staff.
Revised (pg. 20)	A motion to adjourn requires a mover, seconder and a vote.	Adjournment should be duly moved, seconded and voted on as it could be introduced at any time.
Revised (pg. 25)	The voting requirement for a Suspension of the Rules is revised from 2/3 of the Whole of Council to 2/3 of the Members present.	For appropriateness as this procedure directly relates to the Members present at a meeting.
Revised (pg. 25)	All matters not addressed by the Procedural By-law can be ruled on by the Mayor/Chair. Any Member can appeal the decision of the Mayor/Chair which would be overruled by a majority vote of the Members present.	For Efficiency. The By-law incorporates elements of Bourinot's Rules of Order and Robert's Rules of Order. In a rare instance where a provision cannot adequately dispose of a matter, the rule of the Chair (with the potential for an appeal) is the most appropriate.
Revised (deleted)	Deletion of the Code of Conduct as an appendix to the By-law.	To comply with the Act in that the Code of Conduct and Procedural By-law are required under separate and distinct sections. Also, the Code is applied more broadly than issues considered at a meeting. The Integrity Commissioner has oversight of the Code of Conduct but not the Procedural By-law.
Revised (deleted)	Deletion of the Committee/Council/Closed Meeting Differences appendix.	There is limited benefit to this chart as a reference tool.

Closed Meeting Protocol

Aside from several amendments to improve the formatting and clarification of language used within the Closed Meeting Protocol, additional sections are proposed to address the following matters:

Section 5.1: To identify best practices in relation to disclosing the appropriate information associated with a Closed Meeting report. The preferred approach is to publish a companion report to the accompanying Open Meeting agenda. Alternatively, Council or Committee can give direction to staff to prepare an Open Meeting report for inclusion on a subsequent meeting agenda.

Section 5.2: To establish 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. In general, the suggested procedures are to; introduce the motion in relation to an existing Open Meeting companion report, introducing the motion as a Special Resolution (with preparatory context being provided by the Mayor, Member of Council or staff), or directing staff to prepare a report with recommendations to a subsequent meeting.

Section 6: To authorize and manage the appropriate public disclosure related to matters considered in a Closed Meeting (if necessary). In order to ensure that this practice does not become unnecessarily complicated, the suggested approach is to include a clause within a recommendation to waive Council's confidentiality and authorize staff to manage the appropriate disclosure of information as it relates to the confidential matter at hand. This delegation is to be guided by additional information provided to Council in advance either as part of the Communications Portion of the associated staff report or under separate cover.

Section 7: To provide details concerning the optimal method with which to add a 'time sensitive' matter to a Closed Meeting agenda after the agenda/addendum deadline.

The revised Closed Meeting Protocol will continue to serve as a guide for staff in the preparation of confidential reports and recommendations. It will also serve as public account of Council's standard protocol with respect to reporting out of Closed Meetings and with respect to the approval process related to confidential matters.

CONCLUSION

The proposed amendments contained herein further demonstrate that openness and transparency in relation to the conduct of municipal business is a fundamental principle entrenched in the City's various practices, policies and procedures.

CORPORATE STRATEGIC PLAN

The amendments proposed by this report comply with Section 5.3 of the current Corporate Strategic Plan in relation to open, accountable and transparent conduct of municipal business.

FINANCIAL IMPLICATIONS

As this is an operational/procedural change, there are no financial implications.

DEPARTMENTAL CONSULTATION

- Council
- Communications

COMMUNICATIONS

The revised Procedural By-law and Closed Meeting Protocol will be posted to the applicable sections of the City's website.

