

COMMITTEE AGENDA



TO **Governance Committee**

DATE April 9, 2014

LOCATION Council Chambers, Guelph City Hall, 1 Carden Street

TIME 3:00 p.m.

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

CONFIRMATION OF MINUTES – December 3, 2013 open meeting minutes

PRESENTATIONS (Items with no accompanying report)

a) None

CONSENT AGENDA

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

ITEM	CITY PRESENTATION	DELEGATIONS	TO BE EXTRACTED
GOV-2014.1 Committee of Adjustment Review			
GOV-2014.2 Legal & Realty Services Delegation of Authority			
GOV-2014.3 2014 Municipal Election – Advance Voting Period and Special Voting Provisions			
GOV-2014.4 Annual Report of the Integrity Commissioner			

GOV-2014.5 Governance Committee Outstanding Motions			
GOV-2014.6 Memo from Mayor Regarding Permanent Resident Voting in Municipal Elections			

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

ITEMS EXTRACTED FROM CONSENT AGENDA

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

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

STAFF UPDATES AND ANNOUNCEMENTS

ADJOURN

NEXT MEETING – May 6, 2014



The Corporation of the City of Guelph
Governance Committee
Tuesday December 3, 2013 at 3:00 p.m.

Attendance

Members: Chair Farbridge Councillor Findlay
Councillor Dennis Councillor Hofland

Absent: Councillor Piper

Councillors: Councillor Bell Councillor Van Hellemond
Councillor Furfaro Councillor Wettstein
Councillor Guthrie

Staff: Ms. A. Pappert, Chief Administrative Officer
Mr. A. Horsman, Executive Director, Finance & Enterprise/Chief Financial Officer
Mr. M. Amorosi, Executive Director, Corporate & Human Resources
Ms. J. Laird, Executive Director, Planning & Building, Engineering and Environment
Mr. D. McCaughan, Executive Director, Operations, Transit & Emergency Services
Mr. B. Labelle, City Clerk
Ms. J. Sweeney, Council Committee Coordinator

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

Chair Farbridge called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Confirmation of Minutes

1. Moved by Dennis
Seconded by Findlay

That the open meeting minutes of the Governance Committee held on September 16, 2013 be confirmed as recorded.

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

VOTING AGAINST: (0)

CARRIED

Consent Agenda

The following items were extracted:

GOV-2013.19	Approval of Intergovernmental Strategic Framework & Action Plan
GOV-2013.20	Review of the Corporation of the City of Guelph's Identity: Phase 1 Findings and Next Steps
GOV-2013.21	Service Rationalization Project Status
GOV-2103.22	Council Composition and Employment Status Review
GOV-2013.24	Status of Governance Enhancement Memo

Balance of Consent Items

2. Moved by Councillor Hofland
Seconded by Councillor Findlay

That the balance of the Governance Committee December 3, 2013 Consent Agenda, as identified below, be adopted:

GOV-2013.23 Integrity Commissioner

1. That report CAO-C-1308 entitled "Integrity Commissioner" be received.
2. That Governance Committee direct staff to develop a Charter for the Integrity Commissioner position for Governance Committee consideration in Q2 – 2014.

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

VOTING AGAINST: (0)

CARRIED

Extracted Items

GOV-2013.19 Approval of Intergovernmental Strategic Framework & Action Plan

Ms. Ann Pappert, Chief Administrative Officer introduced this report along with the Review of the Corporation of the City of Guelph's Identity: Phase 1 Findings and Next Steps. She advised that these two reports address two of her objectives as CAO.

Ms. Barbara Swartzentruber, Senior Advisor Policy & Intergovernmental Affairs, highlighted the report and advised of the importance of building partnerships and alliances with other levels of government. She reviewed the focus areas and objectives of the framework and the proposed action plans and 2014/15 priorities.

3. Moved by Councillor Hofland
Seconded by Councillor Dennis

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

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

VOTING AGAINST: (0)

CARRIED

GOV-2013.20 Review of the Corporation of the City of Guelph's Identity: Phase 1 Findings and Next Steps

Ms. Petronilla Ndebele, Public Affairs Officer, reviewed the purpose and goals of the review. She introduced Jean-Pierre Veilleux of Nonpareil Branding and Design.

Mr. Jean-Pierre Veilleux highlighted the findings and recommendations.

Ms. Ndebele outlined the next steps in phases 2 and 3.

4. Moved by Councillor Hofland
 Seconded by Councillor Findlay

1. That the December 3, 2013 report entitled "Review of the Corporation of the City of Guelph's Identity: Phase 1 Findings and Next Steps", be received.
2. That staff be directed to report back in 2014 with implementation options for Committee consideration.

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

VOTING AGAINST: (0)

CARRIED

GOV-2013.21 Service Rationalization Project Status

Ms. Ann Pappert, Chief Administrative Officer, in response to questions, advised that the City is not in position to undertake a full service rationalization project. She further advised that if resources are supported in the 2014 budget, discussion on the project could start in 2015.

The clauses were voted on separately.

5. Moved by Councillor Hofland
 Seconded by Councillor Findlay

1. That staff report CAO-A-1308 "Service Rationalization Project Status", be received.

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

VOTING AGAINST: (0)

CARRIED

6. Moved by Councillor Hofland
Seconded by Councillor Findlay

2. That no further action be taken on implementing a Service Rationalization project for 2014.

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

VOTING AGAINST: Councillor Dennis (1)

CARRIED

GOV-2013.22 Council Composition and Employment Status Review

7. Moved by Councillor Dennis
Seconded by Councillor Hofland

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

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

VOTING AGAINST: Councillor Findlay (1)

CARRIED

GOV-2013.23 Status of Governance Enhancements Memo

Mayor Farbridge provided background information on the memorandum, Status of Governance Enhancements.

8. Moved by Councillor Hofland
Seconded by Councillor Dennis

1. That the CAO be directed to report back to Governance Committee in 2014 regarding an appropriate structure and process for Council to have strategic discussions and provide effective governance for the organization's talent management and human resource management practices.

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

VOTING AGAINST: (0)

CARRIED

Adjournment (4:50 p.m.)

7. Moved by Councillor Dennis
Seconded by Councilor Hofland

That the meeting be adjourned.

CARRIED

Blair Labelle – City Clerk

**GOVERNANCE COMMITTEE
CONSENT AGENDA**

April 9, 2014

Members of the Governance Committee.

SUMMARY OF REPORTS:

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

A Reports from Administrative Staff

REPORT	DIRECTION
<p>GOV-2014.1 COMMITTEE OF ADJUSTMENT REVIEW</p> <ol style="list-style-type: none">1. That By-law (1983)-11242 be repealed and replaced with the new By-law, in accordance with Attachment 1 to the report of Legal Services dated April 9, 2014.2. That Council approve the Terms of Reference for the Committee of Adjustment, as set out in the report dated April 9, 2104.3. That Council approve the Code of Conduct for the Committee of Adjustment, as set out in the report dated April 9, 2014.	Approve
<p>GOV-2014.2 LEGAL & REALTY SERVICES DELEGATION OF AUTHORITY</p> <ol style="list-style-type: none">1. That the Delegation of Authority By-law (2013)-19529 be amended by inserting Schedule AA, attached to the report of Legal & Realty Services dated April 9, 2014 – Delegation of Authority for Legal and Realty Services.	Approve
<p>GOV-2014.3 2014 MUNICIPAL ELECTION - ADVANCE VOTING PERIOD AND SPECIAL VOTING PROVISIONS</p> <ol style="list-style-type: none">1. That the report dated April 9, 2104 titled “2014 Municipal Election – Advance Voting Period and Special Voting Provision”, be received for information.	Receive

GOV-2014.4	ANNUAL REPORT OF THE INTEGRITY COMMISSIONER	Receive
1. That the report of the Integrity Commissioner dated April 9, 2014 be received.		
GOV-2014.5	GOVERNANCE COMMITTEE OUTSTANDING MOTIONS	Receive
1. That the Outstanding Resolutions Update report from the City Clerk dated April 9, 2014 be received.		
GOV-2014.6	MEMO FROM THE MAYOR REGARDING PERMANENT RESIDENT VOTING IN MUNICIPAL ELECTIONS	Approve
1. That staff report back to the Governance Committee on the matter of seeking changes to Provincial legislation that would allow permanent residents the right to vote in municipal elections.		

