



Meeting:

Accountability & Transparency Committee October 29th, 2007

Date:

Time:

4:30 p.m.

Location:

Committee Room "C" (Lower Level City Hall)

Chair:

Councillor Vicki Beard

Agenda Items

ltem #	Description	
1	Introductions – Councillor Beard	
2	Overview of Legislation – Lois Giles	
3	Review of Committee Mandate - Lois Giles	
4	General Discussion - All	
5	Next Steps	
6	Next Meeting Date	
7	Adjourn	



ACCOUNTABILITY AND TRANSPARENCY COMMITTEE October 29, 2007

List of Documents

- 1) The Corporation of the City of Guelph Council Governance Policy Manual;
- 2) Hiring and Employment of Relatives Policy;
- 3) City of Guelph Relations Policy and Code of Ethics;
- 4) Report to the Governance and Economic Development Committee dated June 14, 2007;
- 5) Code of Conduct/Integrity Commissioner White Paper 1;
- 6) Lobbyist Registry White Paper 2;
- 7) Ombudsman White Paper 3;
- 8) Auditor General White Paper 4;
- 9) Exploring the World of Accountability and Transparency Presentation AMCTO Zone 4 Meeting held May 22, 2007;
- 10) City of Guelph By-law (1996)-15200, being a by-law to provide rules for governing the order and procedures of the Council of the City of Guelph;
- 11) City of Guelph By-law (2005)-17679, being a by-law to provide for the purchasing of goods and services by the Corporation of the City of Guelph;
- 12) City of Guelph By-law (1995)-14835 being a by-law to establish procedures respecting the disposal of surplus real property.





To: Accountability & Transparency Committee

From: Lois A. Giles, City Clerk

Date: Corporate Services
October 16, 2007

Subject: <u>MUNICIPAL ACT ACCOUNTABILITY & TRANSPARENCY PROVISIONS</u>

Attached hereto is the agenda for the Committee's first meeting. Also attached are materials that are to be reviewed by the Committee as part of its mandate.

LEGISLATIVE OVERVIEW

The new provisions introduced in the Municipal Act were designed to address issues of accountability and transparency in municipal administration, largely resulting from the Bellamy (Toronto computer leasing) and Sills (Waterloo RIM Park) inquiries.

Among the various new provisions, are discretionary and mandatory matters that are to be dealt with by City Council, including the appointment of:

- Lobbyist Registrar Discretionary
- Integrity Commissioner Discretionary
- Ombudsman Discretionary
- Auditor General Discretionary
- Meeting Investigator Mandatory If not appointed by municipality, Ontario Ombudsman deals with complaints.

The municipality is also required to have the following mandatory policies in place by January 1, 2008:

- sale and other disposition of land currently in place
- hiring of employees currently in place
- procurement of goods and services currently in place
- notice to the public currently under development and to be separately approved by Council
- accountability and transparency to be developed by this Committee
- delegation of authority to be developed by this Committee





According to Council's direction, the mandate of this Committee is to:

- conduct a review of the Accountability and Transparency Part of the Municipal Act
- conduct a review of existing policies, the procedural by-law, code of ethics and other documentation that currently govern the conduct of Council;
- develop a Code of Conduct currently in place
- develop an Accountability and Transparency policy; and
- make recommendations to Council relating to the appointment of an Integrity Commissioner, an Ombudsman, an Auditor General, a Lobbyist Registrar and a Special Meeting Investigator.

I have attached copies of a number of documents that will be helpful in developing the recommendations and policies required. Most of these documents are existing corporate documents, however I have included some excellent briefing notes developed by the City of Ottawa relating to the appointments. Also attached is a copy of a presentation made by the Ministry of Municipal Affairs & Housing on the accountability and transparency provisions of the Municipal Act. It is not necessary for you to have read all of these documents prior to our initial meeting. They will be resource documents to be used by the Committee in its deliberations.

LOIS A. GILES,

City Clerk.

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The Corporation of the City Of Guelph

Council Governance Policy Manual

Preamble:

Council at its meeting of June 13, 2005 approved Resolution 26 which directed staff to compile Council governance policies to be reviewed by the Standing Committees and forwarded to Council for approval in the form of a Council Governance Policy Manual.

Council governance policies may be defined as follows:

Governance means: the system or manner of governing. To govern is to make rules, preside, oversee, administer, manage, regulate, and direct.

A policy is a rule, strategy, plan, and guiding principle, and procedure, course of action or guideline.

The policies should relate to Council as whole or individual members of Council meaning policies that affect the way Council conducts its business (governs) or policies that affect Councillors as a body or as individuals.

Although it is recognized that Council is also governed by various provincial legislation and its by-laws, policies in this manual will include policies as adopted by Council resolutions since 1972.

The policies have also been updated to reflect the current administrative and governance structures of the City of Guelph.

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1. Achievement/Recognition

A. Policy Adopted May 26, 1976

THAT no action be taken to recognize citizens or former citizens, who are on non local teams that have won Ontario or Canadian Championships.

B. Policy Adopted May 31, 1993

THAT staff be directed to forward requests for nominations for citizenship awards to appropriate organizations, upon receipt of the nomination requests; And that members of Council advise the City Clerk's Office if they wish to nominate a person for a specific award.

2. Boards, Commissions and Committees

A. Policy Adopted December 5, 1977

THAT when City Council has established a specific policy, Council representatives reflect that view when involved in matters relating to Boards and Commissions and when acting as representatives of the Council at various meetings or conventions.

B. Policy # Adopted December 7, 1987

THAT Councillors appointed to local boards and commissions shall act in accordance with the rules and regulations set down by the board and commission and as authorized by statute;

AND THAT unless otherwise prescribed by statute Councillors serving on boards and commissions shall be voting members;

AND THAT Councillors may not accept the position of chairperson of any city board or commission to which they are appointed

AND THAT Councillors may accept the position of chairperson of any jointly appointed board or commission to which they are appointed.

C. Policy Adopted February 1, 1988

THAT unless otherwise directed by City Council, city staff involvement on all committees, citizen and municipal, be in the capacity of resources and if of necessity, it is required that staff be formally appointed to such committees, they are non-voting members.

D. Policy Adopted January 2, 1990

THAT the maximum period of time a Councillor may serve as council appointee to boards, commissions or committees shall be 12 consecutive years; policy does not apply to Standing Committees.

E. Policy Adopted March 16, 1992

THAT Guelph City Council establish a policy with respect to leaves of absence requested by citizen member appointees to Boards and Commissions whereby a leave for longer than a three month time period, will be treated as a resignation;

AND THAT such positions be filled for the duration of the time remaining to the appointment.

F. Policy Adopted October 19, 1992

THAT Council representatives on boards, commissions and committees provide information on major affairs or activities - written or verbal during questions and information.

G. Policy Adopted December 20, 1993 *

THAT no action be taken on the request from the Guelph Round Table on the Environment and Economy for participation by a City Councillor as it is the policy of City Council not to appoint Council representatives to Community Groups. *Although this resolution refers to an earlier policy, there is no record of Council adopting such. This may have been a practice which was historically in effect.

H. Policy Adopted October 18, 1999

THAT subject to prevailing statutory authority, the following policy be established with respect to the appointment of citizens to Boards, Committees and Commissions:

- a) That The Office of the City Clerk co-ordinate all appointments to Boards, Committees and Commissions;
- b) That appointments be made twice per year to fill any vacancies which arise throughout the year;
- c) That the appropriate Standing Committee, or appointed sub-committee of three, along with the Council Representative to the Board, Committee or Commission, conduct interviews and forward their recommendation to City Council. The only exceptions would be for the Board of Trustees for the Elliott, the Downtown Board of Management, the Guelph Junction Railway Board, and the Guelph Hydro Board who would make nominations to City Council;
- d) That Standing Sub Committees determine if they wish to conduct interviews of incumbents:
- e) (superseded by Policy adopted on June 5, 2006)
- f) That the Boards, Committees and Commissions be invited to submit to The Office of the City Clerk types of qualifications or areas of expertise required for future members:
- g)That first time appointments be made for a one year term and subsequent appointments being two, three, or four years as per the legislative authority;
- h) That the City's current policy of not appointing a person to a particular Board, Committee or Commission for more than ten consecutive years be confirmed;
- i) That all persons applying for appointment must be a Canadian citizen, over eighteen and either the owner or tenant of land or the spouse or owner or tenant of land in the municipality, as per the eligibility requirements of the Municipal Elections Act, be confirmed;
- j) That current practise of notifying citizens of the expiration of their term, and of their eligibility for reappointment, be confirmed;
- k) That current practise of citizens being appointed to one Board, Committee or Commission at a time, be confirmed.

AND THAT this process be reviewed in six months.

I. Policy Adopted February 19, 2001

THAT the attendance policy for the City's Boards, Committees and Commissions be amended to reflect: the appointment of a member may be terminated if the member is absent from meetings of the Board, Committee or Commission for three consecutive meetings and/or 50 percent of the scheduled meetings.

J. Policy Adopted October 1, 2001

THAT the citizens appointed to serve on the Property Standards Committee also be appointed to serve on the Fence Viewers Committee;

AND THAT Council's appointment policy of appointing one citizen to one committee be suspended for appointments to these two committees.

K. Policy Adopted June 5, 2006

THAT the policy with respect to written notification only to citizens selected for interviews for positions on Boards, Committees and Commissions be rescinded;

AND THAT all citizens who apply for positions on Boards, Committees & Commissions receive written notification at the conclusion of the appointment process.

L. Policy Adopted March 26, 2007

THAT the citizen appointees who are appointed Chair of a City board or commission be limited to a maximum of 4 successive years as Chair, retroactive to January 2007.

3. City Facilities

A. Policy Adopted June 13, 2005 (reconfirming policy adopted October 5, 1992) THAT there be no charge for use of City facilities by Councillors for city business:

AND THAT a budget be prepared to cover any associated costs for the rental of City facilities (i.e. set-up, security), and that any costs be charged to the General Administration Account;

AND THAT the use of private facilities and any associated costs therefore be the responsibility of the persons calling the meeting.

4. Conferences and Conventions

A. Policy Adopted August 12, 2002

THAT the policies in attachment I be approved as revised:

- Members of Council Travel & Expense Reimbursements
- Citizen Members of Committees Attendance at Functions on City Business

5. Meeting Procedures for Council and Standing Committees

A. Policy Adopted December 1, 1975

THAT Department Heads be present at the start of all meetings of Council and Council in Committee, in order that they may answer any question from Members of Council.

B. Policy Adopted December 16, 1985

THAT it be the policy of this Council to provide prior notice to groups that have appeared before a Committee, of that Committee's recommendation to Council in response of their request.

C. Policy Adopted December 3, 1990

THAT all standing committee agendas be circulated to members of press prior to day of Committee Meeting.

D. Policy Adopted December 17, 1990

THAT effective January 1st, 1991 rotational duty roster system be established whereby each Councillor will be responsible for one month to attend functions on behalf of Mayor when he is unable to attend - responsibility of Councillor to arrange for a replacement in event he/she unable to be present at function.

E. Policy Adopted April 21, 1992

THAT the request for endorsement of resolutions requesting action pertaining of a national nature not be endorsed by City.

F. Policy Adopted October 19, 1992

THAT there is no restriction on number of years council members may serve on any one standing committee;

AND THAT there is no restriction number of years council may serve as chairperson;

AND THAT standing committees continue to select their chairperson annually.

G. Policy Adopted October 19, 1992

THAT Department Heads be authorized to refer matters to standing committees if authorized by the Chief Administrative Officer;

And that the Chief Administrative Officer advise members of Council in public, of all items being referred directly by staff to the Standing Committees.

H. Policy Adopted October 19, 1992

THAT Standing Committee Chairpersons provide status reports on matters under consideration by committee.

I. Policy Adopted November 16, 1992*

THAT the current policy making Council agendas available to press on Thursday afternoon prior to council meeting be re-affirmed.

*Although this resolution refers to an earlier policy, there is no record of Council adopting such. This may have been a practice which was historically in effect.

J. Policy Adopted November 16, 1992

THAT to facilitate public understanding of major studies/projects - summaries in non-technical terms be made available to press/public in advance of decision making process.

K. Policy Adopted May 31, 1993

WHEREAS it is not only desirable but essential that all members of Council be provided with complete and up-to-date information on all matters where Council is required to make a decision;

AND WHEREAS such necessary background information has not always been provided to members prior to meetings where decisions have been required of Council;

AND WHEREAS it is intended that the preparation of background information be a standards and routine administrative procedure in order to ensure that all members of Council are provided with all relevant information, by copy or by reference, in order that members can make informed decisions;

BE IT RESOLVED THAT:

- The Chief Administrative Officer ensure that adequate background briefing
 is prepared for members of Council on all major issues prior to Council's
 decision-making meeting and provided to members not later than the date
 of the regular Agenda delivery, which briefing, in the appropriate staff
 report format, will include all relevant references to important background
 data, previous Council actions and commitments and staff
 recommendations as appropriate, and;
- In order to minimize the size of such staff report substantial relevant reports be referenced together with a source and location where they may be reviewed; and
- 3. Where the Chief Administrative Officer deems desirable, or where Council so requests, a special information briefing session for Council be held with appropriate staff, prior to Council's decision-making meeting.

Policy Adopted April 21, 1997 (supersedes policy adopted March 7, 1994)
THAT the policy adopted March 7th, 1994 as follows: "That a policy be adopted requiring payment of associated costs for a deferral or deferrals, when Council determines that circumstances warrant such action." be amended by having this policy be effective for all deferral requests unless Council directs otherwise.

L. Policy Adopted April 21, 1997

THAT the following policy on Standing Committee reporting procedures be adopted:

- A. CONFIRM the present practice that upon completion of consideration of an item that the recommendation be forwarded to Council on the Standing Committee Report with all final staff reports and any other appropriate information (including decisions of the Committee for "no action") attached.
- B. THAT monthly status reports on outstanding items before Committees be provided to Council in the weekly Information Package.
- C. THAT where a decision is no longer required, (e.g. requests withdrawn, new governing legislation enacted, compliance dates passed) members of Council be advised of items that have been removed from consideration by a Standing Committee with a brief explanation of the reason for removal.
- D. REPORTS received by a Standing Committee, which may be of general interest to all members of Council, be included in the Weekly Information package.
- E. THAT for items referred to Committees to be considered as part of a larger process (e.g. budget, Transportation Study, Strategic Plan) the action taken by the Committee on such items be outlined on a separate schedule, which is to be included with the final report to Council.

M. Policy Adopted May 5, 1997

THAT agendas and background materials be made available free of charge to all registered mayoralty and councillor candidates in Municipal Elections, upon request of the candidates.

N. Policy Adopted June 16, 1997

WHEREAS the nature of Municipal government involves frequent contact, liaison and dialogue with the Provincial and Federal Governments, their ministers, departments and agencies, and

WHEREAS the citizens of the City of Guelph are represented at Queen's Park and Ottawa by our respective Member of Provincial Parliament (M.P.P.) and Member of Parliament (M.P.),

BE IT RESOLVED that henceforth it be City policy to provide a copy of all correspondence between the City and the Provincial and Federal Governments to the respective provincial and federal member, and that City protocol require that copies of such correspondence be forwarded to the M.P., or M.P.P. with a

covering letter from the Mayor soliciting the active assistance or support of the City's submission from the Provincial or Federal member.

O. Policy Adopted July 9, 2001 (reconfirming policy adopted August 8, 1995) THAT Council re-affirms its present policy of not issuing proclamations.

P. Policy Adopted January 21, 2002 (superseded by Procedural By-law (1996-15200) as amended)

THAT if a member of Council feels a need to submit comments on a report with respect to policy matters, that staff receive those comments and attach them for consideration by the Committee.

Q. Policy Adopted June 13, 2005

THAT matters that require a decision prior to the next Council meeting, be identified as being time sensitive on the agenda.

R. Policy Adopted June 13, 2005

THAT at the conclusion of in camera meetings, the standing committee or Council, as the case may be, shall indicate whether and when resolutions passed in camera are to be ratified at a public meeting;

AND THAT in the interest of transparency, and fiscal accountability of elected officials to the public, all motions passed in-camera involving changes to compensation ratified to groups or classes of employees where there is a budgetary impact will be brought out front for ratification in public by Council at the earliest opportunity or at the request of any Council member.

S. Policy Adopted June 13, 2005

THAT when a special council meeting of Council is called, that the adjournment time is included on the agenda;

THAT a motion be required to extend the meeting beyond the noted adjournment time included on the agenda.

T. Policy # Adopted June 13, 2005

THAT when scheduling additional Council meetings, other than the regular meetings, that no meetings be held on Thursdays if possible;

AND THAT the public and media be notified of special Council meetings at least two (2) weeks in advance where possible.

U. Policy Adopted June 13, 2005

THAT no member of Council shall request a member of staff to alter a report to a standing committee or Council in advance of the general circulation to all other members of the committee or Council as the case may be.

V. Policy Adopted June 13, 2005

THAT the manner of placing items on agendas for Council and Standing Committees, be approved in attachment J;

AND THAT Council and Standing Committee Agendas, including the full staff reports and background material where possible, be made available to the public in electronic format on the City's website, as well as in paper at the Guelph Public Library's reference desk.

W. Policy Adopted June 13, 2005

THAT Council review its appointments to the Standing Committees in November of non-election each years and in December of election years;

AND THAT if any Councillor wishes to be appointed to a different Standing Committee than the Committee they are presently appointed to, they are to advise the Mayor in writing of their desire to switch committees by October of that year;

AND THAT the Mayor will assist in facilitating the switching of members amongst the Standing Committees.

6. Orientation

A. Policy Adopted January 3, 2005*

THAT Recommendation #15 recommending Council adopt a policy on orientation that includes provisions for the following be adopted;

- a) An orientation process that focuses on the governance responsibilities of a Council:
- A process that is planned prior to each election with all candidates for election receiving advance notification of the dates of the orientation;
- A scheduled orientation process that begins to occur within 7 days of assuming office;
- d) A full review of governance policies and significant/key by-laws;
- e) A review of the City's Code of Ethics;
- f) An update from the Chief Administrative Officer as to key City projects and issues;
- g) A clear description of Council's "levers of power" that will help it understand how Council can and does influence City direction;
- h) A review of the Chief Administrative Officer by-law, contract and position description;
- i) A briefing on how the City currently develops its Council Strategic Plan;
- j) A briefing on Guelph's public participation model.

^{*} Staff is currently in the process of developing an updated orientation process.

7. Protocols

A. Policy Adopted November 16, 1992

THAT Town Hall meetings be held at call of the Mayor; topics to be identified and advertised in advance.

B. Policy Adopted December 20, 1993

THAT the City of Guelph adopt a policy authorizing the Mayor in consultation with the Chief Administrative Officer, to grant permission to organizations requesting to have their flag flown in front of City Hall during special time periods be approved if similar requests were approved in the previous year.

C. Policy Adopted June 19, 2000

THAT the Values and Behaviours Statements, outlined in the document "Expectations of Working Together", (attachment K) which were developed at the recent workshops between Council and Directors, be formally adopted;

AND THAT Council implement the Strategies for Dealing with Conflict, as amended as follows:

THAT Clause 3 of the document "Strategies for Dealing with Conflict" be amended to read as follows:

"Introduce a motion of reprimand as verbal punishment. If an individual member of Council or staff does not respect the Procedural By-law or demonstrate the following behaviours:

- 1. Working together to achieve common goals.
- 2. Being polite to each other and treating everyone fairly.
- 3. Listening carefully to all views expressed.
- 4. Keeping promises made to each other and to the group.
- 5. Encouraging creativity in our thinking and in our work.
- 6. Being consistent in what we say and how we act.
- 7. Supporting each other individually and as a group.
- 8. Recognizing publicly each other's accomplishments.
- 9. Demonstrating and supporting leadership.
- 10. Sharing information.
- 11. Encouraging ongoing learning, training and skills enhancement.
- 12. Moving forward and accepting the democratic decision-making process.

AND THAT staff be directed to implement the Guidelines for Managing City Projects.

D. Policy Adopted October 16, 2000

That the schedule in attachment L, Code of Ethics for Guelph City Council, be adopted.