ATTACHMENTS

Attachment A - Procedural Bylaw (highlighted version with comments)
Attachment B - Closed Meeting Protocol (revised)

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THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2012)-XXXXX

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 # _____ and to repeal By-laws (1998)-15690, (2000)-16326, (2003)-17071, (2005)-17807, (2006)-17923, (2006)-18060, (2007)-18222, (2007)-18249, (2007)-18274, (2007)-18372, (2007)-18454, (2008)-19595, (2008)-18618, (2008)-18694, (2009)-18856, (2009)-18906, (2010)-18945, (2010)-19065, (2010)-19095, (2010)-19107, (2011)-19220 and **(2011)-19300**

WHEREAS it is necessary and expedient that there should be rules governing the order and procedure of the Council and its Committees;

AND WHEREAS section 238(2) of the *Municipal Act*, requires Council and every local board to adopt a procedure by-law for governing the calling, place and proceedings of meetings;

NOW THEREFORE The Corporation of the City of Guelph ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law,

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

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

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

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

"CAO" means the Chief Administrative Officer of the City;

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

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

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

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

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

Comment [BL1]: This is the definition as provided for in the Municipal Act.

“Committee Chair” means the Chair of a Committee;

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

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

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

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

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

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

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

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

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

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

“meeting” means any regular or special meeting;

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

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

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

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

Comment [TA2]: Added for clarity

"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;

Comment [TA3]: Added for clarity

"resolution" means a motion that has been carried;

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

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

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

- Audit Committee
- Community & Social Services Committee
- Corporate Administration, Finance & Enterprise Committee
- Governance Committee
- Operations, Transit & Emergency Services Committee
- Planning & Building, Engineering & Environment Committee
- Emergency Governance Committee

Comment [BL4]: To reflect recent organizational changes.

2. MEETINGS

2.1 Public Notice of Meetings

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

2.2 Inaugural Meeting of Council

(a) The first meeting of Council following a regular election shall be held on the first Monday in December at 7:00 p.m. in the Council Chambers of City Hall or at such alternate location as determined by the Clerk. If this day is a public holiday, the Council shall meet at the same hour on the next day, not being a public holiday.

(b) At the inaugural Meeting, each member present shall make his or her declaration of office and sign Council's Code of Conduct, and Council shall not proceed with any regular business at this Meeting.

2.3 Meetings of Council

(a) Council shall meet in the Council Chamber of City Hall on the dates and times set by Council by Resolution each year, unless by way of Resolution, the Council selects an alternate Meeting location, date, or time. In the event the regular Meeting date falls on a public holiday, the Council shall meet at the same hour on the next day not being a public holiday.

(b) When a Closed Meeting of Council is required, it shall be held no earlier than 5:00 p.m. on the day of an existing scheduled Council or Council Planning meeting.

(c) Unless there is a quorum consisting of at least seven Members of Council present within fifteen minutes after the time appointed for the Meeting of the Council, the Council shall stand adjourned until the next Meeting date, and the Clerk shall take down the names of the Members present at the expiration of such fifteen minutes.

(d) As soon after the hour of a Meeting of Council as there shall be a quorum present, the Mayor shall take the chair and call the Members to order. In the absence of the Mayor or Acting Mayor, the Clerk shall call the Members to order and the Council shall choose a Chair from the Members present and that person shall preside during the Meeting or until the arrival of the Mayor or Acting Mayor.

2.4 Meetings of Council Planning

(a) When required, a Council Planning Meeting shall be held on the first Monday of the month. Council Planning shall consider matters where a public meeting is required to hear applications under the *Planning Act*. Reports in relation to public meetings required under the *Planning Act*, shall be made available to the public at least one week in advance of the regular agenda distribution date.

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- (b) Notwithstanding Section 7.6 of this By-law, the time limitation for delegations at a public meeting to hear applications under the *Planning Act*, shall not exceed ten minutes. Council may extend the ten minute time period by a majority vote of the Council members present without debate. Council may ask questions of staff after the staff presentation and prior to the delegates addressing Council.
 - (c) Once all registered delegates have spoken, the Mayor or Chair shall ask if anyone present wishes to speak. Such individuals shall be permitted to speak pursuant to Section 2.4(b) without advance notice.

2.5 Special Council Meetings

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

2.6 Standing Committee Meetings

- (a) Standing Committees shall meet in the Council Chamber of City Hall on the dates and times set by Council by resolution unless otherwise agreed.
- (b) The Chair of the Standing Committee, the Mayor by reason of office, and the majority of members of a Standing Committee may call a special Standing Committee meeting.
- (c) Once a special Standing Committee meeting has been requested, the Meeting will be scheduled for the earliest possible time when a quorum would be available.