STAFF REPORT

TO Governance Committee

SERVICE AREA Legal Services

DATE April 9, 2014

SUBJECT Committee of Adjustment Review

REPORT NUMBER CHR-2014-10

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To present the recommendations arising from the review by Legal Services of the Committee of Adjustment processes, procedures and by-laws.

KEY FINDINGS

Staff are recommending that the establishing By-law of the Committee of Adjustment be revised, and that Terms of Reference be established to identify the mandate and framework for the Committee.

In addition, staff are recommending that a Code of Conduct be established to apply to the Committee, that would be suitable to a tribunal making statutory decisions. This would supplement the Code of Conduct for Council and Local Boards.

Lastly, staff have reviewed the administrative policies and procedural by-law of the Committee and recommend that they be updated, including identifying the role and mandate of the Chair, and that the Committee establish Rules of Procedure to assist in providing additional authority to the Committee and to identify requirements relating to the hearing process. These are matters within the jurisdiction of the Committee. Staff will work with the Committee to assist it in revising and establishing these documents.

FINANCIAL IMPLICATIONS

None

ACTION REQUIRED

To approve the revised By-law, Terms of Reference and Code of Conduct for the Committee of Adjustment.

RECOMMENDATION

1. That By-law (1983)-11242 be repealed and replaced with the new By-law, in accordance with Attachment 1 to the report of Legal Services dated April 9, 2014;
2. That Council approve the Terms of Reference for the Committee of Adjustment, as set out in the report dated April 9, 2014;
3. That Council approve the Code of Conduct for the Committee of Adjustment, as set out in the report dated April 9, 2014;

BACKGROUND

The Committee of Adjustment was established July 18th, 1983 by By-law (1983) – 11242 which delegated authority to the Committee of Adjustment to grant consents and minor variances pursuant to the *Planning Act*. The Committee is a quasi-judicial tribunal which operates under the authority of the *Planning Act*.

The Committee currently operates in accordance with the By-law and the *Planning Act*. It is also regulated by the *Statutory Powers Procedure Act* (SPPA), which establishes requirements for fair hearing processes. In addition, the Committee has established administrative policies and procedures which are included as Attachment 1.

Legal Services undertook a comprehensive review of the Committee of Adjustment processes, procedures and by-laws in 2013 and early 2014 to provide recommendations to Council designed to enhance the Committee hearing process. The review was intended to provide greater clarity regarding the roles of the Committee, the Applicant and City staff, and to enhance the procedures of the Committee to continue to ensure the principles of natural justice are adhered to in the hearing process.

The review has resulted in recommendations relating to the following:

- 1) Repealing and Replacing the By-law
- 2) Establishing a Terms of Reference for the Committee
- 3) Establishing a Code of Conduct for the Committee

In addition, staff believe that the Committee should consider the following:

- 1) Updating the Administrative Policies of the Committee
- 2) Updating the Procedural By-law for the Committee
- 3) Establishing Rules of Procedure

STAFF REPORT

It is anticipated that these changes will result in more efficient meetings, improved decision making with decisions that are fair and of consistent quality, an increase in the integrity of the process and a process that is more aligned with the principals of the legislation.

The Chair of the Committee of Adjustment was consulted throughout the project regarding the changes to the By-law, the Terms of Reference and the Code of Conduct.

City staff have prepared drafts of the recommended administrative policies, procedural by-law and rules of procedure, and will work with the Committee to assist them in finalizing these documents.

REPORT

As a result of the review by Legal Services, several recommendations were made enhance the Committee process, which have already been implemented, including:

- Relocating the Committee of Adjustment meetings to Council Chambers, to enhance accessibility and address the constraints of the previous location
- Providing a retiring room for Committee members during breaks, to allow for separation between the parties (the Applicant and City staff) and the Committee
- Developing a process for communication by the Committee members when they are requesting clarification of applications prior to the hearing

The rationale for the changes is to ensure accessibility, as well as to ensure that there is no perception of bias or partiality in the hearing process.

City staff are reviewing opportunities to further distinguish the role of Secretary Treasurer from that of the Planning department and to encourage pre-consultation with Planning staff prior to applications being brought before the Committee. Staff support is in the process of being transferred to the City Clerk's office, and will be provided through a Secretary Treasurer/Council Committee Coordinator. Applications will be received and processed through the Clerk's office. The Secretary Treasurer will be appointed by the Committee of Adjustment.

As a result of the review, administrative staff will also be considering the benefits of implementing a tiering system for hearing applications as well as sign-in sheets for delegations, to facilitate streamlining of the hearing process. The sign-in process

STAFF REPORT

will be designed to ensure that the personal information of individuals is appropriately protected.

By-law

The existing by-law provides for the establishment of the Committee of Adjustment, the appointment of initial members, and the delegation of authority under the Act, to hear minor variances and consents.

The by-law does not provide for any direction or guidance with respect to establishment of procedures and rules by the Committee. As part of the delegation of authority, it is recommended that the by-law be revised to provide a framework that requires the Committee to establish and maintain policies and procedures in accordance with applicable law, including the Planning Act and the SPPA, in a form and content satisfactory to the City Clerk. Staff have provided draft updated policies and procedures to assist the Committee, and will continue to consult with the Committee to assist as required to finalize the documents.

Terms of Reference

Although the Committee has been established since 1983, it does not have formal terms of reference. This is largely because it is established in accordance with the legislation rather than being established with a mandate created by the City. However, the City recently adopted a Citizen Appointment Policy, which applies both to advisory committees and to committees created under legislation (except to the extent of any conflict with the legislation). That policy requires that a terms of reference be approved when establishing a committee, and sets a template to be used for the terms of reference.

It is recommended that Council establish Terms of Reference for the Committee to provide the Council approved mandate and framework for the Committee in particular, where such items are not specifically identified in the by-law. The terms of reference would include items such as number of members, term (as per the Planning Act), maximum term of members, qualifications of members, staff support, meeting frequency, frequency of reporting to Council and budget for the Committee. A Draft Terms of Reference are attached. The draft is based on the template from the Citizen Appointment Policy, with modifications to reflect matters which apply to the Committee.

STAFF REPORT

The Citizen Appointment Policy provides for a maximum term of 8 consecutive years. The Planning Act provides that members of the Committee shall be appointed for the term of Council. Based on this, the TOR propose that the maximum term would be 2 consecutive terms of Council (currently 8 years), as well as any additional part of a term if the member was appointed part way through the term.

Recruitment for the Committee would give preference to individuals with a demonstrated interest in the community and experience in Planning, Law, Engineering, Architecture or Construction.

The legislation does not prohibit Members of Council from sitting on the Committee. However, it is proposed that, consistent with the practice of City Council, and to maintain the independence of the Committee and to avoid any perception of bias or undue influence, members of Council not be eligible to become part of the Committee.

Code Of Conduct

It is recommended that Council establish a Code of Conduct specific to the Committee. The authority for a Code of Conduct applicable to the Committee is found under Section 223.2 of the *Municipal Act*.

Currently, the Council Code of Conduct and Local Boards applies to the Committee. However, its provisions do not address items that are uniquely important to the hearing process. The proposed Code of Conduct would include provisions that are suited to an administrative tribunal such as avoiding bias, preserving independence, conduct at the hearing and communications outside of a hearing. The proposed Code of Conduct is intended to reflect issues uniquely arising in a hearing context, that could affect the hearing process. The Code of Conduct would be enforced, if required, in the same manner as the Code of Conduct for Council and Local Boards. This is intended to enhance the existing process of the Committee and to provide further support for its role as an independent adjudicative body.