E. Policy Adopted June 17, 2002

THAT the revised attachment M Guelph Police Services Board and City of Guelph Sharing of Information Protocol, Schedule 4, to commence January 1, 2002 be approved.

F. Policy Adopted October 4, 2004

THAT in response to a request for comment by the Province or Federal Government, only responses endorsed by Guelph City Council be forwarded as the City of Guelph's position/response.

G. Policy Adopted June 13, 2005 (reconfirming policy adopted on May 22, 2001 THAT the procedures outlined in the report of the City Clerk dated May 16, 2001 with respect to zero tolerance on personal attacks and motions of reprimand be re-confirmed (attachment N).

H. Policy Adopted September 18, 2006

WHEREAS in the interest of public accountability and transparency, there is a need to separate official municipal governmental activity from municipal election campaign activities; and

WHEREAS incumbent municipal candidates should not have any material advantage over other municipal candidates by virtue of their official position in the city and access to municipal staff and resources;

BE IT RESOLVED THAT:

- 1. No sitting member of Council may approach a member of staff for the purposes of soliciting the provision of corporate resources or services in the support of a municipal election campaign, excluding city information in the public domain.
- 2. No member of City staff shall use corporate resources or services in support of a municipal election campaign. Examples of staff prohibited resources or services include, but are not limited to:
 - Selling or distributing tickets for a fundraising event to benefit any municipal election candidate or municipal campaign committee on City time.
 - Soliciting contributions to support any municipal election candidate or municipal election campaign committee or ballot question in City time.
 - Using staff time to engage in municipal election campaign activity.
 - Using corporate property, such as fax machines, copy machines or vehicles for municipal election campaign purposes.
- 3. No sitting member of Council may use corporate resources for the purposes of a municipal election campaign. Examples of prohibited uses include, but are not limited to:

- \triangleright
- Using corporate fax machines to deliver municipal election campaign literature.
 Using corporate stationery or printing machines to print municipal election campaign literature.
 Using corporate personal computers and e-mail accounts. \triangleright
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8. Remuneration & Benefits

A. Policy Adopted December 15, 1975

THAT no action be taken to enrol members of Council in the Ontario Municipal Employees' Retirement System.

B. Policy Adopted July 17, 2006

1. Effective December 1, 2006 increase the base remuneration for Members of Council to the 50th percentile of the comparator group as follows:

•	Juliont	JO I GIOGITAIG	Onlange	
			Amount	Percentage
Mayor	69,126	72,353	3,227	4.67
Councillors	25,523	26,585	1,062	4.16

- 2. Maintain the current policy of conducting a formal market compensation review for Council every four years during the last year of Council's term of office with automatic annual increases tied to the salary scale adjustments made for the City's management staff in non-election years.
- 3. a) Maintain the automobile expense reimbursement for Mayor and Councillors at the current 45 cents/kilometer but monitor the situation in light of fluctuations in gasoline prices.
 - b) Permit Mayor and Councillors to have an annual transit pass.
- 4. Effective December 1, 2006, provide the Mayor and Members of Council who are eligible the following benefits paid by the City:
 - Life Insurance at 3 x salary
 - Health and Dental benefits:

with the proviso that staff report back on costing.

9. Technology

A. Policy # Adopted September 2, 2003
THAT the policy on Council use of e-mail be adopted attachment O.

Attachment D

To the Council Governance Policy Manual

Роцсу №.

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EFFECTIVE DATE APRIL 18/05

REVISION

Tab

Human Resources

Authority

CORPORATE

POLICY AND

PROCEDURE

Human Resources

Subject

Hiring and Employment of Relatives

Related Policies

Approved by

Revision Date

POLICY STATEMENT

City hiring is on the basis of merit. The City's employment practices, including but not limited to the hiring, supervision, and remuneration of staff shall be undertaken in an objective and impartial manner. The relatives of employees and elected officials of the City may be considered for employment subject to the restrictions set out in this policy.

Purpose/Scope

The purpose of this policy is to ensure that employment decisions concerning existing or potential City employees are free from any real or perceived improper influence based on family relationship and to maintain public confidence in the integrity of the City's hiring and employment practices.

In particular, this policy is intended to:

- Prevent a conflict of interest, or the appearance of such a conflict, that may arise through the hiring or employment of relatives; and
- Prevent the exercise of any improper influence based on family relationships, or the appearance of such influence, in the City's employment practices.

APPLICATION

This policy applies to all employees and elected officials, and all applicants for employment (including full time, part time, summer, co-op).

POLICY DESCRIPTION

The Hiring of Relatives

Relatives of existing City employees or elected officials may apply for and secure employment with the City provided that the following conditions are met:

- 1.1 They have made application for employment or promotion in accordance with the City's established recruitment and selection policies and procedures.
- 1.2 They possess the necessary qualifications.
- 1.3 They are considered to be the most qualified and the most suitable candidate.

CORPORATE POLICY AND PROCEDURE

POLICY No.

PAGE

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EFFECTIVE DATE APRIL 18/05

REVISION

The preference of the employees should be taken into account when considering the options. Possible solutions include:

- Offering one employee an alternate position in another section or division of the same department
- Placing one employee on a temporary assignment
- Transferring one employee to a comparable position in another department (i.e. lateral transfer)

If within six months the City is unable to accommodate the employee or the employee is unable to find alternative employment, the City shall terminate the employment of the employee with reasonable notice.

- 4. Hiring of Relatives for Summer or Part-time Employment
- 4.1 The City neither promotes nor prohibits the employment of children or other relatives of City employees or elected officials for summer or part time employment, but hires on the basis of merit.
- 4.2 If an applicant is applying to a department in which his/her relative is currently employed, he/she should identify this relationship to Human Resources prior to the time of hire to ensure that there would be no conflict in terms of supervisory responsibility.

DEFINITIONS

Relative: refers to spouse, common-law spouse, same-sex partner, child, step-child, daughter-in-law, son-in-law, parent, parent-in-law, step-parent, sibling, sister-in-law, brother-in-law, grandparent, grandson, grand-daughter, aunt, uncle, niece, nephew, cousins of an employee or elected official, and any person who lives with an employee or elected official on a permanent basis.

Applicant: refers to any person applying for or being considered for full time, part time, temporary, casual, student, or co-op employment. This includes both external applicants and current employees.

Elected Official: refers to any member of Guelph City Council. Spouse: is defined as the person to whom another person is married or with whom the person is living in a conjugal relationship outside marriage, including a same-sex partner.

Child: includes natural child, adopted child, step-child.

Parent: includes natural parent, adoptive parent, step-parent.

Management Staff: is defined as any employee with supervisory responsibilities.

Direct Supervision: includes having the authority to:

- 1. direct and control the work activities of another employee;
- 2. influence the type and nature of work assignments and/or working conditions of another employee;
- 3. complete, review or approve the performance reviews or wage/salary adjustment of another employee; or
- 4. issue disciplinary action in respect of another employee.

1+cm 3)

CITY OF GUELPH RELATIONS POLICY AND CODE OF ETHICS

"We will revere and obey the City's laws and do our best to incite a like respect and reverence in those about us".

The City of Guelph Council will govern the city in a manner associated with a commitment to the preservation of the values and integrity to representative local government and democracy and a dedication to the promotion of efficient and effective governing.

The following statements will serve as a guide and acknowledge the commitment being made in this service to the community:

- 1. The council has as high priorities, the continual improvement of the member's professional ability and the promotion of an atmosphere conducive to the fair exchange of ideas and policies among members.
- 2. In its governance role, the council will continue to be dedicated to friendly and courteous relationships with staff, other council members and the public and seek to improve the quality and image of public service.
- 3. Each council member will be dedicated to the faithful stewardship of the public trust.

CODE OF ETHICS

The office of elected official is one of trust and service to the citizens of the City of Guelph. This position creates a special responsibility for the Guelph city council member. Certain ethical principles shall govern the conduct of every council member who shall:

- 1. Be dedicated to the highest ideals of honour and integrity in all public and personal relationships in order that the member may merit the respect, trust and confidence of the citizens of Guelph;
- 2. Recognize that the chief function of municipal government at all times is to serve the best interests of all of the people;
- 3. Be dedicated to public service by being cooperative, creative and constructive;

- 4. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the council;
- 5. Do not seek or accept gifts or special favours; believe that personal gain is the use of confidential information or by misuse of public funds or time is dishonest;
- 6. Recognize that public and political party decisions, based on established values, are ultimately the responsibility of the city council;
- 7. Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Guelph. It is recognized that certain exceptions are made by the City confidential sessions, however, any actions as a result of that type of meeting, may be handled later in open session.
- 8. Treat all staff, members of the public and colleagues with courtesy, respect, objectivity and fairness.

September, 2000

Item 4).



Guelph

CORPORATE SERVICES

Report:

TO:

Governance & Economic Development Committee

DATE:

2007 06 14

SUBJECT: TRANSPARENCY AND ACCOUNTABILITY PROVISIONS IN REVISED

MUNICIPAL ACT

RECOMMENDATIONS:

1. THAT a special Accountability and Transparency Committee be established.

- 2. THAT representation of the Accountability and Transparency Committee be as follows:
 - a. 2 members of Council
 - b. 2 members of the public
 - c. 1 representative of the media
 - d. 1 representative of a local community group or organization
 - e. 1 representative of the business community
- 3. THAT the proposed terms of reference for the committee include:
 - a. A review of the Accountability and Transparency Part of the Municipal Act
 - A review of existing policies, the procedural by-law, code of ethics and other documentation that currently govern the conduct of Council;
 - c. Develop a Code of Conduct;
 - d. Develop an Accountability and Transparency policy;
 - e. Make recommendations to Council relating to the appointment of an Integrity Commissioner, an Ombudsman, an Auditor General, a Lobbyist Registrar and a Special Investigator; and
 - f. Such other duties as Council may assign.
- 4. That appropriate staff act as resource to the committee.

SUMMARY:

As a result of Bill 130, the Municipal Act has been amended to make discretionary provisions for municipal councils to deal with certain matters of accountability and transparency.

BACKGROUND:

The new provisions of the Municipal Act give authority to councils to:

- Establish a Code of Conduct to set the minimum standards for behaviour of members of Council in carrying out their municipal roles and functions.
- Appoint an Integrity Commissioner who reports to council and who is responsible for performing the functions assigned by the municipality regarding the code of conduct for members of council and for members of local boards.
- Appoint a Registrar responsible for a lobby registration which is a formal tracking
 of lobbyists and their meetings with public officials that would be made available
 for public inspection.
- Appoint an Ombudsman responsible for investigating in an independent manner any decision or recommendation made or act done omitted in the course of the administration of the municipality, its local boards and such municipally-controlled corporations as the municipality may specify
- Appoint an Auditor General responsible for assisting Council in "holding itself and
 its administrators accountable for the quality of stewardship over public funds and
 for achievement of value for money in municipal operations". This does not
 include the duties of the municipal auditor.
- Appoint an investigator to investigate complaints respecting compliance with open meeting requirements. If no investigator is appointed, the provincial Ombudsman will investigate. (NOTE: This provision of the Act does not come into effect until January 1, 2008.)

Effective January 1, 2008, it will be mandatory that each municipality have in place a policy dealing with the manner of ensuring accountability and transparency.

REPORT:

Various approaches are being used by municipalities to deal with these new accountability and transparency provisions. One approach that is being used, is to appoint a special committee to review these new provisions, and to develop policies and make recommendations that Council could adopt to ensure accountability and transparency in the City's operations. Such a committee could have representation from members of Council, members of the public, organizations, special interest groups, the media, etc.

If a special committee is established, it is hoped that it would complete its work prior to the end of 2007, so that Council can begin to put in place the actions that will ensure accountability and transparency of its operations for the public.

It is recommended that:

- 1. A special Accountability and Transparency Committee be established.
- 2. Representation of the Accountability and Transparency Committee be as follows:
 - a. 2 members of Council
 - b. 2 members of the public
 - c. 1 representative of the media
 - d. 1 representative of a local community group or organization
 - e. 1 representative of the business community
- 3. The proposed terms of reference for the committee include:
 - a. A review of the Accountability and Transparency Part of the Municipal Act
 - b. A review of existing policies, the procedural by-law, code of ethics and other documentation that currently govern the conduct of Council;
 - c. Develop a Code of Conduct;
 - d. Develop an Accountability and Transparency policy;
 - e. Make recommendations to Council relating to the appointment of an Integrity Commissioner, an Ombudsman, an Auditor General, a Lobbyist Registrar and a Special Investigator; and
 - f. Such other duties as Council may assign.
- 4. That appropriate staff act as resource to the committee.

CORPORATE STRATEGIC PLAN:

This report supports the strategic direction of having exemplary management practices.

FINANCIAL IMPLICATIONS:

There will be minor costs relating to advertising, holding of public meetings, etc.

DEPARTMENTAL CONSULTATION:

n/a

COMMUNICATIONS:

The meetings of the special committee will be advertised in both the local media and on the City's web site.

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Approved for Presentation: On behalf of the Transitional Executive Team Accountability and Transparency - White Paper 1

Code of Conduct/Integrity Commissioner

As one of the Accountability and Transparency tools in Bill 130, Section 223.2 – Code of Conduct allows a municipality to pass a bylaw establishing a Code of Conduct for members of council as well as local boards.

At this point, some Ontario municipalities have a 'code of conduct' for elected officials incorporated within their procedure by-law. This approach may be limited to codifying the demeanour of elected officials during a council meeting. However, some seek to take a more expansive approach, including provisions that seek to govern an elected official's behaviour in the context of their day-to-day work.

Currently, the City of Ottawa has a Code of Conduct for its employees. Conversely, the Municipal Conflict of Interest Act, the Provincial Offences Conflict of Interest Guidelines, the Election-Related Resources Policy, the Hiring Policy for elected officials, the Responsible Computing Policy, and Section 38 of the Procedure By-law govern various aspects of the conduct of elected officials in Ottawa.

Section 223.2 of the revised Municipal Act, 2001 also makes provisions for a municipality to have an independent Integrity Commissioner who reports to council and who is responsible for performing the functions assigned by the municipality regarding the code of conduct for members of council and for members of local boards. In addition, the Integrity Commissioner could be assigned the responsibility for the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.

The option of establishing an Integrity Commissioner was endorsed by previous City of Ottawa Councils on November 10th, 2004 and on July 13th, 2005.

Code of Conduct

A code of conduct is established to set the minimum standards for behaviour of Members of Council in carrying out their municipal roles and functions. A code of conduct is written to protect the public interest and encourage high ethical standards for Members of Council. They may include some or all of the following elements:

	General Integrity	Incompatible Activity
	Confidential Information	Use of Municipal Property
	Gifts	Conduct respecting Staff
	Conduct at Council/Cttee Meetings	Conduct of Former Members of
П	Election Campaign Work	Council

Elements of a Code of Conduct

The following are examples of the kinds of provisions that other municipalities use in their code of conduct provisions under the headings below.

General Intentity

These provisions typically specify that every Member of Council should endeavour to perform their official duties with integrity. They may define the improper use of influence and may include references regarding how Members of Council should serve their constituents (i.e. in a conscientious and diligent manner).

Application of the Code of Conduct

A code of conduct usually applies to all Members of Council and their staff, and may apply to members of local boards as indicated in Section 223.2 of the *Municipal Act*, 2001, as amended by Bill 130

Council may also determine that local boards should have their own Codes of Conduct as defined by Council or by the respective local board.

Confidential Information

Some examples of provisions relating to confidentiality include:

- ☐ It is the responsibility of Members of Council to ensure that confidential information is kept strictly confidential and not released without the approval of Council.
- Members of Council shall not directly or indirectly, release, make public or divulge an information related to in camera deliberations of Council unless expressly authority by Council.
- ☐ Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act*, or other legislation.

Gifts

These provisions typically address the negative perception of Members accepting gifts and benefits from external sources. Generally, they indicate that Members of Council should not accept gifts, fees or personal benefit s that are connected directly or indirectly with the performance of his or her duties. Gifts or personal benefits received as a result of protocol or social obligations that accompany the responsibility of office are usually exempt, but a Code of Conduct could require that these gifts be identified in a public registry and identify their disposition at the end of a term of Council.

Conduct at Council/Committee Meetings

These provisions usually address the decorum Members should observe at Council with each other, with public delegations and with staff.

<u> Election Campaign Work</u>

These provisions generally specify what an elected official can and cannot do with respect to participation in their own or other political campaigns.

Incompatible Activity

These provisions typically address the activities Members of Council should refrain from during their term of office. Some examples of provisions include:

- ☐ The use of any influence of office for any purpose other than official duties:
- Acting as an agent before Council or any committee, board or commission of Council;
- Soliciting, demanding or accepting the services of any corporation, employee, or individual providing services to the municipality at a time in which

said person or corporation is being paid by the municipality;

- Placing themselves in a position of obligation to any person or organization which might benefit from special consideration or that may seek preferential treatment;
- Giving preferential treatment to any person or organization in which a Member of Council has a financial interest; or
- Influencing any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member of Council has a financial interest.

Enforcing the Code of Conduct If City Council chooses to have a Code of Conduct, consideration must be given to: Establishing a protocol for dealing with inquiries regarding potential Code of Conduct violations; Establishing penalties for Code of Conduct violations; Determining whether there will be an appeals process for Code of Conduct violations: Establishing public reporting mechanisms for Code of Conduct violations; and Empowering an independent Integrity Commissioner, as identified in Bill 130, to address any or all of the above policy issues with respect to a Code of Conduct for elected officials and/or local boards.

ise of M	unicipal Property
These provis Examples in	ions usually define the restrictions for the use of municipal property during the term of office.
	Municipal property, including equipment, supplies or services, shall not be used other than for purposes connected with the discharge of Council duties.
	Members of Council should not obtain financial gain from the use or sale of City-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the City.
Constact	Respecting Staff
the City and	sions typically note that Members of Council should be respectful of the fact that staff work for make recommendations based on professional expertise and corporate perspective, without note from individual members or a group of Members of Council. Examples include:
	Members of Council should not maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff;
	Members should not compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
	Members should not use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties.
<u>Corduct</u>	of Former Elected Officials
•	sions generally govern any restrictions a municipality may wish to place on a former elected respect to the municipality. Examples include:
	Former members of Council may not be hired by the municipality, an elected official or by contractors working for the municipality for a specified period of time following their departure from office.
	Former members may not lobby the municipality on behalf of an individual, group or business for a specified period of time following their departure from office.
5	awa City Council need a stand-alone Code of Conduct or are the existing ability tools satisfactory?
If Counci	I chooses to have a Code of Conduct, which of the elements listed above does it

If a stand-alone Code of Conduct is not needed, are there any elements listed above that Council wishes to add to enhance existing policies and procedures?

Integrity Commissioner

Section 223.3 of the revised *Municipal Act*, 2001 enables the municipality to appoint an Integrity Commissioner to address the application of the Code of Conduct for elected officials and/or members of local boards. The Integrity Commissioner could be delegated any or all of the policy matters surrounding the enforcement of Codes of Conduct for elected officials and/or members of local boards.

Section 223.4 of the revised *Municipal Act, 2001* outlines the powers of inquiry an Integrity Commissioner could have if given that authority by the municipality. These include the authority to deal with requests to investigate suspected contraventions of the Code of Conduct and the right of free access to all records of a municipality, a Councillor or a local board that the Commissioner believes is necessary to investigate an inquiry. This section also specifies that the Integrity Commissioner may recommend the following penalties should the Integrity Commissioner determine a contravention has occurred:

A reprimand; or
Suspension of the remuneration to the local board or Council member for a period of up to
90 days.

Under the new delegation provisions, Council could delegate to the Integrity Commissioner the power to select and impose a penalty where a contravention of the Code of Conduct has been found. Furthermore, Council could authorize the Integrity Commissioner to prepare and implement both an education component and an advisory element to his or her office. In essence, the Commissioner would be charged with educating Members of Council and local boards as well as the general public with respect to the ethical expectations as set out in a Code of Conduct. Furthermore, the Commissioner could provide advisory opinions to any members who request an interpretation of a provision in the Code of Conduct prior to a complaint being lodged with respect to same.