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- (d) At the direction of the Chair of a Standing Committee, the Clerk shall give notice of the time, place and purpose of every special Meeting or cancellation of a special Meeting to all members not less than 48 hours prior to the time fixed for the meeting.
 - (e) The notice calling a special Meeting of the Standing Committee shall state the business to be considered at the special Meeting and the Standing Committee shall consider no business other than that stated in the notice at such Meeting, except with the unanimous consent of all Members present at such Meeting.
 - (f) On urgent or extraordinary occasions, an emergency special Standing Committee Meeting may be called without the notice provided for in sub-Section 2.6(d).
 - (g) All Resolutions passed at Special Standing Committee Meetings shall be forwarded to Council for consideration.

2.7 Closed Meetings

Comment [BL5]: Text was integrated into the body vs. a schedule to the By-law

- (a) Meetings shall be open to the public.
- (b) Notwithstanding Section 2.7(a), a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
 - a. the security of the property of the municipality or local board;
 - b. personal matters about an identifiable individual, including municipal or local board employees;
 - c. a proposed or pending acquisition or disposition of land by the municipality or local board;
 - d. labour relations or employee negotiations;
 - e. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - f. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - g. a matter in respect of which a council, board, committee or other body may hold a Closed Meeting under an Act other than the Municipal Act;
 - h. Or, if a meeting is held for the purpose of educating or training the Members; and, at the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or Committee.
- (c) Prior to holding a Closed Meeting, Council or Committee shall state by resolution the fact of the holding of the Closed Meeting and the general nature of the matter to be considered therein.
- (e) 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.

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- (f) 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.
- (g) 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.

3. ORDER OF BUSINESS

3.1 Council Agenda

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

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

3.2 Council Planning Agenda

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

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

Comment [TA6]: Added in order to clarify the Order of Business in relation to Council Planning meetings. The most significant change is to allow for the intent of Notice of Motions to be introduced at a Council Planning meeting. If necessary, By-laws can also be passed (including a confirmatory By-law) and Special Resolutions can be considered. This was an occasional practice, but was not accounted for in this By-law.

3.3 Standing Committee Agenda

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

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

3.4 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 the Members present.

Comment [BL7]: CAO/ET to advise Council/Committee of the request to add an urgent item as soon as practicable and include a reason as to why it is necessary. If Clerk's is notified in advance of the meeting, every reasonable effort will be made to include a "tentative" item on the meeting agenda posted to the web. The vote is procedural in nature and does not need to be recorded unless otherwise requested by a Member.

4. DISCLOSURE OF PECUNIARY INTEREST

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

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

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

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

5. MINUTES

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

Comment [BL8]: Pursuant to the Act, Council and Committee will now be receiving a confidential copy of Closed Meeting minutes. They will be printed on pink paper and distributed along with the Closed Meeting agenda materials. Consistent with the current practice, Closed Meeting minutes will be approved in the Open Meeting session, however, if there are any errors or omissions which need to be addressed that could potentially disclose the nature of a confidential Closed Meeting matter, confirmation of the minutes should be deferred to a subsequent Closed Meeting for discussion. The current recorded account of the Closed Meeting which is available to the public as part of the Open Meeting minutes will remain unchanged (ie. the confidential Closed Meeting minutes will supplement Council's current practice).

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

6. PRESENTATIONS

6.1 Presentations at meetings shall be limited to a maximum of 10 minutes.

6.2 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.

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

7. DELEGATIONS

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

7.2 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.