Administrative Policies, Procedural By-law and Rules

The Committee currently operates under the *Planning Act* and has its own administrative policies and Procedural By-law. The administrative policies and Procedural By-law established by the Committee have been reviewed by staff and

STAFF REPORT

staff are recommending areas of enhancement to those documents to further assist the Committee in performing its mandated functions.

The intent of administrative policies is to provide guidance by the Committee to govern the application of its processes. This includes matters relating to application requirements (where they do not conflict with the legislation), delegation of authority to the Secretary Treasurer and direction for payment of fees and execution of agreements.

In general, staff are recommending that the administrative policies be updated to provide guidance on:

- the timelines for hearing applications and making decisions (consistent with the Planning Act);
- issuing of decisions and content of decisions of the Committee; and,
- the determination of meeting schedules

Currently, the Council Procedural By-law applies to all boards, etc. unless they have established their own by-law, which the Committee has done. Staff are recommending that the Procedural By-law be updated to include matters specific to the Committee and to the hearing process, such as: the calling of meetings, posting of agendas and minutes, hearing proceedings, and motions and voting relating to making of decisions. The draft procedural by-law would be supplemented by the procedures provided for Council in the event of a matter not addressed in the Committee's by-law.

Tribunals such as the Committee are required to make decisions in a manner that ensures fairness and natural justice. The statutory requirements relating to this obligation are established in the SPPA, which also provides tribunals with certain powers to govern the hearing process. While some of the powers under the SPPA are automatic, others require that the tribunal establish rules to implement the powers. It is recommended that the Committee approve Rules of Procedure under the SPPA in order to provide additional procedure around the powers that are automatically provided to it under the SPPA and also to trigger its right to benefit from other powers (such as written hearing of adjournment requests). It is suggested that the Rules include consideration of matters such as the power to refuse to receive an application that is not complete, the process for adjournment requests, consideration of requests for waiving the deferral fee, the timing for circulating applications, staff comments and written submissions, and the hearing process.

STAFF REPORT

Draft templates for the administrative policies, procedural by-law and rules have been provided to the Committee, and staff will work with the Committee in reviewing these documents. These are items that would be considered for adoption by the Committee of Adjustment under its authority, and in accordance with the proposed new By-law, to the satisfaction of the City Clerk.

Training

Training has been provided historically to the Committee upon its initial appointment.

Legal Services and Clerk's staff will be providing a presentation to the Committee at its inaugural session to train newly appointed members. The program would include:

- 1) Information regarding the Committee's application process
- 2) The criteria to be considered under the *Planning Act*
- 3) The legal framework governing the Committee as a whole and members, and the applicable law including the *Planning Act*, the SPPA and the *Municipal Conflict of Interest Act*

Training would also include an overview of the Code of Conduct of Council and Local Boards, the Code of Conduct for the Committee, and the role of the Integrity Commissioner.

City staff will develop and provide to Committee members a reference manual that provides the details of the concepts of the presentation. The manual will contain information on the legal framework under which the Committee is governed.

Training will be offered at the inaugural session, and annually thereafter during the term of the Committee.

In addition, it is proposed that the City continue to pursue training opportunities through the Ontario Association of Committee of Adjustment and Consent Authorities. The Association offers a "Committee Guidelines Training Session" which is available to Committees by attending at the local municipal offices. Conferences are also offered throughout the year in various locations. The cost of such training

STAFF REPORT

would need to be considered in the annual budget relating to the Committee, as appropriate.

CORPORATE STRATEGIC PLAN

2.2 Deliver better public service

2.3 Ensure accountability, transparency and engagement

DEPARTMENTAL CONSULTATION

Information Services – City Clerk’s

Planning Services

Chair of the Committee of Adjustment

COMMUNICATIONS

The By-law, Terms of Reference, Code of Conduct, Procedural By-law, Administrative Policies and Rules of Procedure (once finalized), will be available to the public, as well as to applicants and interested parties. It is anticipated that the documents will also be posted on the City’s website.

ATTACHMENTS

ATT-1 Ddraft By-law
ATT-2 Draft Terms of Reference
ATT 3 Draft Code of Conduct

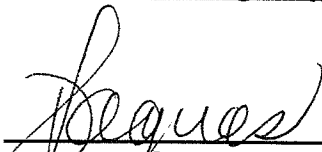
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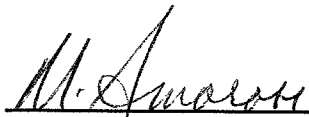
Approved By

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Recommended By

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ATTACHMENT 1

The Corporation of the City of Guelph

By-law Number (2014)-XXXXXX

Being a By-law to repeal and replace
By-law Number (1983)-11242, a by-
law to establish a Committee of
Adjustment for The Corporation of
the City of Guelph

WHEREAS in accordance with the Planning Act, 1983, the City of Guelph established a Committee of Adjustment pursuant to By-law Number (1983)-11242;

AND WHEREAS pursuant to the By-law, Council has delegated authority to the Committee to grant minor variances from any by-law of the municipality which implements the Official Plan and to give consent in respect of lands in the City;

AND WHEREAS the Planning Act, 1983 has been repealed and replaced with the Planning Act, R.S.O. 1990, c. P. 13, as amended;

AND WHEREAS the City considers it appropriate to repeal and replace the establishing By-law;

THEREFORE the Council of the Corporation of the City of Guelph hereby enacts the following:

1. By-law Number (1983)-11242 is hereby repealed.
2. The Committee of Adjustment established pursuant to By-law Number (1983)-11242 is hereby continued.
3. The Committee of Adjustment shall have authority:
 - a) To grant minor variances from any by-law of the municipality that implements the Official Plan, pursuant to Section 45(1), (2) and (3) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, or any successor thereof;
 - b) To grant consents in respect of land in the City of Guelph, pursuant to Section 53, 50(18) and 57 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, or any successor thereof;
4. The Committee of Adjustment shall be composed of no more than seven (7) members, who shall be appointed by Council resolution from time to time.

5. The compensation for members of the Committee shall be as determined by Council resolution from time to time.

6. The Committee of Adjustment shall establish policies and procedures to ensure that its processes comply with applicable law, including the Planning Act, R.S.O. 1990, c. P. 13, and the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 , as amended from time or any successor thereof, in a form and content satisfactory to the City Clerk.

PASSED THIS DAY OF APRIL, 2014

Karen Farbridge - Mayor

Blair Labelle – City Clerk

ATTACHMENT 2

Committee of Adjustment Terms of Reference

Terms of Reference Date: April 2014

Committee Name: Committee of Adjustment

Mandate:

The Committee of Adjustment is an independent and autonomous quasi-judicial tribunal appointed by Council which operates under the authority granted by the Province of Ontario in the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. The mandate of the Committee of Adjustment is to consider applications under the *Planning Act* for:

- Minor variances from the provisions of any by-law that implements the Official Plan, including the City's Zoning By-law, in accordance with Section 45 of the *Planning Act*.
- Enlarging or extending a building or structure that is legally non-conforming or a change in a non-conforming use, in accordance with Section 45 of the *Planning Act*.
- Consents to sever in respect of land in the City of Guelph in accordance with Section 53 of the *Planning Act*.

Number of Members (Citizen only):

The City of Guelph Committee of Adjustment is composed of seven (7) members who are appointed by Council. Council has determined that all appointees shall be citizens. Preference is given to candidates who have a demonstrated commitment and interest in the community and who have experience in matters pertaining to Planning, Law, Engineering, Architecture or Construction. Consideration will also be given to including members of the community at large, who have an interest in the community and the issues relating to the Committee of Adjustment.

Members are generally appointed prior to the expiry of each term of Council. Initial appointments of members following an election are for the term of Council. Members hold office until their successors are appointed, or until the end of their term. In the event of vacancy, members appointed mid-term shall be appointed for the remainder of the term.