Does Council wish to establish an Integrity Commissioner to address some or all of the enforcement issues for a separate Code of Conduct and/or for existing policies that have code of conduct provisions? If Council determines that an Integrity Commissioner is desirable: What sort of advisory role will the Integrity Commissioner have? What policies, rules, and procedures would an Integrity Commissioner be П responsible for monitoring? Would the Integrity Commissioner deal with Codes of Conduct for local boards? Would the Integrity Commissioner develop the complaint protocol Will the Integrity Commissioner report to Council on contraventions for the assignment of penalties or will the authority to assess penalties be delegated to the Commissioner, with a reporting protocol established? Will an appeal mechanism be required/established should the authority to assess penalties be delegated?

Budgetary requirements for the office would be based on the model chosen. Currently, the City of Toronto budgets \$200,000 for the Office of the Integrity Commissioner.

Qualifications of an Integrity Commissioner

The City of Toronto identified the following as qualifications for the Integrity Commissioner:

- (a) membership in the Law Society of Upper Canada
- (b) municipal or other administrative law experience
- (c) municipal law adjudication experience
- (d) proven impartiality and neutrality such as that of a judge
- (e) able to provide services on a part-time, flexible, and as-needed basis, without competing employment demands
- (f) having no other dealings or employment with the City
- (g) having no involvement in political campaigning/endorsements, or related conflict-ofinterest
- (h) having no financial interest in the work undertaken by the City
- (i) initial appointment term not to succeed one year
- (j) term/renewal/extension not to exceed a total of five years.

Staff Resources

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Accountability and Transparency - White Paper 2

Lobbyist Registry

As another discretionary accountability and transparency tool provided in Bill 130, Section 223.9 – Registry authorizes a municipality to establish a registry of persons who lobby public office holders.

Recently, the City of Toronto began the process of establishing the first online registry for municipal lobbying.

The City's Lobbyist Control Framework is comprised of a Lobbyist Registrar, a Lobbyist Registry and a Code of
Conduct for Lobbyists. The City has appointed its first-ever Lobbyist Registrar who will be responsible for
implementing the lobbyist registry as well as developing and enforcing
the lobbyist code of conduct.

While the City of Toronto is required to establish a lobbyist registry and appoint a Lobbyist Registrar under the City of Toronto Act, 2006, other Ontario municipalities have the discretionary authority to implement these tools under the revised Municipal Act, 2001.

The option of establishing a Lobbyist Registry was endorsed by previous City of Ottawa Councils on November 10th, 2004 and July 13th, 2005.

Lobbyist Realstry

A lobbyist registry is a formal tracking of lobbyists and their meetings with public officials that would be made available for public inspection. Generally, lobbyist registries are administered through an online registration process (i.e. similar to the federal and provincial lobbyist registries). Under Section 223.9 of the revised *Municipal Act*, 2001, City Council is authorized to establish a registry as well as the following:

Define "lobby";	Prohibit former public office holders from
Require persons to file returns and provide	lobbying current public office holders for a
information;	period defined in the bylaw;
Specify the returns and information required	Impose conditions for registration, continued
as well as the deadlines for submitting	or renewal of registration;
same;	Refuse to register a person and suspend or
Exempt persons from the requirement to file	revoke a registration; and
a return or provide information;	Prohibit persons who lobby public office
Specify activities to which a requirement to	holders from receiving payment that is
file a return does not apply;	contingent, in whole or in part, on the
Establish a code of conduct for those who	outcome of lobbying activities.
lobby public office holders:	

What is defined as lobbying?

Generally, lobbying involves communicating with a public office holder in respect of a defined subject matter with the intent to influence. Council should consider what types of communication are considered lobbying: oral (formal meeting, telephone conversations, etc.) and/or written (letter, email, etc.).

Who is defined as a lobbyist?

At both the federal and provincial level, as well as within the City of Toronto's Lobbyist Registry By-law, there are three general categories of lobbyists:

- 1. Consultant lobbyists paid to lobby on behalf of a client;
- 2. In-house lobbyists employed by persons (including corporations) and partnerships that carry on commercial activities for financial gain; and
- 3. In-house lobbyists employed by non-commercial organizations such as advocacy groups, and industry, professional and charitable organizations.

Previously, the City of Toronto maintained a voluntary lobbyist registry. Participating councillors kept a simple registry in their office and required that all lobbyist signed in.

At the end of each month, councillors would send a copy of their register to the City Clerk's Office where it was made available for public review.

This process continues in the interim, pending the establishment of the formal lobbyist registry.

Under a formal registry, lobbyists would be required to register prior to lobbying and would be required to comply with a code of conduct when communicating with public officials.

Are there exemptions from the definition of a lobbyist?

Some individuals may be exempt from registering including public officials at the municipal, provincial and federal level; staff of the federal, a provincial or other municipal government; union representatives; and staff of not-for-profit or volunteer groups.

What information must be disclosed?

The City of Toronto's Lobbyist registration process requires the following information from lobbyists, which is similar to the information required under the federal Lobbyist Registration System:

	Information to identify lobbyist, employer, client, partners, subsidiaries, etc.;
	Contact information;
	Information to identify both the general subject matter and the specific decision or issue;
	Name of City division or local board that the lobbyist has lobbied or expects to lobby;
	Name of the Member of Council whom the lobbyist has lobbied or expects to lobby;
Q	Details of any government funding received by the employer, client, partners, subsidiaries, etc.;
	Details of senior public office positions previously held with the City of a local board;
	Declaration confirming that the provisions of the Lobbyists' Code of Conduct have been read and will be complied with;
	Declaration confirming that no communication with respect to the undertaking to lobby has taken place prior to registration;
	Declaration confirming that contingency fees, or any other type of bonus or commission tied to a successful outcome, have not been requested and will not be received;
	Declaration confirming whether the undertaking is continuing or has ceased or been completed; and
	Other matters required for administrative purposes.

Lobbyist Registrar

Section 223.11 of the revised *Municipal Act*, 2001 authorizes the municipality to appoint a Registrar who would be responsible for performing duties related to a lobbyist registry. These duties may include conducting inquiries with respect to a request made by Council, a Member of Council, or a member of the public regarding compliance with the system of registration or a lobbyist code of conduct if established under Section 223.9.

The City of Toronto's Lobbyist Registrar will be responsible for:						
	Administering the lobbyist registry and code of conduct;					
	Verifying information from registrants;					
	Educating stakeholders and the public;					
	Providing advice and interpretations;					
	Conducting investigations;					
	Making an annual report to Council; and					
	Reporting periodically to Council on such matters as exercising the power to refuse, suspend or revoke registrations and cases dealt with by the Provincial Offences Courts.					
C	ouncil wish to establish a Lobbyist Registry and appoint a Lobbyist Registrar? cil wishes to pursue a Lobbyist Registry: How will lobbying and lobbyist be defined? Who is exempt from the definition of a lobbyist? What information must be disclosed? Will former public office holders be prohibited from lobbying for a specified period of time?					

Budgetary requirements for the office would be based on the model chosen. Presently, the City of Toronto has budgeted \$241,000 for part year funding of two positions for the Lobbyist Registrar and an administrative assistant. The Lobbyist Registrar will report to Council on further staffing requirements and office expenses in the near future.

Hem7)

Accountability and Transparency - White Paper 3

Ombudsman

An additional discretionary accountability and transparency tool provided in Bill 130, **Section 223.13** – **Ombudsman** authorizes a municipality to appoint an Ombudsman.

The City of Montréal established the position of Ombudsman in 2002 following the creation of the new City. The position was officially filled in 2003 and at that time, the City of Montréal was the only Canadian city to offer such a service. The Ombudsman intervenes when necessary to ensure the rights of citizens are respected and that their causes are treated fairly and with respect. Montréal's Ombudsman has broad powers of investigation but may not investigate "any decision, recommendation, act or omission:

of the city council or one of its committees or commissions, of the executive committee or one of
its committees, or of a borough council or one of its committees or commissions;
of any person as part of work relations with the person or group whose interests are affected by
the intervention;
of an elected official or any member of the cabinet of elected officials;
of a peace officer of the Service de police de Montréal;
of the Société de transport de Montréal or one of its employees."

In December 2006, the National Assembly of Quebec enacted Bill 55, An Act to again amend various legislative provisions respecting municipal affairs, which includes a provision authorizing municipalities to "appoint a person to act as Municipal Ombudsman or create a body to act in that capacity". Similar to the provisions in Bill 130, the Municipal Ombudsman has extensive privilege with respect to obtaining information he or she considers necessary and has immunity from providing testimony in certain court proceedings.

The Municipal Ombudsman is to be established by a resolution adopted by a two-thirds majority vote of Council. The resolution must determine the term, rights, powers, and obligations of the person or body. Further, the Municipal Ombudsman or the body acting in that capacity can only be dismissed or abolished by a two-thirds majority vote of Council.

Omhuleman

Under the revised *Municipal Act*, 2001, an Ombudsman is responsible for investigating "in an independent manner any decision or recommendation made or act done omitted in the course of the administration of the municipality, its local boards and such municipally-controlled corporations as the municipality may specify".

The Ombudsman is given broad investigative powers including the ability to access any documentation necessary. Upon completion of an investigation, the Ombudsman would prepare a public report containing such recommendations as he or she sees fit. There is no review by the courts of the proceedings and decisions of the Ombudsman, except on the grounds of jurisdiction.

The Ombudsman may not investigate any decision, recommendation, act, or omission where a right of appeal or objection has not yet been exercised, or of any person acting as legal advisor to the municipality, its local boards or a municipally-controlled corporation.

The City of Toronto must appoint an Ombudsman pursuant to the *City of Toronto Act*, *2006* and is presently in the process of establishing the office of the Ombudsman.

Does Council wish to appoint an Ombudsman?

Will the Ombudsman have a set Term of Office? If so, what shall be the length of the term?

In addition to the statutory powers enjoyed by the other integrity officers in Bill 130 (i.e. confidentiality of information prevails over the *Municipal Freedom of Information and Protection of Privacy Act* and powers to examine persons under oath), a municipal Ombudsman has the following powers of the Provincial Ombudsman under Section 19 of the *Ombudsman Act*:

- The power to summon any complaint; any officer or employee of the municipality or local board; and
- "any other person who, in the Ombudsman's opinion, is able to give any information" relating to the matter under investigation.

Hem 8)

Accountability and Transparency - White Paper 4

Auditor General

As part of the discretionary accountability and transparency tools provided in Bill 130, **Section 223.19 – Auditor General** authorizes a municipality to appoint an Auditor General and grants powers and imposes duties on the Auditor General.

In September 2003, City Council approved the position of an Auditor General and later approved the position's mandate in December 2004. The Auditor General's mandate can be summarized as follows:

Independent of the City's administration and reports to Council via an appropriate standing committee			
Responsible for carrying out performance, compliance and financial audits (except the annual attest audit) on the accounts and affairs of the City;			
Responsible for the investigation of any suspected acts of fraud, misappropriation or other similar irregularity in accordance with the Corporate Policy on Fraud and Other Similar Irregularities as approved by City Council;			
Based on an annual work plan, undertake audits of the City and affiliated bodies (as defined in the Statute);	То мень може и принятивлення може може може може може може по може по може може може може може може може мож		
May, if requested by Council, audit and report on other matters, however, these audits shall not take precedence over the primary responsibilities of the Auditor General and Council requests must provide appropriate funding;	On July 13, 2005, a previous City of Ottawa Council endorsed a suggested amendment to the Municipal Act, 2001 whereby the working papers of a municipal Auditor General would be shielded from requests under the Municipal		
Shall have access to any personnel and document related to an audit;			
May not be prosecuted by reason of an act done or failed to do in good faith in the performance of an audit;	Freedom of Information and Protection of Privacy Act.		
Shall report to Council, at a minimum, on an annual basis no later than June 30th, of the following year; and	ROLLMOTH UILLETT YOURH LOOM-AND ROOM OF AN ALL MOTO ONLY AS A STOOM OF A MILL FOR THE WORK OF THE WORK OF THE PROPERTY OF A STOOM OF THE PROPERTY OF THE PROPE		

May at his/her discretion, report on a more frequent basis to Council.

The City of Toronto appointed an Auditor General in 2002 and is required to appoint a statutory officer to the position under the City of Toronto Act, 2006. In February, Toronto City Council approved the appointment of the current Auditor General for the purposes of the City of Toronto Act, 2006 and authorized the enhancement of the Auditor General's mandate to include undertaking reviews of operations of City agencies at the request of their boards.

Auditor General

Under the revised *Municipal Act*, 2001 the Auditor General is responsible for assisting Council in "holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money in municipal operations". The statutory duties of the Auditor General shall not include those of the municipal auditor as set out in Subsection 296(1) including annual audits of the accounts and transactions of the municipality and its local boards.

The revised *Municipal Act, 2001* also enhances the independence of a statutory Auditor General by providing new powers of inquiry, excluding his records from certain provisions of the *Municipal Freedom* of *Information and Protection of Personal Privacy Act*, ("*MFIPPA*") and providing immunity from compellability in certain court proceedings.

The Auditor General may also carry out his responsibilities in respect to local boards, as well as municipally-controlled corporations and grant recipients according to Council's discretion. Local boards are defined in Section 223.1 and exclude various specific local boards such as the Police Services Board, the Library Board and the Board of Health. However, the Minister may make a regulation prescribing local boards for the purposes of this definition.

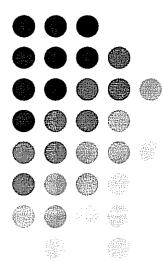
Does City Council want to enhance the current authority of its Auditor General with the statutory powers available in Bill 130?

Authorizing the Auditor General pursuant to Section 223.19 of the revised *Municipal Act*, 2001 will not have a budgetary impact on the Officer of the Auditor General.

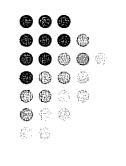
Exploring the World of Accountability and Transparency

AMCTO Zone 4 Meeting May 11, 2007

Peter-John Sidebottom, Manager Local Government Policy Branch Ministry of Municipal Affairs and Housing

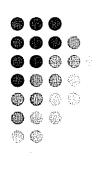






- New and/or clarified obligations and authorities regarding accountability and transparency.
- Municipal Act, 2001 amended by Municipal Statute Law Amendment Act, 2006 (Bill 130)
- Majority of transparency and accountability provisions came into effect on January 1, 2007.
- Remaining transparency and accountability provisions proclamation pending.





Policies

- Provide time for municipalities to review existing policies and update, if necessary.
- Existing policies (notice, hiring, procurement, sale of land) continue.

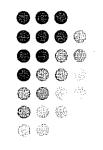
Meeting Investigator

- Provide time for municipalities to determine if they wish to appoint their own meeting investigator.
- Time to determine policies, procedures, qualifications etc. of this position.



Accountability Components

- Two components to transparency and accountability in revised Municipal Act, 2001
 - Integrity provisions, including integrity officers
 - Openness, including new requirements for meetings, policies



New Obligations and Authority

- New obligations and opportunities regarding:
 - Policies (notice, transparency and accountability)
 - Meetings and meeting compliance
 - Delegation/Delegation Appeal Body
 - Integrity Officers
 - Code of conduct

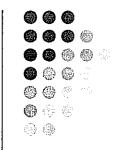




- Is your council talking about this?
- Are your residents talking about changes?
- Do you know if you have policies on these matters? And are they current?

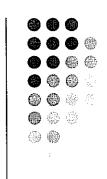
Do you have a plan to get ready?





- Municipalities would be required to adopt policies in the following areas:
 - Sale and other disposition of land
 - Hiring of employees
 - Procurement of goods and services
 - Notice when, under what circumstances and how notice to the public is to be given
 - Accountability and transparency
 - Delegation of powers and duties
- First four policies are current requirements (with modifications), last two policies are new.





- Check your notice by-law and your procedure by-law.
- Public notice is required for <u>all</u> meetings; method and content of notice to be determined by council.
- A record of <u>all</u> meetings (open and closed) is mandatory.

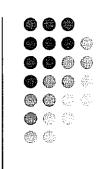
Meetings: Education and Training



Does your procedure by-law need to be revised to reflect that:

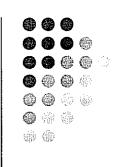
- Meeting <u>may</u> be closed to the public if the following conditions are satisfied:
 - It is held for the purpose of educating or training the members, AND
 - No member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Meetings: Education and Training



- Is your council aware that closed education and training meetings have prescribed procedural rules:
 - Public notice required
 - Record of meeting required
 - Record is not subject to MFIPPA rules related to records of closed meetings (this means they are public!)

Meetings: Compliance



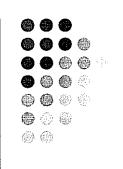
- Every municipality will have a non-court process whereby the public can request an investigation to determine compliance with meeting rules, specifically whether rules in procedure by-law and section 239 of the Act respecting meetings have been followed.
- Have you considered whether you will:
 - Appoint an investigator of your own; or
 - Appoint an investigator with one or more other municipalities; or
 - Permit Ontario's Ombudsman to investigate.
- Have you considered the procedures that must be established to make the compliance function operational?

Meetings: Compliance

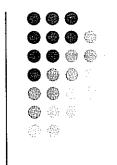


- Principles to be considered in appointing an investigator:
 - Investigator's independence and impartiality
 - Confidentiality with respect to the investigator's activities
 - Credibility of the investigator's investigative process
- If you appoint someone, who will you appoint?

Meetings: Compliance



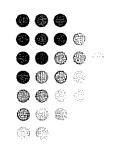
- Toronto has indicated it will be appointing an investigator (may be a function of the City's ombudsman, once appointed).
- Belleville, Quinte West, Prince Edward County and Hastings County have agreed to jointly appoint an investigator.
- Wellington County Warden's Advisory Committee has recommended an investigator for the County – possible joint appointment with local municipalities.
- Others studying possible joint appointments.
- AMO conducting survey to determine feasibility of offering this service to members through LAS.



Delegation

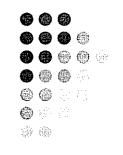
- Continued authority to delegate administrative matters.
- New, limited authority to delegate legislative and quasijudicial powers.
- Legislative and quasi-judicial powers can only be delegated to:
 - One or more members of municipal council
 - A body that has at least 2 members, of which 50% are council members, council appointees, or combination
 - An officer, employee or agent of the municipality
- Do you have a current delegation by-law?

Powers that cannot be delegated



- Appointing/removing statutory officers
- Issues regarding taxes
- Incorporating corporations
- Adopting or amending official plans
- Zoning by-laws
- Issues related to small business counselling & municipal capital facilities
- Community improvement plans
- Approving municipal budgets
- Other powers as prescribed

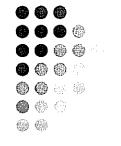
Delegation: Appeal Body



 Authority to establish appeal body to hear appeals or review decisions made under delegated power

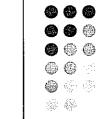
Consider:

 Procedures, powers & rules of those conducting the appeal



Integrity Components

- Municipalities are empowered to pass bylaws to establish:
 - Code of Conduct for council and local boards
 - Integrity Commissioner
 - Ombudsman
 - Auditor General
 - Lobbyist Registry/Lobbyist Registrar



Integrity Officers

Municipalities have explicit authority to appoint:

- Integrity Commissioner: Application of code of conduct and other procedures, rules and policies governing ethical behaviour for members of council and local boards.
- Ombudsman: Investigate administrative decisions / recommendations / actions
- Auditor General: Stewardship of public funds; value for money
- Lobbyist Registry: Municipality can determine registration system and requirements

Difference between Integrity Commissioner and Ombudsman



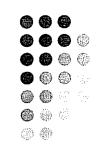
 Integrity Commissioner investigates the conduct of members of council and local boards

Ombudsman investigates conduct of the corporation/administration.



Considerations:

- Independence
- Impartiality
- Credible investigation process
- Confidentiality

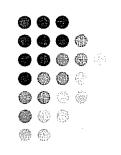


Powers of Integrity Officers

Integrity officers, if appointed, have wide-ranging investigatory powers, including:

- Right to be provided with information and to have access to documents necessary for investigations/inquiries.
- Powers to examine persons under oath.
- Confidentiality of information prevails over the Municipal Freedom of Information and Protection of Privacy Act.
- Integrity Commissioner, Lobbyist Registrar and Auditor General may exercise some powers of a commission under the *Public Inquiries Act*.