7.3 No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council and Committee.

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- 7.4 Delegates shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event.
- 7.5 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.
- 7.6(a) 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.
- (b) A delegate may only address Council or Committee with respect to an item on the agenda.
- (c) 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.
- (d) Notwithstanding Section 7.6(a), designated representatives of the County of Wellington appearing before the Community & Social Services Committee with respect to land ambulance service matters, shall have no time imitations placed on their delegation.
- 7.7(a) Delegates have until 4:00 p.m. the business day prior to the meeting to notify the Clerk to be a delegate or to submit a written comment for a meeting that commences at 11:59 a.m. or earlier.
- (b) Delegates have until 9:00 a.m. on the day of the meeting to notify the Clerk in order to be a registered delegate or to submit a written statement for a meeting that commences anywhere from 12:00 p.m. to 5:59 p.m.
- (c) Delegates have until 12:00 noon the day of a meeting to notify the Clerk to be a delegate or to submit a written comment for a meeting that commences at 6:00 p.m. or later.
- 7.8 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,

Comment [BL9]: Due to omission this provision was not included in the final By-law approved by Council, however, this has always been the practice followed by staff and communicated to the public.

may, by notifying the Clerk at least one business day prior to the meeting, submit a written statement.

- 7.9 Except on matters of order, Members of Council shall not interrupt a delegate while he or she is addressing Council or Committee.
- 7.10 Members may address a delegate only to ask questions and not to express opinions or enter into debate or discussion.
- 7.11 All registered delegates shall be heard before Council or Committee enters into discussion or debate.
- 7.12 After all delegations have been heard, the related item shall immediately be brought forward for the consideration of Council or Committee.

8. CONSENT REPORTS

- 8.1 The reports from a Standing Committee to Council shall be submitted to Council in the form of a Consent Report, and shall be dealt with by Council in the manner as provided for in Section 8.3.
- 8.2 Council shall consider reports of Standing Committees of Council as well as Committees, boards and commissions in the following order:
 - (i) Standing Committees
 - (ii) Special/Ad Hoc Committees; and
 - (iii) Boards and commissions.
- 8.3(a) Standing Committee reports shall be presented by the Chair of the Committee or, in his or her absence, by a Member of the Committee, who shall move the adoption of the report.
- (b) Council Members shall identify any items contained in a Committee Consent Report, which they wish to speak to and the matter shall be extracted from the Consent Report to be dealt with separately.
- (c) The balance of items on the Committee Consent Report, which have not been extracted, shall be voted on in one motion.
- 8.4 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.

9. CONSENT AGENDA

9.1 Council and Council Planning Consent Agenda

- (a) The Council Consent Agenda shall consist of the following items:
- (i) Reports from staff;
 - (ii) Correspondence for the direction of Council, which may include:
 - Correspondence for which a policy decision or approval of Council is required;
 - Correspondence accompanied by a recommendation from staff;
 - and,
 - Correspondence for the information of Council.
- (b) 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.
- (c) No item shall be placed on an agenda in respect of a matter which is not within the jurisdiction of Council. The Mayor in consultation with the Clerk will determine if a matter is within the jurisdiction of the Committee or Council.

9.2 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.

10. CONDUCT OF MEMBERS

- 10.1 Council and Committee Members shall govern themselves according to Council's Code of Conduct.
- 10.2 The Mayor or Chair shall preserve order and decide questions of order and privilege.
- 10.3 Every Member desiring to speak, shall raise his or her hand so as to be recognized by the Mayor or Chair.
- 10.4 Every Member, on being recognized, shall remain seated in his or her place, and address themselves to the Mayor or Chair.
- 10.5 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.
- 10.6 No member shall without leave of the Council or Committee:
- (i) speak to an issue for more than 5 minutes (cumulative);
 - (ii) use offensive words or speak disrespectfully of Council, Committee staff, or any person;
 - (iii) speak on any subject other than the subject under debate;
 - (iv) speak in contempt of any decision of the Council or Committee;
 - (v) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or,
 - (vi) disobey the rules or decisions of Council or a decision of the Mayor or Chair on questions of order or privilege, or upon the interpretation of the rules of procedure, and in case a Member persists in any such disobedience after having been called to order by the Mayor or Chair, such Member may be ordered by Council or Committee to leave his or her seat for that meeting. In the event that a Member refuses to vacate their seat, the Mayor or Chair may request that the Member be removed by the police. In case of adequate apology being made by the Member they may, by way of majority vote of the Members present be permitted to take their seat.
- 10.7 Subsection 10.6(i) shall not apply to a Committee Chair, or his or her designate when presenting the Committee's report to Council.