The maximum duration that any one Member can hold office for is two full successive terms of Council. Members appointed for the first time mid-term may hold office for the remainder of that term plus two full successive terms. A member who has served the maximum number of successive terms may be reappointed after one (1) full intervening term of Council.

Date of Formation:

The Committee of Adjustment was established July 18th, 1983 by By-law (1983) – 11242 which delegated authority to the Committee of Adjustment to grant consents and minor variances pursuant to the *Planning Act, 1983*.

Expiration Date (if applicable): N/A

Staff Liaison Support Position:

The Committee will appoint a Secretary Treasurer to assist with its function under the Planning Act. The City of Guelph provides a staff member who is available to act as Secretary Treasurer, to support the successful operation of the Committee of Adjustment. When the position of Secretary Treasurer becomes vacant, the Chair of the Committee of Adjustment or another member designated by the Chair, will be consulted and involved in the recruitment process for the position, for example, being a citizen member of the hiring committee.

The Secretary Treasurer will oversee the application process and provide administrative support to the Committee of Adjustment according to the governing provincial legislation. The Secretary Treasurer will be supported by staff from the Clerk's office. In the absence of the Secretary Treasurer, a staff member from the Clerk's office will be available to act in his or her place.

Meeting Frequency:

The Secretary Treasurer of the Committee of Adjustment will establish a meeting schedule annually, which may be revised from time to time. Additional or special meetings may also be scheduled as required. The meetings are generally open to the public and any individual can appear before the Committee to voice their opinion in support or opposition of the application being heard.

Applicable Legislation/By-law:

By-law (2014) -
Planning Act R.S.O 1990 c.P.13. as amended.

Link to Corporate Strategic Plan:

<http://guelph.ca/plans-and-strategies/corporate-strategic-plan/2012-16-corporate-strategic-plan/>

Frequency of Reporting to Council:

Minutes of the Committee are provided to Council on a regular basis. The Committee reports annually to Council with a summary of its activities.

Budget:

Members are compensated in an amount determined by Council from time to time. Compensation is reviewed at the end of each term of Council, prior to the appointment of Members for the following term.

Other budgetary items (as applicable) are established by Council in the annual budget.

ATTACHMENT 3

CORPORATE POLICY AND PROCEDURE



POLICY	Committee of Adjustment – Code of Conduct
AUTHORITY	Section 223.2(1) of the Municipal Act, 2001
RELATED POLICIES	Code of Conduct for Council and Local Boards
APPROVED BY	Council
EFFECTIVE DATE	May 1, 2014
REVIEWED	Annually

POLICY STATEMENT

A written Code of Conduct that supplements the Code of Conduct for Council and Local Boards, is appropriate for the purpose of applying to quasi-judicial bodies such as the Committee of Adjustment. It is acknowledged that these bodies make statutory decisions and operate under a statutory regime. As such, they should carry out their functions in a manner that demonstrates independence, fairness and impartiality in decision-making. This supplemental Code is intended to provide a reference guide and a supplement to the legislative parameters under which such bodies must operate, and to ensure that natural justice is both implemented and seen to be implemented.

PURPOSE

Members of the Committee of Adjustment are appointed to carry out a statutory obligation under the Planning Act, R.S.O. 1990, c. P. 13, as amended. The Committee is a quasi-judicial body, independent of Council.

It is essential that as a quasi-judicial body the Committee carry out its duties in a fair and impartial manner, consistent with governing legislation.

The purpose of this Code of Conduct is to supplement the Code of Conduct for Council and Local Boards by providing additional direction to the Committee in carrying out its duties.

DEFINITIONS

Member – means a Member of the Committee of Adjustment

In addition to the Code of Conduct for Council and Local Boards, the following shall apply to the Committee of Adjustment.

CONFLICT OF INTEREST

Members shall strictly adhere to the Conflict of Interest provisions of the Code of Conduct for Council and Local Boards, the Procedural By-law of the Committee and the Municipal Conflict of Interest Act, including disclosing any pecuniary interest in

a matter before the Committee and abstaining from voting or participating in the discussion of the matter.

BIAS

Members shall conduct themselves in an impartial and objective manner and in accordance with the principles of natural justice. Members will perform their duties in such a way as to promote public confidence and trust in the integrity, objectivity and impartiality of the Committee. Members shall decide each application fairly and objectively and without bias.

In addition, Members shall take all reasonable steps to avoid any perception of bias towards or against any individual or group involved in an application (including the applicant, City staff, members of the public, etc.).

Every Member shall ensure that they approach the hearing with an open mind and shall not discuss the merits of a matter before the hearing.

No Member shall give preference to any party, individual or group and shall avoid any action that suggests that any party has undue influence over the Member.

No Member who has other business with the City shall discuss any such business with City staff while attending the Committee meeting (before, during, after).

Members shall remain independent of City staff, applicants and interested members of the public during all breaks.

CONDUCT

Members shall demonstrate respect for all participants in the process.

Members shall adhere to the rules of Conduct as outlined in the Procedural By-law of the Committee.

COMMUNICATION WITH STAFF, APPLICANTS

No Member shall engage in any discussion, directly or indirectly, with staff or the applicant, or any member of the public, regarding an application or any matter that may affect an application, except during the hearing.

If factual clarification of the application or City staff comments is required, the Member shall request clarification from the applicant or staff member, as the case may be, through the Secretary Treasurer of the Committee and shall not contact staff or the applicant directly. The member shall ensure that any information provided by way of response is also provided by the Secretary Treasurer to the applicant and City staff. Any questions other than factual clarifications (including questions relating to an opinion, or questions of a substantive nature) must be raised during the hearing.

LOBBYING

No Member shall attempt to influence the decision of Council, or participate in a Council meeting or OMB hearing, relating to a matter that has/will come before the Committee for a hearing.

Members shall rely on the Decision of the Committee to provide the position and reasons of the Committee relating to a matter.

COMPLAINTS

Any person who has reasonable grounds to believe that a Member has breached this code may submit a complaint to the Clerk's office for investigation by the Integrity Commissioner in accordance with the process identified in the Code of Conduct for Council and Local Boards.

STAFF REPORT

TO Governance Committee

SERVICE AREA Corporate & Human Resources – Legal Services

DATE April 9, 2014

SUBJECT Legal & Realty Services Delegation of Authority

REPORT NUMBER CHR-2014-26

EXECUTIVE SUMMARY

PURPOSE OF REPORT

This report presents an amendment to the Delegation of Authority By-law (2013)-19529 relating to legal and realty services provided by Legal & Realty Services, Procurement and Risk Management and Court Services.

KEY FINDINGS

There is no existing comprehensive delegation of authority for legal and realty services. Legal services are provided by Court Services, Procurement and Risk Management and Legal & Realty Services.

Legal & Realty Services currently require direction from Council on most decisions relating to litigation and realty work. Many of these decisions are minor in nature and it is appropriate to delegate decision making authority on these issues to City staff.

Procurement and Risk Management settle insurable claims against the City without direction from Council and without a formal delegation of authority. It is appropriate to provide a delegated authority in relation to these claims.

Court Services initiates and defends claims within the jurisdiction of the POA Court and manages the POA Court in accordance with the Memorandum of Understanding with the Province. There is no formal delegation of authority to Court Services relating to the legal and other services that they provide.

For the purposes of transparency and accountability, it is desirable to formalize the delegated authority of the three departments as it relates to legal and realty services.

FINANCIAL IMPLICATIONS

There are no financial implications.

STAFF REPORT

ACTION REQUIRED

To approve the amendment to the Delegation of Authority By-law to provide for delegated authority to Legal & Realty Services, Court Services and Procurement and Risk Management.

RECOMMENDATION

1. That the Delegation of Authority By-law (2013)-19529 be amended by inserting Schedule AA, attached to the Report of Legal & Realty Services dated April 9, 2014 – Delegation of Authority for Legal and Realty Services.