Integrity Officers: Process & Procedures



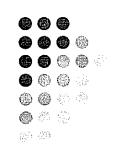
What you should think about:

- Appoint or not appoint?
- Own or share with other municipalities?
- One officer fulfil more than one function?
- Meeting investigator or Provincial Ombudsman?

If appointing:

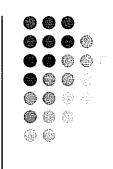
- Procedures (who will decide)?
- Appointee determines process or process determined by council?
- Who to appoint/term of office?
- Fees or charges for these services?

Integrity Officers: Appointments

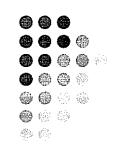


- Toronto has an Integrity Commissioner, Lobbyist Registrar and Auditor General. Will be appointing an Ombudsman.
- Vaughan, Hamilton and others are exploring appointment of Integrity Commissioners.
- Wellington County Warden's Advisory Committee recommended Integrity Commissioner and Ombudsman for County – possible joint appointment with local municipalities. One person may fulfill both functions, in addition to meeting investigator function.



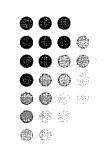


- Things to consider to including in a code of conduct:
 - Pecuniary interests (acknowledge Municipal Conflict of Interest Act)
 - Perceived interests
 - Gifts and benefits
 - Concurrent employment
 - Post-service employment
 - Use of municipal equipment
 - Confidential information
 - Hiring and employment, incl. nepotism
 - Council decorum
 - Council access to municipal offices?
 - Whistleblowing
 - Compliance and enforcement



Are you Ready?...

- Review and update current policies and procedure by-law
- Consider appointment of integrity officers
 - Who, How, What...
- Local Meeting Investigator or Provincial Ombudsman
- Prepare for new policies



Possible Resources

- AMCTO "Samples and Examples": www.amcto.com
- Ontario Integrity Commissioner: <u>www.oico.on.ca</u>
- Toronto Integrity Commissioner: http://www.toronto.ca/integrity/
- Montreal Ombudsman: <u>http://ville.montreal.qc.ca/portal/page? pageid=321,</u> 644770& dad=portal& schema=PORTAL

Consolidated Procedural By-law





By-law Number (1996)-15200

A By-law to provide rules for governing the order and procedures of the Council of the City of Guelph, to adopt Municipal Code Amendment #179, and to repeal (1992)-14220, as amended. [amended by By-laws (1998)-15690, (2000)-16326, (2003)-17071, (2005)-17807, (2006)-17923, (2006)-18060, (2007)-18222, (2007)-18249 and (2007)-18274, (2007)-18372]

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

AND WHEREAS section 55 of The Municipal Act, R.S.O. 1990 c.M.45, as amended requires Council and every local board to adopt a procedure by-law for governing the calling, place and proceedings of meetings;

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

GENERAL

- 1. (1) The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of the Council and wherever possible with the necessary modifications, for all committees of Council, unless otherwise prescribed.
 - (2) Any reference to a member of Council shall include the Mayor.

MEETINGS

INAUGURAL

- 2. (1) The Inaugural meeting of the Council following a regular election shall be held on the first Monday in December at 7:00 p.m. in the Council Chambers of City Hall or at such alternate location as may be named by City Council. If this day is a public holiday, the Council shall meet at the same hour on the next day, not being a public holiday.
 - (2) At the inaugural meeting, all members present shall make their declaration of office, and no regular business shall be proceeded with at this meeting.

REGULAR MEETINGS

3. (1) Council shall meet on the third Monday of each month of the year at 7:00 p.m. in the Council Chambers of City Hall unless by way of resolution the Council selects an alternate meeting date, time or another location. In the event the regular meeting date falls on a public holiday, the Council shall meet at the same hour on the next day not being a public holiday. Where required, meetings that are closed to the public pursuant

to Section 239 of the Municipal Act, may be scheduled no earlier than 5:00 p.m. on the day of a regular scheduled Council meeting. [Amended 2005-08-22 by By-law (2005)-17807] [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-03-05 by By-law (2007)-18249]

- (2) Unless there is a quorum consisting of seven members of Council present within fifteen minutes after the time appointed for the meeting of the Council, the Council shall stand adjourned until the next meeting date, and the City Clerk shall take down the names of the members present at the expiration of such fifteen minutes.
- (3) As soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the Chair and call the members to order. In the absence of the Mayor or Acting Mayor, the City Clerk shall call the members to order. A Chair shall be chosen from the members present and that person shall preside during the meeting or until the arrival of the Mayor or Acting Mayor.

SPECIAL COUNCIL MEETINGS

- 4. (1) The Mayor may at any time summon a special meeting of Council and it shall be the duty of the Mayor to summon a special meeting when so requested in writing by a majority of members of Council.
 - (2) Upon receipt of a petition of the majority of the members of the Council, the City Clerk shall summon a special meeting for the purpose and at the time and place mentioned in the petition.
 - (3) The City Clerk shall give notice of the time, place and the purpose thereof of every special meeting to all members not less than 48 hours prior to the time fixed for the meeting.
 - (4) The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting, except with the unanimous consent of all members present at such meeting.
 - (5) On urgent or extraordinary occasions, an emergency special council meeting may be called by the Mayor, and the notice provided in sub-section (3) above shall not be required.

AGENDA

5. The City Clerk shall have prepared and printed for the use of members at the regular meetings of Council, an agenda with the following headings:

Singing of O Canada

Silent Prayer

Declaration of possible Pecuniary Interest

Confirmation of previous Council Minutes

Presentations

Public Meetings pursuant to legislation including The Planning Act

Delegations

Matters arising out of Delegations heard

Reports of Committees of Council and other Boards, Committees and Commissions
Consent Agenda
Special Resolutions
By-laws
Questions and Announcements
Notice of Motions
Adjournment

MINUTES

- 6. (1) The minutes of the previous meeting not yet adopted shall be presented by the City Clerk for adoption. It shall not be necessary to have the minutes read where copies thereof have been provided to members of Council with the agenda.
 - (2) When the minutes have been adopted, they shall be signed by the Mayor and City Clerk.

PRESENTATIONS

7. Council shall hear any presentation, for information purposes only, and presentations shall be limited to a maximum of ten minutes.

PUBLIC MEETINGS PURSUANT TO LEGISLATION

8. Where required, statutory public meetings under the Planning Act shall be held on the first Monday of the month starting at 7:00 p.m. Reports on planning matters shall be made available to the public one week in advance of the meeting. Notwithstanding subsection 9(2) of this by-law, the time limitation for delegations at a public meeting for the purpose of informing the public of matters under the Planning Act, shall not exceed ten minutes. The ten minute time period may be extended by the Council by a majority vote of the Council members present. Such question shall be decided by Council without debate. Questions by Council of staff may be asked after the staff presentation and prior to delegations. [Amended 2003-03-03 by By-law (2003)-17071] [Amended 2005-08-22 by By-law (2005)-17807]] [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-03-05 by By-law (2007)-18249]

DELEGATIONS

- 9. (1) No person, except members of Council and appointed officials of the City of Guelph, shall be allowed to come within the horseshoe during the sittings of the Council without the permission of Council.
 - (2) Upon approval of the Council, a person wishing to appear as a delegation may address the Council for a period of time not exceeding five minutes. The five minute time period may be extended by the Council by a majority vote of the Council members present. Such question shall be decided by the Council without debate.
 - (3) Delegations wishing to address Council shall notify the City Clerk no later than the Wednesday immediately preceding the regular Council meeting in order that they may be listed on the agenda along with the subject matter of their address. The delegation where possible, should provide a written copy of the submission before 4:00 p.m. on the Wednesday prior to the regular Council meeting. Delegations notifying the City Clerk

after 4:00 p.m. on the Wednesday prior to the regular Council meeting who wish to address matters on the agenda have until 12:00 noon on the day of the Council meeting to have their name and written outline notated on the addendum. [Amended 2005-08-22 by By-law (2005)-17807]

- (4) (a) Delegations wishing to address Council on a matter not on the agenda, or on a matter clearly beyond Council's jurisdiction shall be directed by the City Clerk to the appropriate standing committee of Council to make representation. The delegation shall provide a written outline identifying the subject matter and the general nature of the request to the City Clerk for inclusion with the applicable agenda package.
 - (b) In the event that the matter is of an urgent nature and requires a decision prior to the next Council meeting, sub-section 9(4)(a) shall not apply and the delegation shall be heard at the conclusion of all items of business on the agenda.
- (5) In the case of special Council meetings the above rules will apply with the necessary modifications.
- (6) Delegations shall not be permitted to appear before Council for the sole purpose of generating publicity for an event.
- (7) Delegations that have previously appeared before Council on a subject matter shall provide new information only in any subsequent presentations relating to that matter.
- (8) A person who is unable to attend a Council meeting may arrange for another person to appear as a delegation on such person's behalf and to read aloud a prepared statement pertaining to an item listed on the Council agenda.
- (9) Except on matters of order, members of Council shall not interrupt a delegation while he or she is addressing Council.
- (10) Members of Council may only ask questions of delegations and shall not express an opinion or enter into debate with the delegations.
- (11) An organized body wishing to address Council as a delegation shall be limited to a maximum of five minutes regardless of the number of representatives of that group wishing to address Council.
- (12) All delegations on an issue shall be heard before questions are asked of staff or discussion among Council.
- (13) Where delegations have appeared on an item on the Council agenda, the item shall be brought forward for consideration immediately after all delegations have been heard. [Amended 2005-08-22 by By-law (2005)-17807]

MATTERS BEFORE COURT, TRIBUNAL, ETC.

10. Council shall not permit any person to address Council during a closed meeting on litigation or potential litigation, including matters which are before and under the jurisdiction of any court or administrative tribunals affecting the municipality or local

board unless such matter is referred to Council by the said administrative tribunal or court or, in the alternative, Council deems this matter to be sufficiently important to allow the delegation to be heard.

REPORTS FROM COMMITTEES, BOARD AND COMMISSIONS

- 11. (1) Reports of Committees of Council and other Board, Committees and Commissions shall be submitted in the following order:
 - (a) Standing Committees
 - (b) Special Committees appointed from time to time by Council; and
 - (c) Boards and Commissions
 - (2) All reports from Committees of Council shall be presented by the Chair of the Committee or, in their absence, by a member of the Committee, who shall move the adoption of the Report, or that the Report be received.
 - (3) Reports from Boards and Commissions submitted in writing shall be signed by the Chair or Secretary. When the reports are such that action of Council is required, appropriate resolutions shall be presented for consideration.

CONSENT AGENDA

- 12. (1) The Consent Agenda shall consist of the following items:
 - (a) Reports from Administrative Staff which are recommended by the City Administrator and may be submitted;
 - i) on the initiative of the City Administrator or, through the City Administrator, a Department Head, or
 - ii) as a result of correspondence received by any official of the City.
 - (b) Correspondence for the direction of Council shall include:
 - i) correspondence for which a policy decision or approval of Council is required, and
 - ii) correspondence accompanied by a recommendation from the City Clerk
 - iii) correspondence where a member of Council has requested that the item be placed on the consent agenda
 - (c) Correspondence for the information of Council.

POINT OF ORDER OR PRIVILEGE

- 13. (1)A member may raise a point of order at any time, whereupon the Mayor shall:
 - a) interrupt a matter of consideration on the agenda; and
 - b) ask the member who has been speaking to be seated; and
 - c) ask the member raising the point of order to state the substance of and the basis for the point of order; and the applicable rule involved; and
 - d) ask the member raising the point of order to be seated; and

e) rule on the point of order immediately without debate by Council.

If there is no appeal, the decision of the Mayor is final. The Council, if appealed to, shall decide the question without debate and its decision is final.

- (2)A member may raise a point of privilege at any time if they consider that their integrity or the integrity of Council as a whole has been impugned, whereupon the Mayor shall:
 - a) interrupt a matter of consideration on the agenda; and
 - b) ask the member who has been speaking to be seated; and
 - c) ask the member raising the point of privilege to state the substance of and the basis for the point of privilege; and
 - d) ask the member raising the point of privilege to be seated; and
 - e) rule on the point of privilege immediately without debate by Council.

If there is no appeal, the decision of the Mayor is final. The Council, if appealed to, shall decide the question without debate and its decision is final.

Where the Mayor considers that the integrity of any City employee has been impugned or questioned, the Mayor may permit the City Administrator, department head or other city employee to make a statement to Council. [Amended 2005-08-22 by By-law (2005)-17807]

CONDUCT OF MEMBERS IN COUNCIL

- 14. (1) The Mayor shall preserve order and decide questions of order and privilege.
 - (2) Every member desiring to speak, shall raise his or her hand so as to be recognized by the Mayor.
 - (3) Every member, on being recognized shall remain seated in their place, and address themselves to the Mayor. [Amended 2007-08-13 by By-law Number (2008)-18372]
 - (4) A member called to order by the Mayor shall immediately sit down, but then may rise to explain and appeal to the Council. The Council, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Mayor shall be final.
 - (5) No member shall:
 - (a) without leave of the Council: [amended 1998-03-02 by By-law (1998)-15690] [Amended 2005-08-22 by By-law (2005)-17807]
 - i) speak to an issue for more than 5 minutes (cumulative);
 - (b) use offensive words or speak disrespectfully of Council or any person;
 - (c) speak on any subject other than the subject under debate;
 - (d) speak in contempt of any decision of the Council except when speaking in support of a motion for reconsideration;

- (e) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared;
- disobey the rules or decisions of Council or a decision of the Mayor on questions of order or practice or upon the interpretation of the rules of the Council, and in case a member persists in any such disobedience after having been called to order by the Mayor, such member may be ordered by Council to leave his or her seat for that meeting and, in case of their refusing to do so, they may, on the order of the head of Council, be removed therefrom by the police. In case of adequate apology being made by the member they may, by vote of the Council, be permitted to take their seat.
- (6) Section 14(5)(a) shall not apply to any Chair of a Standing Committee, or his or her designate, when presenting the Committee's report to Council. [amended 1998-03-02 by By-law (1998)-15690]

MOTIONS AND ORDER OF PUTTING QUESTIONS IN COUNCIL

- 15. (1) All motions shall be seconded before being debated. When a motion is seconded, it may upon request, be read or stated by the Mayor or City Clerk at any time during the debate.
 - (2) Whenever the Mayor is of the opinion that a motion is contrary to the rules and privileges of the Council, the Mayor shall apprise the members thereof immediately and shall cite the rule or authority applicable to the case without argument or comment.
 - (3) A motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order.
 - (4) After a motion is moved and seconded, it shall be deemed to be possession of the Council but may, with the consent of the Council, be withdrawn at any time before decision or amendment.
 - (5) When a motion is under consideration no other motion shall be received unless:
 - (a) to refer the motion to a standing committee, committee of council, administrative staff or any person or body and such motion:
 - (i) is open to debate;
 - (ii) is amendable; and
 - (iii) shall preclude amendment or debate of the preceding motion unless resolved in the negative.
 - (b) to amend the motion and such motion to amend:
 - (i) is open to debate;
 - (ii) shall not propose a direct negative to the main motion;
 - (iii) shall be relevant to the main motion;
 - (iv) is subject to only one amendment at one time, and any amendment more than one must be to the main question; and
 - (v) shall be put in the reverse order to that in which they are moved, and shall be decided or withdrawn before the main question is put to the vote.

- (c) to defer the motion to another time and such motion to defer:
 - (i) is not open to debate;
 - (ii) is not subject to amendment; and
 - (iii) applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.
- (d) to adjourn the meeting and such motion to adjourn:
 - (i) is not open to debate;
 - (ii) is not subject to amendment; and
 - (iii) shall always be in order, but no other such motion shall be made unless some intermediate proceeding has taken place.
- (e) to move the previous question and such motion:
 - (i) cannot be amended;
 - (ii) cannot be proposed when there is an amendment under consideration;
 - (iii) shall preclude all amendments of the main question;
 - (iv) when resolved in the affirmative, the question is to be put forthwith, without debate or amendment;
 - (v) when resolved in the negative, the debate shall continue;
 - (vi) cannot be received in any committee of Council; and
 - (vii) may be voted against by the mover and seconder.

VOTING

- 16. (1) When one or more of the motions set out in Section 15 has been made, the order of the vote shall be as follows:
 - (a) to defer consideration of the motion;
 - (b) to refer the motion;
 - (c) upon the amendments in the reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
 - (d) then, upon the main motion or upon the main motion as amended, if any amendments have been carried.
 - (2) When the question under consideration contains distinct propositions, upon the request of any member of Council, the vote upon each proposition shall be taken separately.
 - (3) After a question is finally put by the Mayor, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
 - (4) (i) After a question is finally put by the Mayor (other than motions regarding procedural matters) members of Council must distinguish their vote when voting on any matter by voting in favour or opposed using an electronic voting system.
 - (ii) Should Council meet in a place where there is no electronic voting system or should the electronic voting system in the Council Chambers be inoperable, the

- members of Council must distinguish their vote by clearly calling out if they are in favour or opposed to the question when their name is called.
- (iii) After a question is put on a procedural motion, Members of Council must clearly distinguish their vote by placing their hand up in the air above their shoulder.

 [Amended 2007-08-13 by By-law Number (2008)-18372]
- (5) The City Clerk shall for all motions, other than procedural motions, record the name and vote of every member voting on a matter of question. [Amended 2007-08-13 by Bylaw Number (2008)-18372]
- (6) The Mayor shall vote on any question while in possession of the Chair, however, if the Mayor wishes to propose a motion he or she must step down and shall not resume the Chair until the vote is taken. [Amended 2007-08-13 by By-law Number (2008)-18372]
- (7) The City Clerk shall record in the minutes the name of any member of Council who is not present in the Chamber when such recorded vote is taken.

RECONSIDERATION OF COUNCIL DECISION:

- 17. (1) After a resolution is passed, any member of Council who voted with the majority in respect of such motion, may move a motion for reconsideration. The motion shall only be seconded by a member of Council who voted with the majority.
 - (2) No discussion on the main motion shall be allowed unless the motion for reconsideration is carried in the affirmative by a vote of a minimum vote of seven of the entire Council. [Amended 2000-06-05 by By-law (2000)-16326]
 - (3) Any member of Council who did not vote on the motion to be reconsidered by reason of not being a duly elected member of Council at the time the vote was taken or who was absent at the time a vote was taken on the motion, shall be deemed to be a member of Council who voted with the majority for the purposes of sub-section (1).
 - (4) Debate on a motion for reconsideration must be confined to reasons for or against the reconsideration, and no discussion on the main question shall be allowed until the motion for reconsideration is carried.
 - (5) No question shall be reconsidered more than once during the term of Council, nor shall a vote to reconsider be reconsidered.
 - (6) If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next order of business, unless the motion for reconsideration calls for a future definite date. Debate on the motion to be reconsidered may proceed as though it had never previously been voted on.
 - (7) A motion to reconsider may also be introduced by a Notice of Motion. The mover or seconder is not required to have voted with the majority of Council. This notice of motion shall appear on the agenda of a subsequent meeting or the meeting specified by the mover and seconder. This motion is deemed to have been passed in the affirmative if it received a vote of at least 7 of the entire Council. [Amended 2000-06-05 by By-law (2000)-16326]

BY-LAWS

- 18. (1) The City Clerk shall submit to Council a summary of all by-laws proposed for adoption, including the by-law numbers, titles and explanatory notes.
 - (2) Every proposed by-law shall be at the Council Meeting at the time of reading and be available to any person interested in reviewing same.
 - (3) Every by-law proposed for adoption shall be introduced upon motion, and shall be read three times before it is finally passed.
 - (4) After the by-laws have been passed, the City Clerk shall be responsible for their correctness should they be amended at the Council meeting.
 - (5) Every by-law passed by Council shall:
 - (a) be signed by the Mayor, or the presiding officer at the meeting;
 - (b) be signed by the City Clerk;
 - (c) be sealed with the seal of the Corporation, and;
 - (d) indicate the date of passage.