11. POINTS OF ORDER OR PRIVILEGE

- 11.1 Point of Order

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- (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.

Comment [BL10]: Further clarification regarding the current voting requirement to overturn or sustain a Chair's ruling.

11.2 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.

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

- 12.1 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.

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- 12.2 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.
- 12.3 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.
- 12.4 A Motion in respect of a matter which is not within the jurisdiction of the Council or Committee shall not be in order. The Chair in consultation with the Clerk will determine if the matter is in the jurisdiction of Council or Committee.
- 12.5 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.
- 12.6 When a motion is under consideration no other motion shall be received unless it is a motion:
- (a) to refer the motion to a Committee, staff or any other person or body. Such a motion to refer:
 - (i) is open to debate;
 - (ii) is amendable; and
 - (iii) shall preclude amendment or debate of the preceding motion unless resolved in the negative.

 - (b) to amend the motion. Such a motion to amend:
 - (i) is open to debate;
 - (ii) shall not propose a direct negative to the main motion;
 - (iii) shall be relevant to the main motion;
 - (iv) is subject to only one amendment, and any amendment more than one must be to the main question; and if more than one, shall be put in the reverse order to that in which they were moved, and shall be decided or withdrawn before the main question is put to the vote.

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- (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.

12.7(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.

13. VOTING

Open Meeting Voting

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

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

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- (b) Except as otherwise provided, every member of Council or Committee shall have one vote.
 - (c) Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
 - (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.
 - (k) 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.

Comment [BL11]: These provisions (b, c and d) are verbatim requirements of the Act (Sec. 243, 245 and 246) which are often helpful to reference as part of a Procedural By-law. They have been incorporated as a result.

Comment [TA12]: This provides for additional clarity regarding the need to vote on clause(s) which are added by way of amendment if requested to separate and vote on a main motion as distinct clauses.

13.2 Closed Meeting Voting

- (a) In a Closed Meeting, Council or Committee shall only vote on motions pertaining to procedural matters or for giving directions or instructions to officers, employees or agents of the City, local board or Committee of either of them or persons, retained by, or under a contract with the City.

(b) In relation to a matter considered in a Closed Meeting pursuant to Section 2.7, Council may:

(i) vote on a procedural motion to rise, report and introduce a proposed recommendation as a Special Resolution in an Open Meeting;

(c) In relation to a matter considered in a Closed Meeting pursuant to Section 2.7, Council or Committee may:

(ii) vote on a procedural motion to rise, report and introduce a proposed recommendation as part of a report appearing on an Open Meeting agenda; or,

(iii) to give direction to staff to include a recommendation as part of an Open Meeting report on a subsequent meeting agenda.

(c) Notwithstanding Section 13.1(d) there shall be no recorded votes in a Closed Meeting unless otherwise requested by a Member.

Comment [BL13]: Additional clarification as to the process for rising and reporting out of a Closed Meeting or to introduce a recommendation related to a confidential matter than must be reported out in an Open Meeting. Further detail regarding these processes are included in the City's Closed Meeting Protocol.

14. RECONSIDERATION OF A COUNCIL DECISION

14.1 Council may reconsider a motion that was decided as a previous decision of Council. Such reconsideration can either amend the previous decision or rescind it.

Comment [BL14]: The definition of 'reconsideration' has been further clarified to include a provision to 'rescind' (ie, revoke) a previous Council decision.

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

Comment [BL15]: It is necessary that matters for reconsideration be introduced by way of Notice of Motion in order to allow for the necessary assessment to be done as per any related impacts to the City (eg. contractual obligations, legal requirements etc.). This is addressed further as part of the comments in relation to Notices of Motion in Section 17.

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

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

Comment [BL16]: The voting requirement is 7 Members of Council regardless of how many are present at a Meeting. This is the requirement of Robert's Rules of Order and considered to be

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

14.7 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.