BACKGROUND

Legal & Realty Services, Court Services and Procurement and Risk Management provide legal and realty services to the corporation and to Council.

Legal & Realty Services currently requires decisions from Council for most matters relating to litigation, including planning, and realty. Legal & Realty Services does settle minor claims without a formal delegation of authority.

Procurement and Risk Management is responsible for the management and settlement of all insurable claims for the City. As a matter of practice, and with no formal delegation of authority, the department settles claims against the City which are less than the deductible (currently \$50,000 but increasing to \$100,000 in 2014) and provides instructions for the settlement of claims over the deductible that are being handled by the insurer.

REPORT

Legal & Realty Services

Legal and Realty Services have an increasingly large number of reports being presented to Council for relatively minor matters that have no significant impact on policies or budget and are generally “operational” in nature. It is proposed that there be a delegation of authority to the City Solicitor, with instructions from the relevant Executive Director, to make decisions regarding the following matters:

Legal Services

STAFF REPORT

- Commencing actions on behalf of the City where the monetary value of the claim is less than \$100,000 and, with subsequent Council approval, where the monetary value is greater than \$100,000 but there are time limitations
- Defending any legal proceeding commenced against the City of Guelph, which is in accordance with the existing practice
- Matters in the general course of the above proceedings, such as motions
- Participate in an administrative proceeding, with subsequent Council approval
- Landlord and tenant matters affecting the City
- Settle any legal proceeding where the monetary value of the claim against or for the City is less than \$100,000
- In consultation with the General Manager of Planning Services, determine what position the City will take in appeals to the OMB of decisions of the Committee of Adjustment. Currently, Planning Services determines the City's positions on applications being heard by the Committee of Adjustment and seeks instructions from Council only if a decision is appealed to the OMB. These decisions relate solely to minor variances and severances for individual properties and do not directly result in any changes to planning policies. It is considered appropriate to delegate decisions on this type of minor litigation to staff.
- Execution of any documents necessary to fulfill the above functions

Realty Services

- Registration of minor and administrative documents against title to lands
- Approval of agreements permitting the entry upon land by the City and its contractors and permitting others to enter on City-owned lands, provided the City's obligations will not exceed \$50,000 or are part of an approved budget
- Approval of documents relating to the purchase and sale of lands
- Approval of agreements of purchase and sale and transfer for the purchase or exchange of any interest land for approved capital projects or relating to a condition of approval under the Planning Act
- Approve encroachment agreements
- Approve lease and license agreements where the total consideration is less than \$100,000 and is part of an approved budget
- Approve agreements for the sale of City-owned lands or easements over such lands provided the total consideration, supported by an

STAFF REPORT

appraisal, does not exceed \$100,000 and is in accordance with the Surplus Lands Policy

- Execute all documents necessary to fulfill the above functions.

The exercise of the delegated authority will be reported to Council in the Delegation of Authority By-law annual report.

Risk Management

The Manager of Procurement and Risk Management manages and settles all insurable claims which do not exceed the limit of the deductible (currently \$50,000, increasing to \$100,000 in 2014) and provides directions to the insurer for claims not involved in litigation which are handled by the insurer. This process has been a matter of practice and is not supported by any direct delegation of authority. It is proposed that there be a formal delegation of authority to the Manager of Procurement and Risk Management to manage all insured claims, which are not the subject of litigation, and to settle all insured claims, which are not the subject of litigation and which do not exceed \$100,000.

Procurement and Risk Management will report to Council on its delegated authority as in the Delegation of Authority Annual Report.

Provincial Offences Court

The Manager of Court Services manages the Provincial Offences Court on behalf of the City and in accordance with the Memorandum of Understanding between the City and the Province of Ontario. There is no formal delegated authority to the Manager of Court Services relating to the prosecution and other proceedings handled by the City. It is proposed that authority be delegated to the Manager of Court Services to make decisions regarding the following:

- Commencement of prosecutions and other legal proceedings related to the City's prosecutorial authority
- Retain any external person or entity to assist in carrying out the authorized functions provided the cost is within the approved budget
- Enter into joint procurement initiatives with other municipalities operating courts in Ontario for goods and services relating to the Court operations.

The exercise of the delegated authority will be reported to Council in the Delegation of Authority By-law annual report.

CONCLUSION

The delegations of authority requested are intended to create efficiencies and promote more agile decision making on minor matters. The delegations will also ensure the transparency of existing informal delegations. Council retains the right to override the delegation in any particular matter.

The full by-law amending the Delegation of Authority By-law is attached to this report.

CORPORATE STRATEGIC PLAN

Innovation in Local Government

2.2 Deliver Public Service Better

2.3 Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

Planning Services

Finance and Enterprise Services

Court Services

COMMUNICATIONS

None required

FINANCIAL IMPLICATIONS

None

ATTACHMENTS

ATT-1 By-law (2014)-xxxxx

ATT-2 Schedule "AA" to By-law (2013)-19529

STAFF REPORT



Recommended By

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Submitted By

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THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2014) – xxxxx
A by-law to amend By-law Number
(2013) – 19529, being a by-law to
delegate authority pursuant to the
Municipal Act. (Schedule “AA”)

WHEREAS section 23.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that Council may delegate by by-law some of its powers and duties under this or any other *Act* to City staff;

AND WHEREAS section 224 (d) of the *Municipal Act* S.O. 2001 c. 25, as amended, states it is the role of Council to ensure that administrative practices and procedures are in place to implement the decisions of Council;

AND WHEREAS section 227 of the of the *Municipal Act* S.O. 2001 c. 25, as amended, states it is the role of the officers and employees of the municipality to; (a) implement Council’s decisions and establish administrative practices and procedures to carry out Council’s decisions; and (b) carry out other duties under this or any other *Act* and other duties assigned by the municipality;

AND WHEREAS the Council of the City of Guelph deems it expedient to authorize certain legal, realty and court service functions to be performed by the City Solicitor and the Manager of Court Services,

AND WHEREAS the Council of the City of Guelph deems it expedient to authorize certain Finance & Enterprise risk management functions to be performed by the Manager of Procurement and Risk Management,

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH HEREBY ENACTS AS FOLLOWS:

1. That By-law Number (2013) – 19529 be amended by adding a new Schedule "AA" which provides for delegated authority to Legal & Realty Services, Court Services and Procurement and Risk Management, attached hereto as Schedule 1.
2. That By-law Number (2006) – 18173 is repealed.

PASSED this day of , 2014

Karen Farbridge, Mayor

Blair Labelle, City Clerk

Schedule 1 to By-law Number (2014)-xxxxx
Being Schedule "AA" to By-law Number (2013) – 19529

**DELEGATION OF AUTHORITY FOR LEGAL & REALTY SERVICES, COURT SERVICES,
AND PROCUCEMENT AND RISK MANAGEMENT**

1. Definitions

- (a) "action or other legal proceeding" includes, but is not limited to, any claim, action, application, arbitration, mediation, appeal, hearing, trial, inquest, enquiry, prosecution or complaint before a court of law, arbitration panel or an administrative tribunal;
- (b) "Chief Administrative Officer" means the Chief Administrative Officer for the City;
- (c) "City Solicitor" means the person appointed by the Chief Administrative Officer to be the City Solicitor for the City;
- (d) "Executive Director" means the head of a service area of the City;
- (e) "Manager of Court Services" means the department head responsible for the operation of the POA Court and includes any employee to whom the Manager reports;
- (f) "POA Court means the Provincial Offences Act Court operated by the City of Guelph pursuant to a Memorandum of Understanding with the Province of Ontario;
- (g) "prosecute" includes, but is not limited to, the trial, plea agreement and appeal of a charge, or other motion, application or action associated with the prosecutorial function pertaining to such charge pursuant to the Provincial Offences Act or other statute that contains charging provisions in favour of the City; and,
- (h) "Surplus Lands Policy" means the Policy for the Sale and Disposition of Real Property Interests approved by the Council of the City of Guelph on February 25, 2008, as amended from time to time, or any successor policy thereto;

2. General Responsibilities

The City Solicitor shall be responsible for providing legal advice to City Council and for the legal affairs of the Corporation as conferred by by-law or as assigned by City Council or the Chief Administrative Officer, including representing the City in actions and other legal proceedings.