CONFIRMATORY BY-LAW

19. Council shall, at each meeting, enact a by-law to confirm each motion, resolution and action passed and taken by the Council at that meeting.

QUESTIONS AND ANNOUNCEMENTS

20. Any member of Council may ask questions relating to matters of general interest or benefit to the Council or the City. No argument or opinion is to be offered or facts to be stated, except as far as necessary to clarify the question. In answering any questions a member is not to debate the matter. All announcements shall be provided to the Mayor in writing prior to the Council meeting, and the Mayor shall read the announcements at the end of the Council meeting. [Amended 2005-08-22 by By-law (2005)-17807]

NOTICE OF MOTION AND SPECIAL RESOLUTIONS

- 21. (1) Any member may give notice of intent that he or she will introduce a motion at the next or a subsequent meeting of Council to initiate any measure or to make any change in the Council's established policy. At the time of giving of notice, members shall fully disclose the intent of the motion to Council. The giving of notice requires no seconder and is not at that time debatable. [Amended 2006-06-19 by By-law (2006)-18060]
 - (2) Notices of motion shall be in writing, and shall be submitted to the City Clerk for inclusion in the Agenda of the next meeting of Council following the meeting at which notice was given or such other time as is specified in the notice. Notices received after the time of printing of the agenda for a Council meeting, shall be placed on the agenda for the next following regular Council Meeting.

- (3) Motions for which previous notice has been given shall be listed on the agenda under the heading "Special Resolutions". Special resolutions for which previous notice was given shall not be placed on supplementary or addendum agendas.
- (4) In introducing a special resolution to Council, a member shall be permitted the opportunity of providing material and information in support of the resolution for the benefit of Council.
- (5) Where Council has passed a resolution at a meeting closed to the public in accordance with Appendix #1 "Matters for Closed Meetings", such resolution shall only be added to the agenda of a regular or special meeting by the Clerk when so directed by Council. This resolution shall be incorporated in the Special Resolution section of the Council agenda.

ADDENDUM/SUPPLEMENTARY AGENDAS

- 22. (1) An addendum or supplementary agenda shall be prepared by the City Clerk to advise Council of names of persons who wish to speak to matters on the agenda who have contacted the City Clerk after the agenda has been distributed.
 - (2) Items or matters will not be added to the agenda after its distribution to Council by inclusion on the addendum unless directed by the Mayor or member of Council or senior staff if the urgent nature of the matter requires a decision prior to the next Council meeting.

ADJOURNMENT

- 23. (1) The Council shall always adjourn at 11:00 p.m. if in session at that hour, unless otherwise decided before that hour by a two-thirds vote of the members present. When the Council is adjourned at 11:00 p.m., before the agenda is completed, a time and date shall be established for consideration of the balance of the agenda.
 - (2) A motion to adjourn may be made by a member who has the floor, requires no seconder and need not be in writing. However, no motion to adjourn may be made during the taking of a vote on any other motion.
 - (3) If a motion to extend the automatic adjournment time is required prior to the hearing of all delegations on a matter being considered at the time such motion to adjourn is made, the meeting shall not be adjourned until all delegations listed have been heard, and Council has disposed of the matter and have completed the time sensitive issues on the agenda. [Amended 2005-08-22 by By-law (2005)-17807]

DISCLOSURE OF PECUNIARY INTEREST

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

COMMITTEE OF THE WHOLE

- 25. (1) When it is moved and seconded that the Council go into Committee of the Whole, the Mayor shall remain as Chair of the Committee of the Whole and shall maintain order in the Committee.
 - (2) The rules governing the procedure of the Council and the conduct of members in Council shall be observed in Committee of the Whole so far as they are applicable, except that a motion shall not be required to be seconded before debate is permitted. [amended 1998-03-02 by By-law (1998)-15690]

STRIKING COMMITTEE

- 26. (1) In the first year of a new term, the Council shall meet as a striking committee for the purpose of making appointments to the Standing Committees and Boards, Committees and Commissions.
 - (2) In all other years of the Council term, the striking committee shall meet as part of the regularly scheduled Council meeting on the last regularly scheduled meeting in November.

STANDING AND SPECIAL COMMITTEES

- 27. (1) Council shall appoint the following standing committees:
 - (a) Community Development and Environmental Services Committee,
 - (b) Emergency Services, Community Services and Operations Committee
 - (c) Finance, Administration & Corporate Services Committee, and
 - (d) Governance and Economic Development Committee
 - (e) Land Ambulance Committee

[Amended 2006-01-09 by By-law (2006)-17923] [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-04-16 by By-law (2007)-18274]

- (2) (a) Each standing committee shall be composed of four councillors and the Mayor. Each standing committee shall select a Chair from among its members. The selected Chair and members of each standing committee shall be appointed by Council for a one year term. A quorum for a standing committee shall be three members.
 - (b) Notwithstanding Section 27(2)(a), the Land Ambulance Committee shall also be composed of the Warden of Wellington County and three members of County Council and quorum shall be five members. [Amended 2007-04-16 by By-law (2007)-18274]
- (3) Council may by resolution, appoint special committees for such purposes as are specified in the resolution.
- (4) Council may appoint a member to act on any committee in lieu and during the absence of any member who is absent from the municipality or unable from illness to attend the meetings of such committee. The member appointed shall be deemed to be a member of the committee and entitled to act thereon during the member's absence or illness.

- (5) Wherever possible the business of the standing or special committees shall be conducted in accordance with the rules of conduct and debate which apply to Council meetings.
- (6) Members of Council may attend the meetings of any of its committees and, upon being recognized by the Chair, shall be allowed to take part in any discussion or debate. However, non-committee members shall be disqualified from voting.
- (7) Standing and special committees shall report to Council on all matters that have been referred to them and shall recommend such action as they deem necessary. The Council may refer back to any committee any report in whole or in part or any question or matter for further consideration.
- (8) The Chair of each standing committee shall preside at every meeting or, in the Chair's absence, such other Member as may be chosen by the Committee.
- (9) The Chair shall preside at every meeting and may vote on all questions submitted. In the case of an equal division of votes, the question shall be passed in the negative. A recorded vote may be requested by any member of a committee on any question before the committee.
- (10) The Chair of each committee shall sign the minutes of their respective committee meetings after they have been adopted by resolution of the committee.
- (11) Each standing committee shall establish regular meeting dates and the Chair of each committee shall be responsible for the calling of the meetings.
- (12) At the direction of the Chair of a standing committee or special committee, the City Clerk shall call a special meeting or cancel a scheduled meeting. The City Clerk shall give at least forty-eight hours notice of the calling or cancellation of any meetings.

CALLING MEETINGS

28. The Chair of the Standing Committee shall establish regular meeting dates and be responsible for the calling of meetings. The Mayor being an ex-officio member of each standing committee also has the authority to call a standing committee meeting. Lastly, the majority of members of a standing committee have the authority to call a meeting. Once a request is made the arrangements for the meeting shall be made within the next day and a meeting scheduled for the first possible time when a quorum would be available.

MEMBER ABSENT FROM MEETINGS

29. The appointment of a member of Council to a standing committee may be terminated if the member is absent from meetings of the Committee for three consecutive months without being authorized to do so by a resolution of the committee entered upon its minutes.

STANDING COMMITTEE FUNCTIONS

- 30. (1) The general service area responsibilities of the Community Development and Environmental Services Committee shall be to study and report to Council on matters relating to, but not limited to, the following:
 - (a) Community Design & Development Services (with the exception of Economic Development and Tourism)
 - (b) Environmental Services
 - (2) The general service area responsibilities of the Emergency Services, Community Services and Operations Committee shall be to study and report on matters relating to, but not limited to, the following: [Amended 2007-04-16 by By-law (2007)-18274]
 - (a) Community Services
 - (b) Emergency Services
 - (c) Operations
 - (d) Wellness
 - (3) The general service area responsibilities of the Finance, Administration and Corporate Services Committee shall be to study and report on matters relating to, but not limited to, the following:
 - (a) Corporate Services
 - (b) Finance
 - (c) Human Resources
 - (d) Financial Audit
 - (4) The general service area responsibilities of the Governance and Economic Development Committee shall be to study and report on matters relating to, but not limited to, the following:
 - (a) Economic Development and Tourism
 - (b) Strategic Planning and Corporate Initiatives
 - (c) Intergovernmental Liaison
 - (d) Governance Policy Review
 - (5) The general service area responsibilities of the Land Ambulance Committee shall be to study and report on matters relating to, but not limited to the following:
 - (a) Land Ambulance Services provided to the residents of the City of Guelph and the Council of Wellington. [Amended 2007-04-16 by By-law (2007)-18274]
 - (6) Where a matter may fall under the responsibility of more than one standing committee, the City Clerk shall consult with the Mayor and the committee chairs involved, for a determination of which standing committee shall deal with the matter. [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-04-16 by By-law (2007)-18274]

SUSPENSION OF RULES

31. No provision of this by-law shall be suspended except by affirmative vote of two-thirds of the entire Council.

UNPROVIDED RULES

32. In any unprovided case in the proceedings of Council, or a Committee, the procedure followed shall be as provided in Bourinot's Rules of Order.

PROCEDURAL BY-LAWS FOR OTHER COMMITTEES

Where a board, committee or commission has not adopted a procedural by-law, such board, committee or commission shall be deemed to have adopted this procedural by-law with necessary modifications including the requirement that all meetings be open to the public, subject to the same exceptions applicable to Council Meetings as set out herein.

MUNICIPAL CODE AMENDMENT

34. Municipal Code Amendment #179, which amends Chapter 20 of the City of Guelph Municipal Code by removing Article II and substituting the aforementioned clauses is hereby adopted.

REPEAL OF PREVIOUS BY-LAWS

35. By-law Number (1992)-14220, and the accompanying amendments numbered By-law (1994)-14522, (1994)-14627, (1995)-14771 are hereby repealed.

PASSED THIS SIXTEENTH DAY OF JUNE, 1996.

Original Signed by: Mayor Joe Young V. Charlene Lavigne, Deputy Clerk

APPENDIX

MATTERS FOR CLOSED MEETINGS

239. (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

- (2) Meetings of Council as well as standing committees of Council shall be open to the public unless one of the following matters shall be discussed:
 - (a) the security of the property of the municipality or local board:
 - (b) personal matters about an identifiable individual, including municipal or local board employees;
 - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

Other Criteria

(3) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act. 2001, c. 25, s. 239 (3).

Educational or training sessions

- (3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - 1. The meeting is held for the purpose of educating or training the members.
 - 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Prior to holding the meeting which is closed to the public, council or the committee must convene in a formal session and pass a resolution indicating which of the issues as identified in section 1 shall be discussed at the closed meeting.

Hem 11)

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2005) - 17679

A By-law to provide for the purchasing of goods and services by the Corporation of the City of Guelph.

WHEREAS the Council of the Corporation of the City of Guelph is committed to the provision of fair, transparent and accountable processes for purchasing goods and services by the Corporation of the City of Guelph;

AND WHEREAS Section 271 of the Municipal Act 2001, S.O. 2001. c. 25, states that a municipality and a local board shall adopt policies with respect to its procurement of goods and services;

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

DEFINITIONS

- 1. In this By-law,
- "CAO" means the Chief Administrative Officer of the City or Designate
- "Contract" means a binding agreement by way of a Purchase Order or Purchase Order incorporating a written agreement or a written agreement between two or more parties.
- "City" means the Corporation of the City of Guelph
- "Civil Works" means the construction or reconstruction of road, sewer, water, bridge and other municipal services.
- "Council" means the municipal council of the Corporation of the City of Guelph.
- "Department" means any department or division of the City.
- "Department Head" means the head of a Department being a Commissioner or Director or Designate.
- "Designate" means the person or persons assigned the duties and responsibilities on behalf or in the absence or incapacity of the person charged with the principal authority to take the relevant action or decision.
- "Director of Finance" means the City's Director of Finance or Designate.
- "Goods" include goods, wares, merchandise, materials, and equipment used or required by the City.
- "Goods and Services" includes either Goods alone or Services alone or Civil Works alone or any combination thereof.
- "In-House Bid" means a process that allows for internal City Departments to compete with external entities for the provision of Goods and Services.
- "Manager" means the City's Manager of Purchasing/Risk Management Services or Designate.
- "Mayor" means the Mayor of the City or Designate.
- "Proposal" means an offer to supply Goods and Services, acceptance of which may be subject to further negotiation.

- "Purchasing Card" means a credit card that may be used by authorized officers and employees of the City to purchase Goods and Services.
- "Purchase Order" means a standard form document used by the City to formalize a purchasing transaction with a supplier of Goods and Services.
- "Responsible" means in respect of a bidder who is deemed to be fully technically and financially capable of supplying the Goods and Services requested in the solicitation.
- "Responsive" means in respect of a bidder who correctly and completely responds to all of the significant requirements outlined in the solicitation.
- "Requisition" means a written or electronically transmitted request on an approved standard form which is sent to the Manager to purchase Goods and Services.
- "Services" may include, but are not limited to, telephone, gas, water, hydro, janitorial and cleaning services, consulting services, legal surveys, medical services, insurance, training, and the rental, installation, inspection, repair or maintenance of equipment, machinery or other personal property.
- "Signing Authority" refers to the maximum monetary amount, as approved by the Director of Finance from time to time, to which officers and employees are authorized to approve purchases of Goods and Services.
- "Single Sourcing" means the purchasing of Goods and Services from a particular supplier without solicitation of bids from other suppliers who can supply the same item.
- "Sole Sourcing" means the purchasing of Goods and Services that are unique to a particular supplier and cannot be readily obtained from another supplier.
- "Supplier" means means any individual or organization providing Goods or Services to the City of Guelph including but not limited to contractors, consultants, vendors, service organizations etc

GUIDING PRINCIPLE

2. The guiding principle for purchasing Goods and Services for the City is that purchasing decisions will be made using fair, transparent and accountable purchasing processes.

PURCHASING/RISK MANAGEMENT SERVICES

- 3. The Manager shall have charge of and be responsible for the purchase of all Goods and Services by the City, except as otherwise provided in this By-law.
- 4. The Manager shall develop, implement and maintain administrative procedures and standard form documents to assist in the purchasing processes set out in this By-law.

PURCHASING PROCESSES AND LIMITS

5. The following processes shall be applied for purchasing Goods and Services within the following monetary limits, except as otherwise provided for in this By-law:

Monetary Limits	Purchasing Processes	Comments
Up to \$5,000	Competitive bid process optional at the user Department discretion.	 No public opening required Purchasing staff are available but do
	Payment may be by Purchasing Card or Purchase Order prepared by user Department or Petty Cash, provided in accordance with this By-Law.	not need to be involved in process
More than \$5,000	Informal Quotations	No public opening required

and not more than \$15,000	or Request for Quotations or Tender or Request for Proposals	 3 competitive bids should be obtained by user Department Purchasing staff are available but do not need to be involved in process
More than \$15,000 and not more than \$100,000	Informal Quotations or Request for Quotations or Tender or Request for Proposals	 No public opening required Purchasing staff to determine best process for receiving competitive bids. Advertising of bid call optional
More than \$100,000	Tender or Request for Proposals	 Public opening required Purchasing staff to determine best process for receiving competitive bids. Advertising of bid call mandatory

- 6. The Goods and Services listed in Schedule "A" are exempt from the purchasing process requirements of this By-law.
- 7. The process applying to "Informal Quotations" is set out at Schedule "B".
- 8. The process applying to "Request for Quotations" is set out at Schedule "C".
- 9. The process applying to "Tender" is set out at Schedule "D".
- 10. The process applying "Requests for Proposals" is set out at Schedule "E".
- 11. Construction Contracts

For all construction projects estimated to exceed \$100,000.00 a bid deposit of a minimum of 5% of the contract value and in the form of a certified cheque or bid bond, along with a performance and maintenance bond for a minimum of 50% of the tendered amount is required. The maintenance portion of the bonds shall be for a minimum of 2 years.

The Ontario Provincial Standards Specifications, General Conditions of Contract are adopted as the City's General Terms and Conditions for Civil Works Construction Contracts and the City's Supplementary General Conditions of Contract also hereby adopted, subject to amendments as deemed necessary.

The Single Sourcing of engineering consulting services is acceptable for values not to exceed \$25,000.00, in accordance with accepted professional guidelines.

Engineering consultants may be retained under the standard Municipal Engineers Association (MEA) agreement, as modified.

When a City construction contract is in effect and an emergency occurs on a construction site, the Manager has the authority to issue a Purchase Order or a change order to the contract, upon receiving a written or verbal request from the Department Head concerned, for the Goods and Services required to rectify the situation.

AWARDING OF CONTRACTS

12 (a) Provided the purchasing processes set out in this By-law have been followed, the Manager is authorized to and will award a Contract if ALL of the following conditions are satisfied:

Condition 1:

(i) The total estimated cost of the Goods and Services is less than \$1,500,000.00 (excluding taxes) and funding for these Goods and Services is included in the approved capital budget or equipment replacement budget;

(ii) The total estimated cost of the Goods and Services is less than \$1,500,000.00 (excluding taxes) and these Goods and Services represent the work in respect of a development project and an irrevocable letter of credit or other surety in favour of the City has been received and approved by the Director of Finance to secure the total estimated cost of the Goods and Services;

(iii) The total estimated cost of the Goods and Services is less than \$500,000.00 and funding for these Goods and Services is included in the approved operating budget;

AND

Condition 2:

The amount bid by the selected Responsive and Responsible bidder is within the overall available or approved budget for the project, including all applicable taxes, including contingency allowance.

AND

Condition 3:

There are no Provincial Government or Federal Government requirements for the express authorization of Council to Award the Contract.

AND

Condition 4:

The estimated cost of the Goods and Services is within the Signing Authority of the Department Head or the employee of the user Department and the Department Head or employee has submitted a proper Requisition to the Manager or an Internal Approval Report signed by the Department Head of the user Department, the CAO, and the Director of Finance has been provided to the Manager.

(b) If any one of the conditions set out in Section 12(a) is not satisfied, express authorization of Council is required to award a Contract unless otherwise provided in this By-law.

SPECIFICATIONS

- 13. (a) Each user Department shall be responsible for the preparation of plans and specifications with the support of outside professional assistance as deemed necessary and for providing such plans and specifications to the Manager for review.
 - (b) In order to contribute to waste reduction and to increase the development and awareness of environmentally sound purchasing, acquisitions of Goods and Services will ensure that, wherever possible, specifications are amended to provide for expanded use of durable products, reusable products and products that contain the maximum level of post-consumer waste and/or recyclable content, without significantly affecting the intended use of the product or service. It is recognized that cost analysis is required in order to ensure that the products are made available at competitive prices.
 - (c) Suppliers or potential suppliers shall not be requested to expend time, money or effort on design or in developing specifications or otherwise to help define a requirement beyond the normal level of service expected from suppliers. Where such services are required,
 - (i) the Manager shall be advised;
 - (ii) the contracted supplier will be considered a consultant and will not be allowed to make an offer for the supply of the Goods and Services;
 - (iii) a fee shall be paid the amount of which shall be determined and agreed upon by the supplier before the service commences; and

(iv) the detailed specifications shall become the property of the City, and can be used in obtaining competitive bids.

PROCESSES FOR SPECIAL SITUATIONS:

A.) Relocation of Utilities

- 14. Despite any other provisions of this By-law, the process for purchasing Goods and Services for relocating utilities as part of a construction project where a local utility company will perform the work for such relocation of utilities shall be as follows:
 - (a) A Requisition for the work for such relocation of utilities shall be prepared and signed by the Department Head of the user Department and by the Manager and such Department Head and the Manager are specifically authorized to do so, and
 - (b) The Manager, who is specifically authorized to do so, shall issue a Purchase Order to that local utility company.

B) Emergency

- 15. (a) When a situation, or the threat of an impending situation, occurs, that is determined by the CAO to be a threat to public health, the maintenance of essential City services, the welfare of persons or of public property, the protection of the City's physical assets, or the security of the City's interests or financial liabilities arising from unexpected conditions, and the occurrence requires the immediate delivery of Goods and Services and time does not permit the CAO to allow the Manager to acquire such Goods and Services, the CAO may make such purchases or authorize the making of such purchases without the involvement of the Manager or the processes set out in this By-law, and the CAO is authorized to do so in the most expedient and economical means possible.
 - (b) Where the amount of the expenditure is \$500,000.00 or more, the CAO shall provide a full written report of the particulars of the emergency situation to Council as soon as is practicable.