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

15. BY-LAWS

- 15.1 The Clerk shall submit to Council a summary of all By-laws proposed for adoption, including the By-law numbers, titles and explanatory notes.
- 15.2 Every proposed By-law shall be at the Council Meeting and be available to any person interested in reviewing same.
- 15.3 Unless otherwise requested or separated, all By-laws proposed for adoption shall be passed in one single motion.
- 15.4 The Clerk shall be responsible for their correctness should they be amended at a Council Meeting.
- 15.5 Every By-law passed by Council shall:
- (i) be signed by the Mayor, or the presiding officer at the meeting;
 - (ii) be signed by the Clerk or designate;
 - (iii) be sealed with the seal of the City, and;
 - (iv) indicate the date of passage.
- 15.6 Council shall enact a By-law to confirm all actions taken by Council at that meeting.

16. ANNOUNCEMENTS

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

17. NOTICE OF MOTIONS AND SPECIAL RESOLUTIONS

- 17.1 Notice of Motions
- (a) Any Member may give notice that he or she intends to introduce a motion at a subsequent meeting of Council to initiate any measure within the jurisdiction of Council. At the time of giving notice, the Member shall fully disclose its intent. The introduction of a notice does not require a seconder and is not, at that time, debatable.
- (b) A motion for which notice has been given, other than one to **reconsider or rescind a prior decision of Council**, shall be in the form of a referral to a

Committee for a recommendation to Council, unless the matter is time sensitive and requires a more immediate decision of Council.

- (c) A motion for which notice has been given shall be in writing, and shall be submitted to the Clerk prior to the agenda deadline for inclusion as a Special Resolution in an agenda of the next Council meeting which is not a Council Planning meeting or a special meeting.

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

17.2 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.

17.3 Special Resolutions for Closed Meeting Reporting

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

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

18. ADDENDUM AGENDA

- 18.1 The Clerk shall prepare an addendum agenda to advise Council or Committee of the names of registered delegates wanting to speak to matters on the agenda.

- 18.2 Items or matters will not be added to the agenda after its distribution to Council or Committee by inclusion on the addendum unless directed by the Mayor or Chair, respectively, or CAO and/or Executive Director(s) if the urgent nature of the matter requires a decision prior to the next Council or Committee meeting.

Comment [TA17]: As per the proposed amendment in Section 3.2, the intent for a Notice of Motion can be introduced at a Council Planning meeting, however, Council can only debate the Notice of Motion at a "Regular" Council Meeting. The reason for this is:

Council and staff must be given time to address and prepare an appropriate response to the issue (if needed) which has the potential to create for an unplanned directive. The timing between Council and Council Planning meetings (5 days) is currently insufficient for staff or Council to gain an appreciation of the matter in order to make an informed decision.

Proper notice of the motion must be given and the timelines associated with agenda production between the two meetings is restrictive (2-3 days)

Motions to reconsider introduced by way of a Notice of Motion can often have wide ranging impacts that will require more than 5 days to fully assess.

Comment [BL18]: This provision has remained unchanged from the previous By-law, however, is highlighted as it relates to a best practice if motions are reported out by way of a Special Resolution during the related Open Meeting portion of a meeting. This 'contextual information' can range from a few verbal comments introducing the Special Resolution to a full power point presentation.

19. ADJOURNMENT

19.1 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.

19.2 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.

19.3 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.

Comment [BL19]: A motion to adjourn should be duly moved and seconded as it could be introduced at any time during a meeting.

19.4 Notwithstanding Section 19.2, 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.

20. NOMINATING AND STRIKING COMMITTEE

20.1 Council as whole shall select the Chairs of the Standing Committees annually 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 committee Chair. In appointing the Standing Committee Chair, consideration shall be given to workload balance, individual interests and Councillor development.