3. General Delegation

The City Solicitor shall have all powers necessary to carry out the City's Solicitor's responsibilities, duties and obligations. Without limiting the foregoing, the City Solicitor, when in the professional opinion of the City Solicitor it is in the best interests of the City, may:

- (a) Commence any action or other legal proceeding on

- behalf of the City where the monetary value of the claim is below \$100,000, excluding interest and costs;
- (b) Where the monetary value of a claim is \$100,000 or more, excluding interest and costs, commence any action or other legal proceeding on behalf of the City to ensure that no limitation period or other time restriction expires before instructions of Council can be obtained, provided that the City Solicitor obtains instructions of Council as soon as is practicable thereafter;
 - (c) Take all necessary steps to defend any action or other legal proceeding commenced against the City;
 - (d) Commence any counterclaim, crossclaim or third party claim as part of the City's defence to any action or other legal proceeding;
 - (e) Bring applications and post security for the removal of liens registered against City land;
 - (f) Commence or defend any motion or other interim step as part of an action or other legal proceeding involving the City;
 - (g) Retain any expert or other person to assist in an actual or potential action or other legal proceeding or the acquisition or disposition of any City land or other City property, provided that the cost of the retainer is approved by the Executive Director of the service area involved in the proceeding or transaction;
 - (h) Accept service of any legal document on behalf of the City;
 - (i) Obtain standing or participate in any administrative proceeding on behalf of the City provided that the City Solicitor seeks instructions of Council as soon as is practicable thereafter;
 - (j) Take all necessary steps to protect or pursue the rights of the City in its capacity as a landlord or tenant; and,
 - (k) Enter into a settlement with any person on behalf of the City where the monetary amount of the claim against or for the City is below \$100,000, exclusive of interest and costs.

4. Instructions

The City Solicitor shall receive instructions from the Executive Director or the Executive Director's designate who is responsible for the program, operation or capital project to which the matter relates in regard to any act or step taken by the City Solicitor pursuant to section 3.

5. Execution of Documents

The City Solicitor is authorized to execute any agreement or other legal document on behalf of the City that is necessary to carry out the City's Solicitor's powers under sections 3 and 6, and the Manager of Court Services is authorized to execute any agreement or other legal document on behalf of the City that is necessary to carry out the Manager's authority under section 9.

6. Committee of Adjustment

With respect to decisions of the Committee of Adjustment and without limiting the generality of section 3, the City Solicitor may:

- (a) Where an appeal from a decision of the Committee of Adjustment has been filed with the Ontario Municipal Board (“OMB”), determine in consultation with the General Manager of Planning Services if the City will attend the hearing of the appeal, and the City’s position in any such hearing;
- (b) Where a decision of the Committee of Adjustment is in the professional opinion of the City Solicitor in consultation with the General Manager of Planning Services contrary to the best interests of the City, determine if the City should file an appeal of the decision with the OMB and take any steps required to file such an appeal; and
- (c) Where an appeal from a decision of the Committee of Adjustment has been filed with the OMB, enter into a settlement agreement with a party to that appeal that is in the professional opinion of the City Solicitor in consultation with the General Manager of Planning Services in the best interests of the City.

7. Realty Services

Without limiting the generality of section 3, the City Solicitor, or staff appointed by the City Solicitor from time to time to act in their stead, may:

- (a) Execute any document in accordance with the *Land Registration Reform Act* (Ontario) as required to permit registration of such document under the *Land Titles Act* (Ontario) or *Registry Act* (Ontario), as applicable, for any action otherwise approved;
- (b) Register any instrument on behalf of the City against the title to the lands in which the City has interest;
- (c) Execute and register all applications on behalf of the City for entry or removal of a notice or caution of any kind, an inhibiting order, reference plan or similar registration of any kind in the Land Registry Office;
- (d) Approve and execute agreements permitting the City or its contractors to enter upon land for any of the purposes of the City or permitting others to enter onto City-owned lands for municipal, utility or other purposes, provided that the estimate of the cost of the obligations to be incurred by the City is part of an approved budget or does not exceed \$50,000;
- (e) Approve and execute undertakings, certificates, declarations and any other documents required for the completion of any transaction involving the purchase, sale or exchange of any interest in land including any documents required to be delivered under the applicable agreement of purchase and sale;
- (f) Approve and execute agreements to extend the closing date of purchase and sale transactions;
- (g) Approve and execute agreements of purchase and sale and all transfers for the purchase or exchange of any interest in land, including easements, for:

- (i) Any approved capital project; or
 - (ii) Any requirement under a condition of approval imposed in connection with any application under the Planning Act;
 - (iii) Provided that in the case of an exchange of any interest in land, that the transfer of the interest in land on the part of the City is completed in accordance with the Surplus Lands Policy.
- (h) Approve and execute documents permitting encroachments onto easements and other City-owned land, including land which is a public highway, and including encroachment agreements;
- (i) Subject to compliance with the Surplus Lands Policy, approve and execute agreements to lease/licence and leases/licences of land required for City purposes and any related notice of lease, including leases having a term in excess of 21 years and including the assignment and sub-leasing/sub-licensing of existing agreements, provided that:
- (i) The total consideration or a reasonable estimate of the cost of the obligations to be incurred by the City does not exceed \$100,000; and,
 - (ii) The consideration or cost does not exceed the Council approved budget for the affected department; and,
- (j) Subject to compliance with the Surplus Lands Policy, approve and execute agreements for the sale of City-owned land or easements over City-owned Land, provided that total consideration or a reasonable estimate of the cost of the obligations is supported by an appraisal and does not exceed \$100,000.

8. Risk Management

Despite any other provision in this By-law the Manager of Procurement and Risk Management, shall have the authority to manage all insured claims, both self and third party insured, except those which are the subject of litigation, and is authorized to settle on terms satisfactory to the Manager all insured claims which are not the subject of litigation which do not exceed \$100,000, including costs and interest.

9. Provincial Offences Court

Despite any other provision in this By-law, the Manager of Court Services may:

- (a) Commence any prosecution with respect to POA Court matters in order to carry out the City's function as the prosecutorial authority;
- (b) Commence any action or legal proceedings in order to carry out the City's function to enforce court-ordered sentences of POA Court matters;
- (c) Retain or contract with any prosecutor or other person or organization to assist in carrying out the functions in this section provided that the cost of the retainer or contract is accommodated within the Court Services approved City budget;
- (d) Accept service of any legal document associated with POA Court operations on behalf of the City; and

- (e) Enter into joint procurement initiatives with other municipalities operating courts in Ontario for goods and services with respect to POA Court operations.

10. Reporting

Reports regarding the exercise of the delegations of authority shall be made in the Delegation of Authority By-law annual report.

11. Miscellaneous

- (a) Any specific direction of Council that is made from time to time shall prevail over the provisions of this By-law.
- (b) The City Solicitor shall report to Council from time to time on all outstanding actions or other legal proceedings involving the City. Such report shall include a description of any settlement of any action or other legal proceeding entered into by the City Solicitor pursuant to paragraph 3(k) of this By-law during the period since the last report.
- (c) The City Solicitor may designate any solicitor employed by the City to act on the City Solicitor's behalf. In the absence of the City Solicitor, the City Solicitor may designate any other solicitor employed by the City as the Acting City Solicitor and such person shall have all of the authority and power of the City Solicitor under this By-law for the duration of such designation.
- (d) The Manager of Court Services may designate any supervisor or prosecutor with the Court Services Department to act on the Manager's behalf to carry out the actions in Section 9 of this By-law.