C) Negotiation

- 16. The Manager may under any one of the following conditions negotiate with one or more suppliers:
 - a) When there is a Sole Sourcing situation;
 - b) When there is a Single Sourcing situation such as when due to market conditions, required Goods and Services are in short supply, or when urgent acquisition of required Goods or Services is necessary due to unexpected circumstances;
 - c) When there is a business case to extend a Contract beyond its initial term, such as when additional work is required that pertains to a current or recently completed project;
 - d) When required Goods and Services must be compatible with equipment presently being used;
 - e) During negotiation of annual renewals within a contract period;
 - f) When all bids received are not Responsive and Responsible bids, or are otherwise unacceptable:
 - g) When the nature of the assignment is confidential and disclosure to several bidders is inappropriate provided that the City is in compliance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 in respect of any such negotiations;
 - h) When two or more identical low tenders or bids have been received negotiate with bidders, or when only one bid has been received negotiate with bidder;
 - i) When all tenders or bids received fail to meet specifications or terms and conditions, and it is impractical to recall Tenders or Requests for Quotations or Requests for Proposals;
 - j) When the lowest Responsive and Responsible bid received substantially exceeds the budgeted amount for the Goods and Services, or is excessive in total cost as compared to the Goods or Services to be delivered;
 - k) When negotiating improved revenue returns for advertising on City property;
 - l) When negotiating rebates based upon annual purchase value with suppliers;
 - m) When negotiating improved discounts for quick payment of invoices;

- n) When suggesting alternative products, offering equal or higher performance at lower costs:
- o) When negotiating a gain by way of barter, e.g. a portion of no charge services in return for a Contract award;
- p) When negotiating better warranties; or
- q) When negotiating no-charge extras.

When negotiations are deemed necessary they shall be carried out jointly in co-operation with the user Department subject to the conditions of this By-law. Negotiated contracts shall be awarded in accordance with the provisions of this By-law.

INVENTORY CONTROL

17. Each Department shall be responsible for adopting and implementing a system of materials management and inventory control methods for Goods and Services in connection with such Department to ensure adequate levels are maintained in a cost effective manner. The Manager will assist by keeping informed of current developments in pricing, market conditions and new products and by providing such information to the Departments. To replenish stock, a Requisition shall be prepared by the user Department and provided to the Manager who will complete the purchase in accordance with the provisions of this By-law.

DISPOSAL OF SURPLUS

18. The Manager shall, from to time, obtain from the Department Heads itemized inventories of all unusable, obsolete, worn-out, disused or scrapped Goods which are surplus to the needs of the City. If such Goods can be used by another Department, the Manager shall make them available to that Department. If such Goods cannot be used for the purposes of the City, the Manager, in consultation with the user Department, shall sell or dispose of the Goods by public auction, Tender, or Request for Quotation, or other method, whichever method is in the best interests of the City

CO-OPERATIVE PURCHASING

19. The Manager is authorized to participate in and/or join in co-operative purchasing arrangements with other municipalities, local boards and other public commissions and agencies. The Manager is authorized to participate in co-operative bid calls conducted by another member of such co-operative purchasing group and in that event the purchasing policy and procedures of that organization or entity shall apply.

LEGAL CLAIMS

20. No bid or offer will be accepted from any bidder or offeror, inclusive of the bidder's or offeror's subcontractors, who has a claim or has instituted a legal proceeding against the City or against whom the City has a claim or instituted a legal proceeding, without prior approval of Council. For purposes of this provision, where such bidder or offeror is a corporation, bidder or offeror shall include any non-arms length corporation of the bidder or offeror.

DIVISION OF CONTRACTS PROHIBITED

21. No officer or employee of the City shall divide the purchasing of Goods and Services in order to avoid the requirements of this By-law.

AUTHORITY TO EXECUTE CONTRACTS

22. Subject to statutory requirements and where all the requirements of this By-law have been met, the Mayor and Clerk are authorized to execute Contracts and any related documents that have been prepared in a form satisfactory to the City Solicitor, except where otherwise provided in this By-law. Notwithstanding the foregoing, the Mayor and Clerk may not be required to sign amendments to existing agreements.

PAYMENT FOR GOODS AND SERVICES

- 23. The Director of Finance is authorized to pay for any Goods and Services purchased in accordance with this By-law and shall pay for any such Goods and Services unless otherwise provided in this By-law or within the time commitments specified in the purchasing agreement or contract.
- 24. Purchases of Goods and Services may be paid from the user Department budget by use of a Purchasing Card or from the user Department's petty cash provided such purchases are in accordance with this By-law.
- 25. No prepayment for all or any part of Goods and Services shall be made unless the Contract specifically provides for such prepayment.

NO LOCAL PREFERENCE

26. In accordance with the Discriminatory Business Practices Act, R.S.O. 1990, c.D.12, no preference to local suppliers shall be granted in purchasing Goods and Services for the City.

ONTARIANS WITH DISABILITIES ACT

27. In accordance with the Ontarians With Disabilities Act, 2001, S.O. 2001, c.32, the City shall have regard to the accessibility for persons with disabilities in respect of Goods and Services purchased by the City.

IN-HOUSE BIDS

28. The City does not allow In-House Bids for purchasing of Goods and Services for the City.

CONFLICT OF INTEREST

- 29. No Goods and Services shall be purchased by the City from any officer or employee of the City or any Member of Council or from any business in which any officer or employee of the City or any Member of Council is an officer of such business without express approval by Council.
- 30. The Manager shall not make or authorize personal purchases for any Member of Council or for any officer or employee of the City.

PILOT PROJECTS

31. When the project is a pilot with the understanding that, if successful, the Goods and Services are to be paid for by the City of Guelph then Council Approval is required to approve the contract.

PERFORMANCE EVALUATION

32. The Manager, in conjunction with the user Department and project manager, if any, may initiate a performance review at the substantial completion or conclusion of a Contract or more frequently if deemed appropriate by the Manager.

PURCHASING PROCESS REVIEW

33. This By-law will be forwarded to Council for review during the first term of each newly elected Council.

INTEGRITY OF THE PURCHASING PROCESS AND PROTECTING THE INTERESTS OF THE CITY

- 34. In order to maintain the integrity of the bid solicitation processes and to protect the interests of the City, the public and persons participating in a procurement process, the following shall be adhered to for any purchasing which is subject to the requirements of this By-law::
 - (a) Open Process: Departmental needs are clearly communicated to Bidders. The method of evaluating the Bid and the evaluation criteria are provided to Bidders at the outset of the

Bid Solicitation process. The terminology used in the competitive bidding documents are defined and interpreted within the document when issued. The method and format of submitting Bids is addressed in the Bid Solicitation document.

- (b) <u>Fairness</u>: Utilise standard documents: Instructions to Bidders, Terms and Conditions and bidding forms to ensure consistency of content and format within documents issued by the City. Specify clearly all details regarding the closing date, time and location of all Bid Solicitation processes and apply the rules of bid acceptance consistently. Treat all Bidders and all submissions equally and without bias or favouritism at all times.
- (c) Open Competition: Develop specifications and terms of reference that whenever possible, are not restrictive and allow for open competition from the marketplace. Advertise all formal public Tenders and Requests for Proposals on the internet in order that the competitive bidding opportunity be advertised and accessible to all interested firms. Advertise the competitive bidding opportunity in a specific trade newspaper or local newspaper where practicable to further promote competition.
- (d) Accountability: Ensure that all Bids are kept secure prior to the closing date, during the evaluation period and following contract award. Handle all proprietary information and Bids submitted in confidence in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Ensure that Requests for Proposals are evaluated by a representative selection committee to allow for various perception and opinions when reviewing and evaluating proposals prior to contract award. Ensure that all Bids, final rating results and related supporting documentation are kept on file in accordance with the City's Retention By-law for future reference, audit or examinations. Ensure that procurement procedures are reviewed on a regular basis to ensure the procedures are clear, logical, current and in accordance with accepted industry standards. Include conflict of interest guidelines in all competitive bidding documents to minimize the risk of potential suppliers trying to influence City staff and elected officials during the bid evaluation process.

SIGNING AUTHORITIES

35. Signing authorities are approved by the Director of Finance based on the following guidelines and apply to Purchase Orders, Requisitions and Cheque Requisitions, provided such purchases are made in accordance with this By-law-

i. CAO - \$150,000.00 ii. Department Head - \$100,000.00

iii. Staff - up to \$50,000.00 as determined by Department Head

ETHICS

36. All Purchasing/Risk Management Services Division employees shall comply with the "Statement of Ethics" of the Ontario Public Buyers Association, as amended from time to time. The current version of the Statement is attached as Schedule "F".

37. The schedules attached to this By-law form part of this By-law.

38. This By-law shall come into force and effect upon passing.

PASSED this SEVENTH day of MARCH, 2005.

CATHY DOWNER - ACTING MAYOR

LOIS A. GILES - CITY CLERK

SCHEDULE "A" to BY-LAW (2005) - 17679

Exceptions to Requirements of Purchasing Process

The purchasing processes described in this By-law do not apply to the following items:

- Training and Education
 - a. Conferences, conventions, courses and seminars
 - b. Magazines, books, periodicals
 - c. Memberships
- Refundable Employee Expenses 2.
 - a. Advances
 - b. Meal Allowances
 - c. Travel and Entertainment
 - d. Miscellaneous non-travel
- Employer's General Expenses 3.
 - a. Reimbursed Employee Expenses
 - b. Payroll Remittances
 - c. Medical
 - d. Licenses (vehicles, etc.)

 - e. Grants to Agencies
 f. Damage Claims
 g. Petty Cash Replenishments
 h. Tax Remittances
 i. Refund Overpayments of Taxes/Fees
 - Financial Agreements eg. Cost Sharing with Other Municipal Organizations
 - k. Realty Taxes
 - l. Payment for employment
 - m. Progress Payments for Construction and Consulting Contracts
- Professional and Special Services 4.
 - a. Committee Fees
 - b. Medical, Laboratory and Pharmacy Services
 - c. Legal fees
 - d. Witness Fees
 - e. Honorariums
- 5. **Utilities**
 - a. Water and Sewer
 - b. Hydro
 - c. Gas
 - d. Telecommunications services
 - e. Postage
 - f. Grants to Agencies
- Real Property Interests 6.
 - a. All real estate transactions

Any other exceptions approved by the Manager or his/her designate.

SCHEDULE "B" to BY-LAW (2005) - 17679

Informal Quotations Procedure

1. Where possible, three (3) quotations, written or verbal, are to be obtained by the user Department. Pricing is to be recorded by the employee of the user Department if the Quotation is provided verbally. Written quotations must be submitted on the standard form document prepared by the Manager and which will be provided to the user Department upon request or on the supplier's letterhead.

SCHEDULE "C" to BY-LAW (2005) - 17679

Request for Quotations Procedures

- 1. The Manager shall prepare all Request for Quotation documents.
- 2. The Manager shall solicit Quotations by written invitation enclosing a copy of the Request for Quotation documents.
- 3. No Quotation received will be considered unless it is submitted to the Manager on the Quotation documents provided.
- 4. The closing time for all Quotation calls shall be at 2:30:59 p.m. of the day specified in the quotation documents and all quotation documents shall state this closing time.
- 5. Where possible Quotations may be submitted by hand delivery, regular mail, courier, facsimile or email.
- 6. The Manager shall review all Quotations received and verify that all requirements of the Quotation are met.
- 7. The Manager shall recommend the award of the contract to the lowest bid of a Responsive and Responsible bidder.

SCHEDULE "D" to BY-LAW (2005) - 17679

Tendering Procedures

- 1. Tenders may be called when the requirements of the Goods and Services can be defined or when a clear or single solution exists.
- 2. The Manager shall prepare the tender documents except tenders for Civil Works which shall be prepared by the Department Head of Environment and Transportation.
- 3. Every Department shall provide technical assistance in the preparation of the tender documents as requested by the Manager.
- 4. Where public advertising in respect of the tender call is required by this By-law, the call for tender shall be advertised to the public on an acceptable internet web page or trade publication or both and such advertising shall be the responsibility of the Manager.
- 5. The closing time for all tender calls shall be at 2:30:59 p.m. of the day specified in the tender documents and all tender documents shall state this closing time.
- 6. Where a public meeting for the opening of tender bids is required by this By-law, the Manager shall be responsible for arranging for the public opening of tender bids at the time and date specified by the tender call.
- 7. At every public meeting for the opening of the tender bids, the Manager shall announce for each contract the contract number, the contract description, the name of the bidder, the total amount of the tender bid, and shall prepare a list thereof.
- 9. The Manager shall review and analyze the bid submissions and recommend the award of the Contract to the lowest bid of a Responsive and Responsible bidder.

SCHEDULE "E" to BY-LAW (2005) - 17679

Request for Proposals Procedures

- 1. Requests for Proposals ("RFP") may be called when the requirements of Goods and Services cannot be definitely specified, or the requirements or Goods and Services are non-standard in nature, and where such proposals would result in specific offers by the bidders to fulfill the requirements at a particular price.
- 2. A Request for Information or Request for Expression of Interest may be issued in advance of an RFP call to assist in the development of a more definitive set of terms and conditions, scope of work/service and the selection of qualified suppliers.
- 3. The Manager shall prepare the RFP documents.
- 4. Every Department shall provide technical assistance in the preparation of the RFP documents as requested by the Manager.
- 5. The closing time for all RFP calls shall be at 2:30:59 p.m. of the day specified in the RFP documents and all RFP documents shall state this closing time.
- 6. Where public advertising in respect of the RFP call is required by this By-law, the call for RFP's shall be advertised to the public on an acceptable internet web page and/or trade publication and such advertising shall be the responsibility of the Manager.
- 7. Where a public meeting for the opening of RFP submissions is required by this Bylaw, the Manager shall be responsible for arranging for the public opening of RFP submissions at the time and date specified in the RFP documents.
- 8. The Manager shall review and analyze the RFP bid submissions and recommend the award of the Contract to the Responsive and Responsible bidder best meeting the evaluation criteria outlined in the RFP documents.

SCHEDULE "F" to BY-LAW (2005) - 17679

OPBA

A STATEMENT OF ETHICS

FOR PUBLIC PURCHASERS

The Ontario Public Buyers Association's Code of Ethics is based upon the following tenets and members of OPBA attempt to consistently practice their profession and deal with their day-to-day responsibilities according to these principles. Members are encourage to display this statement in their departments as well as in other locations in their agencies.

- 1. Open and Honest Dealings with Everyone Who is Involved in the Purchasing Process. This includes all businesses with which this agency contracts or from which it purchases goods and services, as well as all members of our staff and of the public who utilize the services of the purchasing department.
- 2. Fair and Impartial Award Recommendations for All Contracts and Tenders. This means that we do not extend preferential treatment to any vendor, including local companies. Not only is it against the law, it is not good business practice, since it limits fair and open competition for all vendors and is therefore a detriment to obtaining the best possible value for each tax dollar.
- 3. An Irreproachable Standard of Personal Integrity on the Part of All Those Designated as Purchasing Agents for this Agency. Absolutely no gifts or favours are accepted by the purchasing agents of this agency in return for business or the consideration of business. Also, the purchasing agents of this agency do not publicly endorse one company in order to give that company an advantage over others.
- 4. Cooperation With Other Public Agencies in Order to Obtain the Best Possible Value for Every Tax Dollar. This agency is a member of a cooperative purchasing group. Made up of several public agencies, this group pools its expertise and resources in order to practice good value analysis and to purchase goods and services in volume and save tax dollars.
- 5. Continuous Development of Purchasing Skills and Knowledge. All members of the purchasing department of this agency take advantage of the many opportunities provided by the Ontario Public Buyers Association to further their knowledge of good public purchasing principles and to maintain excellent skills.

SCHEDULE "G" to BY-LAW (2005) - 17679

BID IRREGULARITIES

The Manager will be responsible for all action taken in dealing with bid irregularities, and will act in accordance with the nature of the irregularity as set out below:

BID IRREGULARITIES - SUMMARY

	BID IRREGULARITIES - SUMMARY	
ITEM	DESCRIPTION	ACTION
1.	late bids (by any amount of time)	automatic rejection
2.	bids completed in pencil	automatic rejection
3.	bid surety not submitted with the bid when the bid request (or any	automatic rejection
	addendum) indicated that such surety is required	
4.	EXECUTION OF AGREEMENT TO BOND:	
	a. bond company corporate seal or equivalent proof of authority to bind	automatic rejection
	company or signature missing or	
	b. surety company not licensed to do business in Ontario	
5.	EXECUTION OF BID BONDS:	
J.	a. corporate seal or equivalent proof of authority to bind company or	automatic rejection
	signature of the bidder or both missing	,
	b. corporate seal or equivalent proof of authority to bind company or	
	signature of bonding company missing	
6.	OTHER BID SECURITY:	
	Cheque which has not been certified	automatic rejection
7.	bidder not attending mandatory site meeting	automatic rejection
8.	unsealed tender envelope	automatic rejection
9.	proper response envelope or label not used	acceptable if officially
		received on time
10.	pricing or signature pages missing	automatic rejection
11.	insufficient financial security (ie: no deposit or bid bond or insufficient	where security is
	deposit)	required & amount is
		not specified in
		request, automatic
		rejection unless insufficiency is trivial
		or insignificant
		-where security is
		required and amount of
		security is specified in
		request, automatic
		rejection
12.	bid received on documents other than those provided in request	automatic rejection
	· · · · · · · · · · · · · · · · · · ·	unless specified
		otherwise in the
		request
13.	EXECUTION OF BID DOCUMENT	automatic rejection
13.	Where a corporate bidder, proof of authority to bind is missing	automatic rejection
14.	part bid (all items not bid)	acceptable unless
1 1,	Part per fan nem not oed	complete bid has been
		specified in the request
		L
15.	bids containing minor clerical errors	5 working days to
		correct initial errors.
		City reserves the right
		to waive initialling and
		accept bid
16.	uninitialed change to the request documents which is minor (ie; the bidder's	5 working days to
	address is amended by overwriting but not initialled)	correct initial errors.

17.	alternate item bid in whole or in part	City reserves the right to waive initialling and accept bid available for further
2,.		consideration unless specified otherwise in request
18.	unit prices in the schedule of prices have been changed but not initialled	5 working days to correct initial errors. City reserves the right to waive initialling and accept bid
19.	mathematical errors which are not consistent with the unit prices	5 working days to initial corrections. Unit prices will govern.
20.	page requiring completion of information by supplier is missing	automatic rejection
21.	bid documents which suggest that the bidder has made a major mistake in calculations or bid	consultation with the City Solicitor on a case- by-case basis and referenced within the staff report if applicable

NOTE: The above list of irregularities should not be considered all-inclusive. The Manager in consultation with the requisitioning department will review minor irregularities not listed. The Manager may then accept the bid, or request that the bidder rectify minor irregularity.

Hem 12)

THE CORPORATION OF THE CITY OF GUELPH

By-Law Number 1995 - 14835

A By-law to establish procedures respecting the disposal of surplus real property.

WHEREAS under section 193 of the Municipal Act, Council shall, by bylaw, establish procedures governing the sale of real property;

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

1. In this by-law:

"Act" means the Municipal Act and includes regulations made under it,
"Clerk" means the Clerk of the Corporation of the City of Guelph or his
or her designate,

"Sale" includes a lease of 21 years or longer, and

"Surplus property" means real property owned by the City of Guelph which is not required for purposes of the City.

- 2. A public register listing and describing the real property owned or leased by the Corporation of the City of Guelph, with the exception of 0.3 metre [one foot] reserves, highways, roads and road allowances, whether or not opened, unopened, closed or stopped, and former railway branch lines, will be established and maintained by the Clerk.
- 3. Prior to selling any real property, the Council shall by by-law or resolution passed at a meeting open to the public declare the real property to be surplus, obtain at least one appraisal of the fair market value of the real property unless an appraisal is not required under the Act, and give notice to the public of the proposed sale, in accordance with the provisions of this by-law.

