

Guelph Council Terms of Reference

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

Introduction

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

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

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

Guiding Principles

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

Mandate

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

1. Represent the public and to consider the well-being and interests of the municipality;

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

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

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

Specific Principle-Based Responsibilities:

Principle #1: Leadership & Stewardship

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

Principle #2: Empowerment & Accountability

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

Principle #3: Communication, Engagement & Transparency

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

Principle #4: Service & Fairness

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

Principle #5: Accomplishment & Measurement

16. Establish annual objectives and evaluate performance of the CAO. Monitor progress against the strategic plan.
17. Receive for information annual reports from Boards, Agencies and Corporations reporting to Council.
18. Evaluate Council's performance.

Principle #6: Continuous Learning & Growth

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

Committees Reporting Directly to Council

Ad Hoc Committees

1. Striking Committee – Council

Committee of the Whole

Governance

1. Audit
2. Governance
3. Emergency Governance (as needed)

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

Operating

Service Areas

1. Corporate Services
2. Infrastructure, Development & Enterprise
3. Public Services

Quasi-Judicial/Adjudicative Committees

1. Appeals

Corporations

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

Committees with Delegated Authority

1. Committee of Adjustment
2. Municipal Election Compliance Audit
3. Property Standards
4. Wellbeing Grants Panel

Composition and Term

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

Resources

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

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

Operating Procedures

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

Roles of Stakeholders With Respect to Council Meetings

Mayor's Role

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

Preparation

1. Call the meetings.

In Council Meetings

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

After Council Meetings

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

Committee of the Whole Chair's Role

Specific roles and responsibilities for the Committee of the Whole Chairs include:

In Council Meetings

1. Present their portion of the Committee Report to Council.
2. Respond to questions regarding Committee deliberations and recommendations relating to their portfolio.
3. Refer questions to the Deputy CAO's as required.

Councillors' Role

Specific roles and responsibilities for the Councillors include:

Preparation

1. Read all agenda material and seek clarification of the Deputy CAO's or designates on any matters prior to meetings in order to make effective use of Council's time.
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3. Have a broad awareness of the interrelationship of the City's strategic initiatives and its operations.
4. Understand the difference between the role of Council and the role of management.

In Council Meetings

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

Chief Administrative Officer's Role

Specific roles and responsibilities for the CAO include:

Preparation

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

In Council Meetings

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

After Council Meetings

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

Deputy CAO's Role

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

Preparation:

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

In Council Meetings

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

After Council Meetings

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

City Clerk's Role

Preparation

1. Manage the City's overall legislative agenda and processes; ensure that all statutory responsibilities of the City pertaining to the City Clerk as prescribed in Provincial Legislation are executed accordingly on behalf of the Municipality (Municipal Act, Municipal Elections Act, Municipal Freedom of Information and Protection of Privacy Act, Planning Act, the Vital Statistics Act, etc).
2. Maintains Council's annual meeting calendar
3. Coordinates the registration of delegates and presentations to Council.
4. Lead the development of policies and appropriate training on relevant municipal legislation and governance issues with the Executive Team, Councillors and the Mayor's office.

5. Provide strategic advice with respect to the governance and legislative considerations that surround the implementation of other City policies.
6. In conjunction with the Mayor as Chair of Council and, in consultation with Deputy CAOs and the CAO, produce each Council Agenda and ensure the collection, publication and circulation of all applicable materials required for meetings of Council.
7. Supervise staff in the preparation and distribution of all agendas and agenda materials.
8. Supervise the issuance of notices pursuant to statutory requirements.

In Council Meetings

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

After Council Meetings

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

Public/Delegations Role

Preparation

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

In Council Meetings

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