STAFF REPORT



TO Governance Committee

SERVICE AREA Corporate and Human Resources

DATE April 9, 2014

SUBJECT 2014 Municipal Election- Advance Voting Period and Special Voting Provisions

REPORT NUMBER CHR 2014-27

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide information related to the advance voting period and special voting provisions for the 2014 Municipal Election. The related by-laws which give effect to the proposed for adoption.

KEY FINDINGS

In accordance with the *Municipal Elections Act (MEA)* Sections 43 and 45(7), the dates, times and locations for the advance voting period and special voting locations have been established.

The advance voting period for the 2014 Municipal Election will include internet voting for the first time. Advance internet voting will be open from October 7 to 24, 2014. Advance voting locations will be open from October 15 to 19, 2014. A full list of locations and times for advance voting and special voting provisions are available for information below.

FINANCIAL IMPLICATIONS

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

ACTION REQUIRED

City Council to receive the following report for information and adopt the attached by-laws.

RECOMMENDATION

1. That the report dated April 9, 2014, titled "2014 Municipal Election- Advance Voting Period and Special Voting Provisions", be received for information.

STAFF REPORT

BACKGROUND

The purpose of this report is to provide information with respect to the following matters:

- Advance Voting Period (by-law)
- Special Voting Provisions (by-law)

REPORT

Advance Voting Period

To ensure that voting is accessible, convenient and that voters have ample opportunity to participate, an extensive advance voting period will take place for the 2014 Municipal Election. Pursuant to Section 43 of the *MEA*, the following dates and times have been selected based on the method by which a voter casts their ballot.

Advance internet voting will be continuous from October 7, 2014 to October 24, 2014 at 11:59pm.

Advance voting at the three voting locations below will take place on:

- October 15 and 16, 2014 from 11:00am to 7:00pm
- October 17 and 18, 2014 from 11:00am to 8:00pm
- October 19, 2014 from 11:00am to 5:00pm

Advance voting locations for all wards will be located at:

- Guelph City Hall, 1 Carden Street, Guelph
- Evergreen Seniors Community Centre, 683 Woolwich Street, Guelph
- Stone Road Mall, 435 Stone Road West, Guelph

By offering a considerably extended advance voting period through internet voting and selecting centralized advance voting locations on transit routes for all wards, it is hoped that voters will utilize new alternative methods of voting online and will maximize the opportunity to cast their vote prior to Voting Day, Monday October 27, 2014.

The authority to establish the advance voting period for the 2014 Municipal Election is provided by way of the by-law attached as Appendix A to this report.

Special Voting Provisions

Special voting locations and times have been established for retirement homes and institutions, as defined under Section 45(7) of the *MEA*, on Voting Day, Monday October 27, 2014. Only residents of each facility will be permitted to vote at these locations.

Special voting provisions have been developed for the following institutions:

- Elliot Home
- Ellington/Elridge

STAFF REPORT

- LaPointe Fisher
- Guelph Lake Commons
- Norfolk Manor
- St. Josephs Health Centre
- College Place
- Stone Lodge
- Wellington Park Terrace
- The Royal on Gordon
- Harmony House
- Heritage House

The authority to establish special voting provisions for the 2014 Municipal Election is provided by way of the by-law attached as Appendix B to this report.

CORPORATE STRATEGIC PLAN

The expanded advance voting period and special voting provisions support innovation in local government. The delivery of public service is enhanced and accountability, transparency and public engagement are ensured by providing an extensive opportunity for voters to cast their ballots prior to Voting Day and by providing on site access to polls for residents of institutions and retirement facilities on Voting Day.

DEPARTMENTAL CONSULTATION

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

FINANCIAL IMPLICATIONS

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

COMMUNICATIONS

The information contained in this report will be communicated through the City's 2014 Municipal Election website, www.guelph.ca/vote, and using City social media outlets. Other communication methods may be identified and utilized in accordance with the Election Communications Plan.


ATTACHMENTS

- | | |
|------------|--|
| Appendix A | By-law to provide for advance votes to be held prior to voting day. |
| Appendix B | By-law to provide for early voting and reduced hours of voting in institutions and retirement homes on voting day. |

STAFF REPORT

Report Author

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Approved By

Blair Labelle
City Clerk
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Recommended By

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Executive Director of Corporate and Human
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THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2014)-XXX

A by-law to provide for advance votes to be held prior to voting day.

WHEREAS Section 43(1) of the Municipal Elections Act, S.O. 1996 as amended provides that a municipal council shall pass a by-law establishing one or more dates for an advance vote, and the hours during which voting places shall be open on that date or dates;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. A continuous advance online internet vote shall be held from October 7, 2014 at 12:00 a.m. to October 24, 2014 at 11:59pm.
2. A tabulator advance vote for all wards, shall be held on October 15 and 16 2014, between the hours of 11:00 a.m. and 7:00 p.m.; and October 17 and 18, 2014 between the hours of 11:00 a.m. and 8:00 p.m; and October 19, 2014 between the hours of 11:00 a.m. and 5:00 p.m. at the following locations:

Guelph City Hall, 1 Carden Street, Guelph

Evergreen Seniors Community Centre, 683 Woolwich Street, Guelph

Stone Road Mall, 435 Stone Road West, Guelph

PASSED this TWENTY-EIGHTH day of APRIL, 2014.

KAREN FARBRIDGE – MAYOR

BLAIR LABELLE – CITY CLERK

**BY-LAW (2014)-XXX
Schedule A**

**HOURS OF VOTING FOR RETIREMENT HOMES AND INSTITUTIONS
On Voting Day, Monday October 27, 2014**

FACILITY	WARD	HOURS
Elliott Home	2	9:00am to 11:00am
Ellington/Elridge	2	12:00pm to 2:30pm
Guelph Lake Commons	2	8:30 am to 1:30pm
LaPointe Fisher	2	2:30pm to 4:30pm
Norfolk Manor	3	9:00am to 11:30am
St. Josephs Health Centre	3	1:00pm to 4:00pm
College Place	5	8:30am to 10:00am
Stone Lodge	5	11:00am to 1:30pm
Wellington Park Terrace	5	2:30pm to 6:00pm
The Royal on Gordon	6	8:30am to 12:00pm
Harmony House	6	1:00pm to 2:00pm
Heritage House	6	2:30pm to 3:30pm

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2014)-XXX

A by-law to provide for early voting and reduced hours of voting in institutions and retirement homes on voting day.

WHEREAS Section 46(2) of the Municipal Elections Act, S.O. 1996 provides that a municipal council may pass a by-law providing that specified voting places shall be open on voting day at a specified time before 10:00 a.m.;

AND WHEREAS Section 46(3) of the aforesaid Act provides that a municipal council may pass a by-law with respect to reduced voting hours in voting places in retirement homes or those institutions as defined in Section 45(7) of the said Act, where the voting place is only for the use of the residents;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. Those voting places as shown in Schedule "A" attached hereto and forming part of this by-law, shall be open for the specified hours as detailed on Voting Day, Monday October 27, 2014.

PASSED this TWENTY-EIGHTH day of APRIL, 2014.

KAREN FARBRIDGE – MAYOR

BLAIR LABELLE – CITY CLERK

COUNCIL REPORT



TO **Governance Committee**

FROM Integrity Commissioner

DATE April 9, 2014

SUBJECT Annual Report of the Integrity Commissioner

SUMMARY

Purpose of Report:

To provide a summary of the activities carried out by the Integrity Commissioner during 2013.

Council Action:

To receive the report of the Integrity Commissioner dated April 9, 2014.

RECOMMENDATION

That the report of the Integrity Commissioner dated April 9, 2014 be received.

BACKGROUND

I was appointed Integrity Commissioner for the City of Guelph by By-law on November 28, 2011. I currently serve also as the Integrity Commissioner for Mississauga, Oakville, Brantford, Port Hope, Carleton Place, South Dundas, South Stormont and Collingwood.