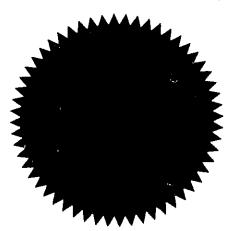
- 4. Prior to selling any real property, Council shall determine the method of sale, which may be by way of public auction, public tender, real estate listing, proposal call or agreement of purchase and sale.
- 5. Where a local board as defined in the Municipal Affairs Act, the County of Wellington, the Grand River Conservation Authority, or the Crown in right of Ontario or Canada, or any of their agencies, expresses an interest in acquiring any surplus property owned by the City, it or they will be requested to submit an offer to purchase.
- 6. Notice to the public of a proposed sale shall be given by publication in a newspaper that is in general circulation in the City of Guelph not less than 30 days prior to the sale or by posting notice of the proposed sale on the site for not less than 30 days prior to the sale.
- 7. Where a proposed disposition of property falls within one or more of the following categories, notice to the public may, notwithstanding Section 6, be given by way of inclusion of the proposed disposition, not less than 30 days prior to the disposition in the public register maintained by the Clerk under Section 2:
 - (a) easement
 - (b) boundary adjustment
 - (c) quit claim
 - (d) conveyance pursuant to an agreement with the City entered into prior to the passing of this by-law
 - (e) sale to any of the bodies described in Section 5
 - (f) land exchange

- 8. The disposition of any of the following interests is considered not to be a sale for the purposes of this by-law:
 - (a) encroachment agreements
 - (b) licence agreements
 - (c) releases
 - (d) certificates of compliance
 - (e) municipal consents for use of a road allowance
 - (f) reconveyances by deed or easement, of land held by the City for a specific purpose pursuant to an agreement which sets out the terms of the reconveyance.
- 9. (a) Every real property located within the City of Guelph which is owned by the City and which is to be sold and used for the establishment and carrying on of industries and of industrial operations and incidental uses is hereby declared surplus for purposes of this by-law.
 - (b) Notwithstanding Section 6, notice to the public of the proposed sale of any real property described in subsection 9(a) shall be given by way of inclusion of a listing of the industrial sites for sale by the City in the public register maintained by the Clerk under Section 2.

PASSED this FINTEENTH

day of

MAY, 1995



LOIS A. GILES CLERK





Meeting: Accountability and Transparency Committee

Date: October 29, 2007

Time: 4:30 p.m.

Location: Committee Room "C"

Present: Councillor Beard - Chair; Scott Butler, Todd Dennis, and Christopher Moes,

Regrets: Rolf Pedersen and Jean McKenzie Leiper

Staff: City Clerk/Manager of Council Administrative Services; Tina Agnello, Deputy

City Clerk and Joyce Sweeney Council Committee Co-ordinator

The Chair provided introductory remarks and the committee members introduced themselves.

The City Clerk provided information on the mandate of the Committee, and reviewed the requirements of the legislation, including timelines and preliminary options.

The committee discussed how they wished to proceed.

The following list was established as the priority in dealing with the various duties of the committee:

- 1. development of a delegation of authority policy
- 2. development of an accountability and transparency policy
- 3. recommendations with respect to the Meeting Investigator
- 4. recommendations with respect to the Lobbyist Registrar, Integrity Commissioner, Ombudsman and Auditor General
- 5. review of existing policies

The City Clerk was requested to provide the Committee with options, examples, costs, etc. of how other Ontario municipalities are handling the mandatory policies, as well as the meeting investigator.

Next Meeting:- November 20, 2007 at 5:00 p.m.

The meeting adjourned at 5:25 p.m.







Meeting: Accountability & Transparency Committee

Date: November 20th, 2007

Time: 5:00 p.m.

Location: Committee Room "A" (just outside the Council Chambers)

Chair: Councillor Vicki Beard

Agenda Items

Item # Description				
1	Introductions - Councillor Beard			
2	Adoption of Minutes – October 29, 2007			
3	Meeting Investigator			
4	Delegation of Authority and Accountability and Transparency Policies			
5	Next Steps			
6	Next Meeting			
7	Adjourn			

A light meal will be provided.







Meeting:

Accountability and Transparency Committee

Date:

October 29, 2007

Time:

4:30 p.m.

Location:

Committee Room "C"

Present:

Councillor Beard - Chair; Scott Butler, Todd Dennis, and Christopher Moes,

Regrets:

Rolf Pedersen and Jean McKenzie Leiper

Staff:

City Clerk/Manager of Council Administrative Services; Tina Agnello, Deputy

City Clerk and Joyce Sweeney Council Committee Co-ordinator

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Next Meeting:-

November 20, 2007 at 5:00 p.m.

The meeting adjourned at 5:25 p.m.





TO: Accountability & Transparency Committee

DATE: 2007 11 15

SUBJECT: Meeting Investigator

RECOMMENDATION:

THAT the City of Guelph appoint The Association of Municipalities of Ontario Local Authority Services Ltd. as the City's Meeting Investigator pursuant to S. 239 of the Municipal Act.

SUMMARY:

Effective January 1, 2008, any person will be able to request that an investigation be undertaken to determine whether a municipality or local board, or a committee of either, has complied with the closed meeting rules contained in the Municipal Act. In the event a municipality does not appoint a meeting investigator, the Ontario Ombudsman will by default assume this role. At its last meeting, this Committee requested staff to present options and costs related to the appointment of a meeting investigator.

BACKGROUND:

For the information of the Committee, the following rules apply to closed meetings:

A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- the security of the property of the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

 consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the council, board, commission or other body is the head of an institution for the purposes of that Act.

In addition, a meeting may be closed to the public if the following conditions are both satisfied:

- The meeting is held for the purpose of educating or training the members.
- At the meeting, no member discusses or otherwise deals with any matter in a way that
 materially advances the business or decision-making of the council, local board or
 committee.

Before holding a meeting that is to be closed to the public, the following shall be stated by resolution:

 the fact of the holding of the closed meeting and the general nature of the subject matter to be considered at the closed meeting.

Under the legislation, a meeting shall not be closed to the public during the taking of a vote, unless the vote is for a procedural matter or for giving directions or instructions.

REPORT:

Staff have researched the progress of other municipalities in dealing with the requirement to appoint a meeting investigator. Appendix "A" to this report indicates the municipalities that have taken steps to appoint a meeting investigator, or that are in the process of making recommendations. Ontario municipalities are currently considering several options with respect to the appointment of a meeting investigator:

- AMO/LAS Meeting Investigator Service
- Default to the Ontario Ombudsman
- Sole sourcing a meeting investigator
- Partnership with other municipalities to appoint a meeting investigator

Information relating to the above options is as follows:

AMO/LAS MEETING INVESTIGATOR SERVICE – This service is available at an annual subscription cost of \$600. In the event of a request for an investigation, there is a daily fee of \$1,250 plus expenses. We have no way of determining how many requests may be made during a calendar year, but it is anticipated that after the first year, it is likely that the number of requests would increase. This is similar to our experience with freedom of information requests, which have annually increased since the enabling legislation was originally passed. (See attached Appendix "B" relating to this service.)

DEFAULT TO ONTARIO OMBUDSMAN – According to information available, Ontario Ombudsman's investigations are conducted at no cost to those who complain or to municipalities or local boards. (See attached Appendix "C" relating to this service.)

RETAINING A MEETING INVESTIGATOR FOR THE CITY OF GUELPH — We have been unable to determine the costs associated with sole sourcing a meeting investigator, as those municipalities using this alternative have issued invitations for letters of interest. While no formal request for proposals has been issued, an informal quotation was obtained that would see an annual fee of \$2,500, a daily fee of \$600, plus expenses. The annual fee is based on population.

PARTNER WITH ANOTHER MUNICIPALITY(S) TO RETAIN A MEETING INVESTIGATOR – Costs would be shared by the partnering municipalities. Cost would vary, depending on the population of the partnering municipality.

From the information currently available, it appears that the majority of municipalities are taking advantage of the AMO/LAS meeting investigator service.

At this time, staff are recommending that the City of Guelph appoint the Association of Municipalities of Ontario Local Authority Services Ltd. as the City's Meeting Investigator pursuant to S. 239 of the Municipal Act. Reasons in support of this recommendation are as follows:

- Annual subscription cost is minimal;
- The term of the appointment will allow the City to evaluate the service on an annual basis to determine whether another option is preferable.
- The Association of Municipalities of Ontario offers a service that will provide on-going
 educational information related to the closed meeting provisions of the Municipal Act,
 access to all completed investigation reports from subscribing municipalities across
 Ontario, access to a pool of trained and qualified review officers, and other resources
 designed to make the transition under this new legislation easier for the municipality to
 manage.

CORPORATE STRATEGIC PLAN:

These recommendations support goal #5: A community focused, responsive and accountable government.

FINANCIAL IMPLICATIONS:

Annual subscription costs are minimal and can be absorbed under general government expenditures. Costs related to requests for investigations are not budgeted for, and funding for expenses relating to investigations will be needed on an as required basis.

DEPARTMENTAL CONSULTATION:

Consultation with Legal Services will be required to ensure compliance with all applicable legislation.

ATTACHMENTS:

- Appendix "A" Summary of Municipal Decisions/Recommendations
- Appendix "B" AMO/LAS Investigator Program Appendix "C" Ontario Ombudsman Service

City Clerk.

MUNICIPALITY	DECISION/RECOMENDATION
AJAX	Recommending LAS
BELLEVILLE, HASTINGS, QUINTE WEST, PRINCE EDWARD COUNTY	Appointing 1 individual to serve municipalities
BROCKVILLE	Using the Provincial Ombudsman
CALEDON	Recommending LAS
CHATHAM-KENT	Utilizing LAS Service
COUNTY OF PETERBOROUGH AND	Appointing 1 individual to serve municipalities
TOWNSHIPS OF ASPHODEL-	
NORWOOD, CAVAN-MONAGHAN, DOURO-DUMMER, GALWAY-	
CAVENDISH & HARVEY,	
HAVELOCK-BELMONT-METHUEN,	
NORTH KAWARTHA, OTONABEE-	
SOUTH MONAGHAN, AND SMITH-	
ENNISMORE-LAKEFIELD	
COUNTY OF WELLINGTON	Inviting proposals for its own investigator
DISTRICT MUNICIPALITY OF	Appointing its own investigator
MUSKOKA	1. And the state of the state o
FORT ERIE	Recommending LAS
HALTON REGION	Recommending LAS
KILLALOE, HARGARTY &	Appointing its own investigator
KITCHENER	Recommending LAS
MARKHAM	General Committee has recommended utilizing LAS Service - expected to be ratified by
A PONTONO CONTRACTOR C	Council on November 13th
NIAGARA FALLS	Utilizing LAS
NORTH BAY	Utilizing LAS
OAKVILLE	Suggesting LAS and re-evaluate after two years
OSHAWA	Internal Working Group Recommending Use of Provincial Ombudsman

OTTAWA	Staff Recommending Individual Appointment
PETERBOROUGH	Recommending LAS
SARNIA	Recommending LAS
SARNIA	Recommending LAS
ST. CATHARINES	Recommending LAS
THUNDER BAY	Staff Recommending Individual Appointment together with other Northwestern Ontario
	municipalities.
VAUGHAN	Recommending LAS
WATERLOO REGION	Recommending LAS
WHITBY	Recommending LAS
WHITCHURCH STOUFEVILLE	Recommending LAS
YORK REGION	Recommending LAS



801 - 200 University Avenue, Toronto, ON M5H 3C6 416 971-9856 | Fax: 416 971-6191 www.las.on.ca | info@las.on.ca

August 29, 2007

Dear Clerk/Administrator/Council:

Enclosed please find information and sign-up materials related to the new LAS Investigator Program. This program has been developed to help municipalities proactively respond to forthcoming changes to the *Municipal Act* related to 'Closed Meeting' Investigations. The relevant changes to the Act are outlined in the presentation attached.

In an effort to ensure that this new LAS program is administered in an open and transparent manner we have provided a sample version of the Service Agreement between LAS and each municipality, as well as information related to how this program will operate – fees, sign-up process, etc. This information is proprietary so please use your professional discretion in the distribution of this material to those outside of staff and Council.

The operation of this program is quite simple – interested municipalities will appoint LAS as the municipality's Investigator (as per the Act), and LAS will delegate authority to a third party company set up for this purpose; LAS' chosen counter-party is Amberley Gavel Ltd. Each municipality will pay a small retainer fee to join the program as well as a daily investigation rate for any investigations that are requested. Details of the sign-up process, fees, and other program details are included in the enclosed presentation slides.

The benefits of this program are that program members will be provided with: ongoing educational information related to the 'Closed Meeting' provisions of the *Municipal Act*, access to all completed reports via a password protected website, access to a sizeable pool of trained and qualified Review Officers, and other resources designed to make the forthcoming changes easier for your municipality to manage.

Given the short time period before the 'closed meeting' provisions come into effect, we encourage all municipalities to promptly review this information to determine if this program is of interest to your municipality. Should you wish to join this program please contact LAS to request a personalized version of the Investigator Services Agreement.

The answers to the most common questions are provided in the enclosed FAQ document but should you have any additional questions, please contact Jason Hagan, LAS Program Coordinator, at ext. 320 or by email at jhagan@amo.on.ca.

Sincerely,

Nancy Plumridge President





LAS Investigator Program

As of January 1, 2008 any person (this means anyone!) will be able to request that an investigation be undertaken respecting whether a municipality or local board, or a committee of either, has complied with the closed meeting rules contained within the Municipal Act. Municipalities will be able to appoint an Investigator for this purpose. If a municipality chooses not to appoint an Investigator, the Provincial Ombudsman will be able to assume the role.

What should be considered in appointing an Investigator?

A municipality could appoint any person, corporation or individual, including a member of municipal staff, to conduct investigations pursuant to Section 239.2 of the Act.

In making its selection, a municipal Council should consider the intent and wording of the Act. Sections 239.1 and 239.2 were enacted to enhance transparency and accountability. Council needs to consider if its choice achieves that goal.

As well, the Act specifically speaks to impartiality, credibility, confidentiality, and independence with respect to the investigation process. Council must consider these factors also.

Why appoint LAS as Investigator?

LAS decided to offer this service for several reasons. The first is that it is complementary to its existing program of providing services to municipalities where value can be enhanced through group procurement.

Secondly, LAS believes that this initiative will assist municipalities in demonstrating that they are mature and accountable orders of government, capable of managing their own affairs. The business model for the program ensures that all Investigators will possess extensive knowledge of and appreciation for the municipal environment.

Thirdly, through this joint initiative, LAS will include an educational component, to a degree not possible if municipalities act independently or in smaller cooperative groups. In the longer term, information and municipal education will ensure transparency and accountability, ultimately reducing the frequency of requests for close meeting investigations.

How Does a Municipality Appoint LAS as Investigator?

Prior to January 1, 2008, a municipality can appoint LAS to be its investigator, effective January 1, 2008. A municipality can also appoint LAS at any time after January 1, but LAS cannot act as Investigator for any requests made between January 1, 2008 and the date of appointment. The Provincial Ombudsman takes on this role.

To appoint LAS as Investigator a municipality must: execute a Service Agreement with LAS, pass an appointment by-law (and provide LAS with a copy), and pay a retainer fee. A suggested appointment by-law will be provided by LAS, which reflects the intention of LAS to delegate its authority to a third party company specifically set up for the purpose of providing an Investigator Service. This company will provide a panel of experienced and trained individuals who will conduct the investigations. This company has received delegated authority from LAS under an agreement that has been executed between the parties.



What are the Fees for Investigation Services?

There are two types of fees with respect to a municipality's agreement with LAS. The first is the annual retainer, and the second is the daily rate for actual investigations (if required), along with out of pocket expenses.

The purpose of the retainer is to cover the costs associated with training, developing educational material to be provided to municipalities, liability insurance and administrative overhead.

Daily fees and reasonable out of pocket expenses related to any Investigation will be charged directly to the municipality or local board by the third-party company. It is anticipated that a credible investigation process will require a minimum of a half day's time even if it is determined that the complaint does not merit a complete investigation or if the request ends up being withdrawn.

LAS will enhance the program for all participating municipalities in a number of ways:

- ✓ There will be a password protected website available to participating municipalities
 which will include a repository of all of the reports made to date and other relevant
 information
- ✓ LAS will provide information on the panel of Investigators and will ensure that the Investigators represent a broad cross-section of the province and that investigations are available in both English and French
- ✓ LAS will also provide information and suggestions on closed meetings as part of an ongoing educational program

Your municipality will be receiving a comprehensive package from LAS in time for a September Council meeting, which will contain:

- ✓ Agreement with LAS for Investigator Services
- ✓ Sample Appointment By-law
- Educational materials that will help you answer all your questions (i.e. which local boards are included and what is a committee, etc.)

Next Steps:

Practically speaking Council should decide on who its Investigator will be before the end of November 2007 and preferably before then so that staff can put the necessary procedures in place to deal with any requests that may be received after January 1, 2008.

Your municipality should promptly review the LAS materials and start the process of determining what your municipality plans to do to address the new closed meeting rules.

For more information please contact:

Jason Hagan LAS Program Coordinator Association of Municipalities of Ontario

Tel: 416-971-9856 ext. 320 Toll Free: 1-877-426-6527 Email: jhagan@amo.on.ca



LAS Investigator Program

The closed meeting investigation process pursuant to Sections 239.1 and 239.2 of the <u>Municipal Act</u>, 2001 is new. These "frequently asked questions" reflect our best efforts to interpret the legislation and its intent, and demonstrate how the new LAS Investigator Program will operate.

What is the new Requirement?

As of January 1, 2008 any person (and this means anyone) will be able to request that an investigation be undertaken respecting whether a municipality or local board, or a committee of either, has complied with closed meeting rules. Municipalities will be able to appoint an Investigator for this purpose. If a municipality chooses not to appoint an Investigator, the Provincial Ombudsman will be able to assume the role.

What should be considered in appointing an Investigator?

A municipality can appoint any person, corporation or individual, including a member of municipal staff, to conduct investigations pursuant to Section 239.2.

In making its selection of an Investigator, a municipal Council should consider the intent and wording of the Act. Sections 239.1 and 239.2 were enacted to enhance transparency and accountability. Council needs to consider if its choice achieves that goal.

The Act specifically speaks to impartiality, credibility, confidentiality, and independence with respect to the investigation process. Council must consider these factors also.

Why appoint LAS as Investigator?

LAS decided to offer this service for several reasons. The first is that it is complementary to our existing suite of municipal programs and services whereby value can be enhanced through group procurement. The LAS program will also ensure a consistent standard of service to all participants.

Secondly, LAS believes that this initiative will assist municipalities in demonstrating that they are a mature and accountable order of government, capable of managing their own affairs. LAS will ensure that Review Officers have a knowledge of and appreciation for the municipal environment.

Thirdly, through this joint initiative, LAS believes it can add an educational component, to a degree not possible if municipalities act independently or in small groups, which will serve to enhance transparency and accountability, ultimately reducing the frequency of requests for closed meeting investigations.

About LAS - Created in 1992, LAS is a wholly owned subsidiary of AMO. LAS supports municipalities and the broader public sector by delivering programs and services that leverage economies-of-scale and co-operative procurement efforts. Examples of current LAS programs are our Electricity and Natural Gas Procurement Programs.



How Does a Municipality appoint LAS as Investigator?

Prior to January 1, 2008, a municipality can appoint LAS to be its Investigator, effective January 1, 2008. A municipality can also appoint LAS at any time after that date, but LAS would not be the Investigator for any requests that were made between January 1, 2008 and the date of the later appointment. The Provincial Ombudsman takes on this role.

A standard by-law is provided by LAS which incorporates an agreement between LAS and the municipality. It reflects the intention of LAS to delegate its authority to a third party company specifically set up for this purpose. This company will provide a panel of Review Officers who will conduct investigations. This company has received delegated authority from LAS under an agreement that has been executed between the parties and it will be this company that is the delegated investigator.

What background will the Review Officers have?