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- 20.2 In the first year of each new term, the Council shall establish a Nominating Committee for the purpose of making recommendations on the appointment of Council members to Committees, local board and other public agencies.
- 20.3 The Mayor shall chair the Nominating Committee.
- 20.4 The Nominating Committee shall be composed of the Mayor and the Chairs of the Standing Committees.
- 20.5 In the first year of each new term of Council, the Nominating Committee shall, as soon as possible, make recommendations to Council on all Council Member appointments.
- 20.6 In all other years of the Council term, the Nominating Committee shall make recommendations on Councillor Member appointments to Council prior to the last regularly scheduled Council meeting in November.
- 20.7 For Councillor vacancies that occur during the term of Council, the Nominating Committee shall make a recommendation to Council.
- 20.8 Council shall consider both qualifications as well as individual interests when selecting Committee Members. In order to balance Committee workload, each Councillor shall serve on at least two of the Standing Committees. The selected Members of each Standing Committee shall be appointed by Council for a one year term. A quorum for a Standing Committee shall be three Members.
- 20.9(a) In the first year of each new term, the Council shall meet as a Striking committee for the purpose of making citizen appointments to Boards, Committees and Commissions.
- (b) In all other years of the Council term, the Striking Committee shall meet as part of the last regularly scheduled Council meeting in November.

21. **STANDING COMMITTEES, SPECIAL/AD HOC COMMITTEES AND ADVISORY COMMITTEES**

21.1 Standing Committee Procedures

- (a) A Standing Committee, shall be comprised of 5 Members of Council, deal with the subject matter specific to its mandate and charter and make recommendations to Council for approval.
- (b) A Standing Committee is an advisory body to Council established by Council. Standing Committees are comprised of Councillors only and are supported by City staff.
- (c) Standing Committees shall deal with matters relating to the specific area of jurisdiction regarding municipal functions as detailed in Section 21.2.
- (d) The role of each Standing Committee shall be to:
 - (i) guide and direct staff, through the CAO, on the direction and nature of policy development, including policy interpretation and clarification, fact-finding, analysis, and generation of alternatives;
 - (ii) receive delegates and establish mechanisms to receive further public input on public policy matters;
 - (iii) establish Special/Ad hoc Committees and Sub-Committees, including the establishment of terms of reference and memberships for same, to address specified policy issues for referral to the Standing Committee;
 - (iv) consider the well-being and interests of the municipality;
 - (v) evaluate the policies and programs of the municipality;
 - (vi) ensure the accountability and transparency of the operations of the municipality; and,
 - (vii) support and maintain the financial integrity of the municipality.
- (e) Council shall appoint the following Standing Committees:
 - (i) Audit Committee
 - (ii) Community & Social Services Committee,
 - (iii) Corporate Administration, Finance & Enterprise Committee
 - (iv) Governance Committee
 - (v) Operations, Transit & Emergency Services Committee
 - (vi) Planning & Building, Engineering & Environment Committee
 - (vii) Emergency Governance Committee
- (f) The following Standing Committees shall be composed of four Councillors and the Mayor:
 - (i) Audit Committee
 - (ii) Community & Social Services Committee
 - (iii) Corporate Administration, Finance & Enterprise Committee
 - (iv) Planning & Building, Engineering & Environment Committee
 - (v) Operations, Transit & Emergency Services Committee

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

21.2 Standing Committee Responsibilities

- (a) The general responsibilities of the Audit Committee shall be to study and **to make recommendations** to Council on matters relating to, but not limited to, the following:
 - (i) External Audit (Annual Audit)
 - (ii) Annual Financial Statements
 - (iii) Auditor Performance and Review
 - (iv) Compliance
 - (v) Risk Management and Internal Control
 - (vi) Reporting Responsibilities
 - (vii) Adequacy of the City's Resources
 - (viii) Internal Audit
 - (ix) City Financial and Control Systems
- (b) The general service area responsibilities of the Community & Social Services Committee shall be to study and **make recommendations** to Council on matters relating to, but not limited to, the following:
 - (i) **Arts, Culture, Entertainment & Tourism**
 - (ii) Community Engagement & Social Services (Child Care Services, Social Housing, and Homes for the Aged)
 - (iii) Parks, Recreation Programming & Facilities
 - (iv) Administration & Customer Service
 - (v) Corporate Building Maintenance
- (c) The general service area responsibilities of the **Corporate Administration, Finance & Enterprise Committee** shall be to study and **make recommendations** to Council on matters relating to, but not limited to, the following:
 - (i) Administration
 - (ii) Community Energy Initiative
 - (iii) Downtown Renewal
 - (iv) **Economic Development**