My duties in Guelph as Integrity Commissioner include the following:

1. To provide advice to individual members of Council, Council as a whole, members of City staff and the public on interpretation of the Code of Conduct for Council and Local Boards (the "Code");
2. To conduct inquiries into whether a member has contravened any applicable provision of the Code; and
3. To attempt to settle any complaints between a complainant and member.

REPORT

During 2013, I prepared and presented two reports to Council both relating to a complaint received from three members of staff against one member of Council. The first report was a preliminary information report dated July 29th, 2013 as required by the Complaint Protocol to the Code of Conduct. It informed Council of the complaints, indicated that I had decided the complaints were within my jurisdiction and estimated the cost of the investigation. I first met with the member of Council and was offered an apology to the complainants which I presented to them and received their agreement to withdraw their complaint. The Complaint Protocol on page 8 provides that I am required "to attempt to settle any complaint between the complainant and the Member before commencing an enquiry". My actions in this case were in compliance with that direction from Council and the settlement was successfully accomplished. I reported on the settlement to Governance Committee on September 9, 2013.

Council at its meeting of October 28, 2013 passed a resolution calling for a review of procedures surrounding the position of Integrity Commissioner. Under the *Municipal Act*, my duties are restricted to those assigned by Council and I will be pleased to cooperate in such a review which may refine those duties assigned in the original Code and Complaint Protocol.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

N/A

Prepared and Recommended By:

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Robert J. Swayze
Integrity Commissioner

STAFF REPORT



TO Governance Committee

SERVICE AREA Corporate and Human Resources, Clerk's Office

DATE April 9, 2014

SUBJECT Governance Committee Outstanding Motions

REPORT NUMBER CHR – 2014 - 29

EXECUTIVE SUMMARY

PURPOSE OF REPORT

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

KEY FINDINGS

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

FINANCIAL IMPLICATIONS

There are no financial implications.

ACTION REQUIRED

To receive the report for information.

RECOMMENDATION

1. THAT the Outstanding Resolutions update Report from The City Clerk dated April 9, 2014 be received.

BACKGROUND

This is the first of two reports in 2014 to update the Governance Committee on outstanding committee motions.

REPORT

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

CORPORATE STRATEGIC PLAN

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

STAFF REPORT



FINANCIAL IMPLICATIONS

There are no financial implications.

DEPARTMENTAL CONSULTATION

CAO's Office

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment 1 – Governance Outstanding Resolutions

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Governance Committee Outstanding Motions As of March, 2014

Date of Committee	Subject Matter	Lead / Target
Feb. 24/14 Council	<p>Councillor Guthrie’s motion for which notice was given January 27, 2014</p> <p>That the following be referred to the Governance Committee:</p> <p>That the matter of a “tip line” regarding comments and concerns for the Corporation of the City of Guelph, for both concerned employees and concerned citizens be investigated by staff and reported back to the Governance Committee for consideration.</p>	CAO’s Office – to come forward by 2Q of 2014
Dec 16/13 Council	<p>GOV-2013.22 Council Composition & Employment Status</p> <ol style="list-style-type: none"> 1. That a Council Composition & Employment Status Review be conducted by a third party subject matter expert during the 2014-2018 term of Council with the intent that any proposed changes to be subsequently approved by Council take effect for the 2018-2022 term of office. 2. That all costs associated with the review be referred to the 2015 budget process for Council approval. 3. That the Terms of Reference for the Council Composition and Employment Status Review come back to the Governance Committee for approval. 	Clerk’s – TOR to come forward to committee by 1Q of 2015
Nov 26/12 Council	<p>Staff be directed to report back in 2013 with respect to the options and implications of conducting an employment status and composition review for Guelph City Council during the 2014-2018 term of office with potential changes to take effect for the 2018-2022 term of office;</p> <p>And that the matter of administrative efficiencies to assist with Councillor workload be included in the scope of the report.</p>	
Dec 16/13 Council	<p>GOV-2013.19 Approval of Intergovernmental Strategic Framework & Action Plan</p> <ol style="list-style-type: none"> 1. That the Intergovernmental Strategic Framework be approved. 2. That staff be directed to report back on an ongoing process for setting annual and term of Council IG priorities, including an approach for integrating intergovernmental priority-setting into the Corporate Strategic Planning process for the 2015-18 term of Council. 	CAO’s Office – to come forward by 3Q 2014

STAFF REPORT

December 9/13 Nominating Committee	That the procedure for appointing Vice Chairs to standing committees be referred to the Governance Committee for review.	Clerk's – to come forward to committee by 3Q 2014
Dec 3/13	GOV-2013.20 Review of the Corporation of the City of Guelph's Identity: Phase 1 Findings and Next Steps 1. That the December 3, 2013 report entitled "Review of the Corporation of the City of Guelph's Identity: Phase 1 Findings and Next Steps", be received. 2. That staff be directed to report back in 2014 with implementation options for Committee consideration	CAO's Office – to come forward by 2Q 2014
Dec 3/13	Status of Governance Enhancements Memo That the CAO be directed to report back to Governance Committee in 2014 regarding an appropriate structure and process for Council to have strategic discussions and provide effective governance for the organization's talent management and human resource management practices.	CAO's Office/Mayor's Office – to come forward by 4Q 2014
Dec 3/13	Integrity Commissioner 1. That report CAO-C-1308 entitled "Integrity Commissioner" be received. That Governance Committee direct staff to develop a Charter for the Integrity Commissioner position for Governance Committee consideration in Q2 – 2014.	Clerk's / CAO's Office – to come forward to committee by 2Q 2014
Oct. 28/13 Council	That staff be directed to review all policies and procedures relating to the Integrity Commissioner position, and establish an evaluation procedure for reviewing the Integrity Commissioner's performance. (<i>Councillor Guthrie's motion for which notice was given July 29/13</i>)	
July 29/13 Council	Code of Conduct re: Adjudicative Boards That the opinion of the Integrity Commissioner that the Code should limit Councillors in using their influence with adjudicative boards be referred to the Governance Committee for consideration and report back to Council.	Integrity Commissioner – to come forward to committee by 4Q 2014

INTERNAL MEMO



DATE April 9, 2014
TO **Governance Committee**
FROM Mayor Farbridge, Chair
SUBJECT **Permanent resident voting in municipal elections**

Guelph frequently demonstrates that it is an inclusive community – one that embraces diversity. Twenty-one percent of our community are immigrants.

The City of Guelph reflects these values in our corporate Diversity Strategy as well as our support of the Local Immigration Partnership that assists newcomers to settle into the community and the workforce.

Last year, Toronto City Council approved a recommendation to request that the Province of Ontario amend the necessary legislation to allow permanent residents the right to vote in municipal elections.

Permanent resident status is a federal designation granted to legal immigrants who have not yet become citizens. Based on the 2011 National Household Survey there are approximately 24,885 immigrants in Guelph. There are about 4,870 non-citizens in Guelph. A further 785 of those people are explicitly not permanent resident status (e.g. student visa, work permit). This means that there are approximately 4,000 permanent residents in Guelph. Please note this is an estimate based on the statistics above. We also know from Citizenship and Immigration Canada data that there are 650 permanent residents and refugees that come directly to Guelph every year from out of country.

If the province agrees to the request, the change could not occur until the 2018 municipal election to allow time for public education and the required changes to legislation.

I would respectfully ask that the Governance Committee provides the following direction to staff:

That staff report back to the Governance Committee on the matter of seeking changes to provincial legislation that would allow permanent residents the right to vote in municipal elections.

The following links provide some background on the matter:

Maytree Foundation – Making the Legal and Constitutional Case for Permanent Resident Voting
<http://maytree.com/blog/category/voting/>

City of Toronto – Proposed Electoral Reforms
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.GM22.15rms>

Thank you for your consideration,

Karen Farbridge
Mayor

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