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- (v) Finance and Enterprise
- (vi) Corporate & Human Resources
- Clerks
 - Communications
 - Information Technology
 - Legal & Realty Services / Court Services
- (d) The general responsibilities of the Governance Committee shall be to study and make recommendations to Council on matters relating to, but not limited to, the following:
- (i) Effective Corporate Governance
 - (ii) Accountability and Transparency
 - (iii) Strategic Planning Processes
 - (iv) Committee and Council Effectiveness
 - (v) CAO Performance and Review
 - (vi) Oversight of Governance Policies
 - (vii) Succession Planning
 - (viii) Council Compensation
 - (ix) Council Performance Reporting
- (e) The general service area responsibilities of the Operations, Transit & Emergency Services Committee shall be to study and make recommendations to Council on matters relating to, but not limited to, the following:
- (i) Operations
 - (ii) Community Connectivity & Transit
 - (iii) Public Works
 - (iv) By-law Compliance & Security
 - (v) Emergency Services (including land ambulance)
- (f) The general service area responsibilities of the Planning & Building, Engineering & Environment Committee shall be to study and make recommendations to Council on matters relating to but not limited to, the following:
- (i) Engineering Services
 - (ii) Planning & Building Services
 - (iii) Solid Waste Resources
 - (iv) Wastewater Services
 - (v) Water Services
- (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;

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- (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.

21.3 Special/Ad Hoc Committees

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

21.4 Advisory Committees

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

21.5 Member Absent from Committee Meetings

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

21.6 Non Committee Member Participation at Meetings

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

22. GENERAL RULES

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

Comment [TA20]: As this procedure relates to the Members present at a meeting, the voting requirement was changed from 2/3 of whole of Council to 2/3 of the Members present.

22.2 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.

22.3 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.

Comment [BL21]: A reference to Bourinot's Rules of Order has been removed from this provision. Further to these proposed amendments, the Rules of Procedure have been comprehensively revised in 2011 to best address the City's current Council/Committee structure and most common procedural occurrences. They also incorporate key elements of Bourinot's and Robert's Rules of Order. In the rare instance where a provision cannot adequately dispose of a matter, the rule of the Chair (with the potential for an appeal) is the most appropriate.

22.4 This By-law comes into force on April 24, 2012.

22.5 The short title of this By-law is the Procedural By-law.

22.6 Appendix 1, the "Motions Table", forms part of this By-law and shall be used as a reference.

23. PROCEDURAL BY-LAWS FOR OTHER BOARDS, COMMITTEES OR COMMISSIONS

23.1 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.

24. MUNICIPAL CODE AMENDMENT

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

25. REPEAL OF PREVIOUS BY-LAWS

25.1 By-law Number (1996)-15200, and the accompanying amendments numbered By-law (1998)-15690, (2000)-16326, (2003)-17071, (2005)-17807, (2006)-17923, (2006)-18060, (2007)-18222, (2007)-18249, (2007)-18274, (2007)-18372, (2007)-18454, (2008)-19595, (2008)-18618, (2008)-18694, (2009)-18856, (2009)-18906, (2010)-18945, (2010)-19065, (2010)-19095, (2010)-19107 and (2011)-19300 are hereby repealed.

PASSED THIS _____ DAY OF _____ , 2012.

KAREN FARBRIDGE, MAYOR

BLAIR LABELLE, CITY CLERK

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

Comment [TA22]: Was previously 2/3 of the Whole of Council

Comment [BL23]: Regardless of the number of Members present.

Comment [TA24]: Was previously 2/3 of the Whole of Council

*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.

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

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 2.7 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 in consultation with the Chair, the City Clerk and/or the City Solicitor.

3. MUNICIPAL ACT RULES FOR CLOSED MEETINGS

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

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

3. 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

4. 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.

5. CLOSED MEETING REPORTS AND RECOMMENDATIONS

5.1 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.

5.2 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".

6. PUBLIC DISCLOSURE

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.) shall 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. 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 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.

8. 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.