The Review Officers will be persons who have extensive experience with municipal government and municipal processes. This experience might be gained as a staff person or as a previous elected official, or through a close working relationship with municipal government over an extended period of time.

Review Officers will be located geographically around the Province to minimize costs to participating municipalities, where possible. At least one Review Officer will be able to conduct investigations in French.

All Review Officers will be required to participate in training regarding municipal and local board meeting processes, as well as investigative processes. A list of all Review Officers will be available to program members.

Who appoints an Investigator for a Local Board?

The municipal Council does. It will automatically be the one who is appointed to deal with requests regarding Council meetings.

What is a "Local Board"?

The definition of a local board is derived from two sources for purposes of closed meeting investigations. The first is Section 1 of the <u>Municipal Act 2001</u>, which says:

" "local board" means a municipal services board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any act with respect to the affairs or purposes of one or more municipalities excluding a school board and a conservation authority".

But Section 238, further states: ""local board" does not include police services boards or public library boards".

In short, the closed meeting investigation process covers all Municipal Boards and Committees <u>except</u>: School Boards, Conservation Authorities, Police Services Boards, and Public Library Boards. These are the only exceptions - Business Improvement Area Boards, Arena Boards, Transit Commissions, and Boards of Health, for example, are all covered.

For a specific local situation, the municipality should review the establishing by-law and enabling legislation, and if necessary consult its solicitor.

What is a "Committee"?

Section 238 says that "committee means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of one or more councils or local boards".

What about Joint Boards and Committees?

Again, guidance should come from the by-laws and legislation creating the specific body.

What is a "Person"?

- A "Person" includes an individual.
- "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law." (Interpretation Act),
- "person" includes a municipality unless the context otherwise requires;" (Municipal Act, 2001)

What happens if an Investigator is not appointed before January 1, 2008?

Effective January 1, 2008, a person may request the Provincial Ombudsman to undertake an investigation of the compliance of a closed meeting with the <u>Municipal Act 2001</u> or a procedure by-law.

Even if a request has gone to the Ombudsman, the municipality could still appoint an Investigator for subsequent requests. The Ombudsman would complete the work on the requests filed with him.

Can a request be retroactive?

Section 239.2 of the Municipal Act, 2001 has been proclaimed effective January 1, 2008. As a general rule, legislation is not retroactive unless it contains specific reference to retroactivity. This section contains no such reference; it is recommended that an investigation only be held for meetings that occur on or after January 1, 2008.

How does a person file a request and is there a required form for a request?

It appears that the municipality can decide upon the form for a request, but presumably the request should be signed by the person requesting the investigation, and should include contact information and sufficient detail to indicate the meeting that the request concerns, and a general indication of why the request has been made.

What are the requirements of an Investigation?

The investigation process is required to be credible, its activities confidential, and it is required to be conducted impartially and independently. Neither Council, nor a Local Board, nor any of its members should attempt to provide direction to the investigation process once a request has been made. Council or Board members could be interviewed as could any other person in attendance at the meeting that is the subject of the request.

What does the Municipality or Local Board do with a request for an Investigation?

The request should be directed to the Municipal Clerk who will have a checklist of material required for each investigation – this will be provided by LAS. This standardized checklist is designed to minimize investigation costs and ensure the credibility of the investigation process.

The checklist will include: the request made by the person, procedure by-law(s), contact list of attendees, evidence of notice for the meeting in question, agenda and attachments, minutes, and other relevant materials.

What will the LAS investigation process be?

- A person files a request for investigation with the Clerk
- The request and background documentation are sent to the Investigator
- Initial review by Investigator may result in withdrawal by the person filing, a decision not to proceed with reason, or a decision to proceed with the investigation
- In the case of withdrawal, or decision not to proceed, Investigator notifies the parties.
 - If decision is to proceed, a Review Officer is assigned and investigation is performed
 - Draft report filed with Investigator for review
 - If circumstances warrant, municipality or local board given formal hearing opportunity (pursuant to Section 218 of the Ombudsman Act)
- Final report prepared and submitted to the Council, or Local Board and Council, and posted on Investigator website.

A flowchart of the Investigation Request Process can be found on the LAS website at www.LAS.on.ca.

Will all requests proceed to a full investigation?

During the investigative process the person who filed the request may decide to withdraw the request. If that happens, the file will be closed and the action reported to the Council, or to the Council and Local Board.

In addition, some requests may be determined upon preliminary review to be frivolous or vexatious. Following such a determination the requestor will be notified of this decision by the Investigator as will the Council, or the Council and the Local Board.

The credibility of the Investigation process requires that both of the above circumstances be formally undertaken and documented.

What are the fees for this LAS program?

There are two types of fees with respect to a municipality's agreement with LAS. The first is the retainer fee, and the second is the daily rate for actual investigations, along with out of pocket expenses. Specific fee amounts are detailed in the Investigator Services Agreement.

The retainer is to allow for educational materials to be developed and provided to municipalities and local boards, and also for administrative overhead.

Daily fees and reasonable out of pocket expenses will be chargeable to the municipality or local board for each investigation. It is anticipated that a credible investigation process will require a minimum of a half day's time once referred to the Investigator, even if the request is withdrawn or determined not to merit a complete investigation.

How is the investigation billed?

Municipalities will be billed on a daily basis for investigations – billing will be on an hourly basis, where only part of a day is required. Members of the Review Officer panel will be located throughout Ontario which will help to reduce travel costs and time.

How long will an investigation take?

It is difficult to predict but it is anticipated that most investigations will take approximately two days. It will depend on the number of interviews required and the ability to coordinate these interviews. If a request can be satisfied without a full investigation then this would likely decrease the time required.

Can a municipality charge a fee for a request for an investigation?

Nothing in section 239 addresses the issue of the fee, however, any fee or charge would presumably be established by the municipality or local board pursuant to Part XII of the Municipal Act, 2001. A municipality may wish to obtain legal advice in establishing such a fee.

Does the Municipality have a choice of Review Officer from the panel?

The decision as to which Review Officer will be delegated the task of conducting the investigation will be made by LAS' delegate. Factors such as geographic location, type of municipality and availability will be taken into account. A municipality may request a particular member of the panel and this will also be taken into consideration.

Who can see a request?

The <u>Municipal Act, 2001</u> imposes a duty of confidentiality on every person involved with the Investigation. This duty prevails even over the Municipal Freedom of Information and Protection of Privacy Act.

Is the report of the Investigator available to the public?

Yes. The Act requires that it be available to the public.

If a municipality appoints LAS will it have access to all of the reports?

Yes. One of the advantages for a municipality in appointing LAS is that the municipality will have access to a password protected website that will include all reports issued.

How long does the appointment of LAS as Investigator last?

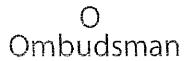
For appointments made effective January 1, 2008, the sample Appointing By-law and Services Agreement provide for a term of two years expiring on December 31, 2009. If the appointment is made after January 1, 2008, the appointment will still last until December 31, 2009.

The appointment will be automatically renewed unless terminated by the municipality or by LAS no later than 90 days before the expiry date of the current Services Agreement.

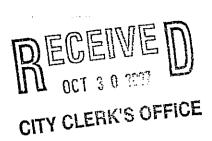
How will LAS help municipalities understand the closed meeting rules?

LAS will enhance the service provided to participating municipalities in a number of ways:

- ✓ There will be a password protected website for participating municipalities that will provide a variety of information resources including access to all reports made to date.
- ✓ LAS will provide information on the panel of Review Officers.
- ✓ LAS will also provide information and suggestions on closed meetings as part of an ongoing educational program.



ONTARIO'S WATCHDOG Citien de garde de l'Ontario



October 22, 2007

Dear Clerk/Administrator/Council:

As of January 1, 2008, the provisions of the City of Toronto Act, 2006 and the Municipal Act, 2001 relating to investigation of closed meetings will come into effect. Under these new legislative provisions, the Office of the Ombudsman of Ontario will have the responsibility of investigating complaints about closed meetings if the municipality in question has not appointed an investigator.

I would like to take this opportunity to provide you with some general information regarding our Office's processes and how it will be dealing with this new jurisdiction. Attached for your information and assistance is some additional information in the form of a "frequently asked questions" document. This information can also be found on the Ombudsman's website at www.ombudsman.on.ca.

The Ombudsman's Office will be maintaining information about closed meetings on its website and will be available to the public and municipalities as a resource. The Ombudsman's services are free of charge. Our Office is independent from government and functions in an impartial and confidential manner, conducting thorough, objective and credible investigations.

The Ombudsman's process has proven effective in resolving tens of thousands of cases on an annual basis. When we receive a complaint, our normal practice is to contact the parties involved and first attempt to resolve issues informally. If this is unsuccessful, a formal investigation may be launched. Prior to launching an investigation, notice is given in writing to the organization that is the subject of the complaint - in the case of complaints about closed meetings, notice would go to the relevant municipality or local board. Under the Ombudsman Act, the Ombudsman also has discretion to decline to investigate a complaint.

Given that the Ombudsman will have jurisdiction to investigate complaints about closed meetings in any case where a municipality has not appointed an investigator for this purpose, it is important that all Ontario municipalities provide our Office with up-to-date information regarding any investigator(s) they may appoint. This will also assist the Ombudsman's Office in providing appropriate referral information to complainants in cases where municipalities have appointed investigators.

> Bell Trinity Square 483 Bay Street, 10th Floor, South Tower, Toronto, ON M5G 2C9 483, rue Bay, 10e étage, Tour sud, Toronto (Ontario) M5G 2C9 416-586-3300 416-586-3485

We would appreciate it if you could notify our Office of any investigator(s) appointed by your municipality, including name and contact information. In addition, please provide us with any Council minutes confirming the investigator's appointment, and any relevant bylaw relating to the terms and conditions governing the investigator. This can be done by e-mail at info@ombudsman.on.ca or by mail, addressed to the attention of Sherrie Nicholson, Ombudsman Ontario, Bell Trinity Square, 483 Bay Street, 10th Floor, South Tower, Toronto, ON, M5G 2C9.

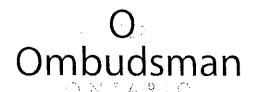
If you have any questions, please feel free to visit our website or contact us via e-mail at info@ombudsman.on.ca or by phone at 1-800-263-1830.

Yours truly,

Barbara Finlay

Deputy Ombudsman

Encl.



ONTARIO'S WATCHDOG · CHIEN DE GARDE DE L'ONTARIO

Investigating Closed Municipal Meetings: Frequently Asked Questions

Municipalities and local boards in Ontario are required to pass bylaws setting out the procedure for holding meetings. The law now requires that public notice be given that a meeting will be held. All meetings must be open to the public unless they come within limited exceptions.

As of January 1, 2008, the *City of Toronto Act, 2006* and the *Municipal Act, 2001* provide that any person may request an investigation into whether a municipality or local board has complied with the open meeting requirements or the procedural bylaw relating to any meeting or part of a meeting that was closed to the public.

If a municipality has not appointed an investigator, the Ombudsman of Ontario has authority to investigate complaints about closed meetings. The Ombudsman's investigations are conducted at no cost to those who complain or to municipalities or local boards. The Ombudsman's process respects the values of independence, impartiality, confidentiality and a credible investigative process and has been proven effective in resolving tens of thousands of cases per year in a timely manner.

Who must hold an open meeting?

All municipal and local boards – <u>except</u> conservation authorities, police services boards, school boards, and public library boards – are required to hold meetings that are open to the public, subject to some exemptions.

When can a meeting be closed to the public?

A municipal or local board meeting, or part of a meeting, may be closed if the subject matter being considered concerns:

- the security of the property of the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

A meeting may also be closed if it is held for the purpose of educating or training the members, so long as no member discusses or otherwise deals with any matter during the closed meeting in a way that materially advances the business or decision-making of the council, local board or committee.

In addition, meetings must be closed if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act.

Can members vote during a closed meeting?

Generally, meetings are not supposed to be closed to the public during the taking of a vote. However, voting in a closed meeting is permitted if the closed meeting is otherwise authorized and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City; to officers, employees or agents of a local board or of a committee of either of them; or to persons retained by or under a contract with the municipality or local board.

Does a municipal council or local board have to follow a specific procedure to close a meeting?

Yes, in order to close a meeting a specific process must be followed:

The municipality, local board, or committee must state by resolution that a closed meeting will be held and state the general nature of the matter to be considered at the closed meeting. Public notice of a meeting is required even if the meeting is closed. In the case of meetings for the purpose of educating or training members, the subsection of the *Municipal Act* authorizing meeting closure for this purpose must also be cited.

Does a municipal body have to keep a record of a closed meeting?

A municipal council, local board or committee, must record without comment all resolutions, decisions and other proceedings, whether the meeting is open or closed.

Who can ask for an investigation relating to a closed meeting?

Any person or corporation may ask for an investigation relating to a closed meeting.

What municipal bodies can be investigated for failing to hold an open meeting? The investigation provisions cover municipalities and local boards, which include:

- municipal councils;
- municipal boards, including boards of health or planning boards;
- transportation commissions;

 any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities.

Who investigates closed meeting complaints?

If a municipality has appointed an investigator, he or she will investigate complaints about closed meetings. If the municipality has not appointed an investigator, the Ontario Ombudsman may investigate. Once the Ontario Ombudsman has received a complaint, the Ombudsman will retain jurisdiction over a complaint even if an investigator is subsequently appointed by the municipality.

Complaints may be made to a municipality or local board or to the Ontario Ombudsman. If the Ombudsman receives a complaint about a municipality where an investigator has been appointed, the complaint will be referred to that investigator. Similarly, it is expected that municipalities and local boards will refer complaints to the Ontario Ombudsman when no investigator has been appointed.

How will the Ombudsman know if a local investigator has been appointed?

The Ontario Ombudsman is encouraging municipalities to notify his office if an investigator has been appointed, and to provide the investigator's contact information. The Ombudsman's Office will contact a municipality in cases where no notification has been received.

Does the Ombudsman have the ability to conduct investigations in both English and French?

Yes, the Ombudsman's office can conduct investigations in either English or French.

Does the Ombudsman charge a fee to either the municipality or the person bringing the complaint?

No, there is no fee charged by the Ombudsman to either the municipality or the person bringing the complaint to our Office. In keeping with the tradition of ombudsman offices around the world, the Ombudsman's services are free of charge in order to ensure they are fully accessible to everyone.

Will the Ombudsman notify the municipality or local board when a complaint is received?

The Ombudsman's usual process is to document and confirm the details of a complaint, and then to contact the municipality or local board to advise them of the complaint and obtain information. If the complaint cannot be resolved informally, a formal investigation may be commenced. In the case of a formal investigation, the head of the municipality or local board will be notified.

Can closed meetings prior to January 1, 2008 be investigated?

The investigation provisions apply to meetings held on or after January 1, 2008. As a general rule, legislative provisions only apply on or after their commencement date.

What powers of investigation does the Ombudsman have with respect to closed meeting complaints?

The investigative powers set out in the *Ombudsman Act* – including the power to issue summonses, inspect premises and compel municipal officials and staff to provide information and documents – apply to investigations of closed meeting complaints.

Will the Ombudsman investigate every complaint received?

The Ombudsman's Office will conduct an initial review of each complaint regarding open meetings. Not all complaints will necessarily result in a formal investigation. Some cases will be resolved informally, and there may also be circumstances when an investigation is otherwise considered unnecessary.

Will the Ombudsman establish time frames for the municipality or local board to respond to a complaint?

The time frame for responding to a complaint will depend on the nature of the circumstances. As a general rule, the Ombudsman expects timely responses so that complaints may be resolved without undue delay.

What happens to municipal documents after an Ombudsman investigation?

The Ombudsman's practice is to return original documents. Copies of documents retained in the Ombudsman's file are kept confidential. The Ombudsman is not subject to the Municipal Freedom of Information and Protection of Privacy Act or the Freedom of Information and Protection of Privacy Act.

What can the Ombudsman do if he finds a meeting was improperly closed or procedural requirements were contravened?

If the Ombudsman concludes, after an investigation, that there was a contravention of the procedural bylaw relating to a closed meeting, or that the closed meeting provisions were contravened, he may report his opinion and reasons to the municipality or local board, and make recommendations to address his concerns.

Will the Ombudsman's reports about closed meetings be made public?

Yes, once an Ombudsman report is provided to the municipality or local board, that body is required to make it public. Copies of the reports may also be found on the Ombudsman's website, www.ombudsman.on.ca.



TO:

Accountability & Transparency Committee

DATE:

2007 11 15

SUBJECT:

DELEGATION OF AUTHORITY AND ACCOUNTABILITY AND

TRANSPARENCY POLICIES

RECOMMENDATION:

THAT the draft delegation of authority policy and the accountability and transparency policy be approved, subject to review by Legal Services for compliance with legislation.

SUMMARY:

The purpose of this report is to assist the committee in developing policies relating to:

- The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public.
- The delegation of Council's legislative and administrative authority.

BACKGROUND:

Under S. 270 of the Municipal Act, municipalities are required to have the following mandatory policies in place by January 1, 2008:

- · sale and other disposition of land
- hiring of employees
- procurement of goods and services
- notice to the public
- · accountability and transparency
- delegation of authority

The first four policies have already been adopted by the City. This Committee is charged with the responsibility of developing the final two policies. The Committee has requested staff to research the work done by other Ontario municipalities, and to present options to assist in the development of these policies.

REPORT:

MUNICIPAL PRACTICES:

As was previously explained to the Committee, all Ontario municipalities are currently in the process of adopting these policies. Although it is contained in separate legislation, the City of Toronto is also required to adopt these same policies. The City of Toronto is not formally adopting policies, but is instead establishing a framework that includes the appointment of the accountability and transparency positions (ombudsman, integrity commissioner, etc.) to ensure its accountability and transparency to the public, as well as following its by-laws that govern the delegation of authority. As a result, there are no policies from Toronto that can be obtained for review by the Committee.

From the research staff have done, we have only been able to access two policies that have been developed to date:

- Region of Waterloo Accountability and Transparency Policy (Appendix "A")
- County of Norfolk Delegation of Powers and Duties of Council (Appendix "B")

Staff have also consulted the Ministry of Municipal Affairs and Housing to determine if there are other policies that can be obtained that would be of use to the Committee. The Ministry has advised that to the best of their knowledge, there are no other accountability and transparency policies elsewhere in Canada that can be compared to what is being required of municipalities in Ontario.

What will be of great assistance to the Committee, is material from the Municipal Law Departments Association of Ontario relating to the drafting of these two policies to be considered for enactment under the Municipal Act. (Appendix "C" and "D") These policies are general in nature, and can be adapted to meet local needs.

POLICY DEVELOPMENT:

Staff are suggesting that the Committee consider the Accountability & Transparency Policy and the Delegation of Authority Policy as over-riding policy statements that would apply specific rules:

- as to how delegation of authority would occur;
- how the municipality will ensure that it is accountable to the public for its actions; and
- how the municipality will ensure that its actions are transparent to the public.

In other words, these policies would become "umbrella documents" that would have underlying components contributing to the principles of accountability and transparency. In effect, they would become living documents that would expand as new components are developed, or as existing components are updated.

For example, the accountability and transparency policy will consolidate the provisions of a number of policies relating to how the municipality:

- Disposes of surplus land
- Hires its employees

- Procures its goods and services
- Provides notice to the public
- Encourages an open and responsive meeting process that ensures the public has access to agendas, reports, etc.

The delegation of authority policy would have provisions relating to the scope of the powers and duties under which Council would delegate its legislative and administrative authority, and to establish principles governing such delegation.

Once these general policies are established, the specific underlying components would be developed or revised by Council as required.

Attached are draft policies for the consideration of the Committee. (Appendix "E" and Appendix "F")

CORPORATE STRATEGIC PLAN:

These recommendations support goal #5: A community focused, responsive and accountable government.

FINANCIAL IMPLICATIONS:

Not Applicable

DEPARTMENTAL CONSULTATION:

Consultation with Legal Services will be required to ensure compliance with all applicable legislation.

Lois A. Gilès, City Clerk.

ATTACHMENTS:

Appendix "A" - Region of Waterloo - Accountability and Transparency Policy

Appendix "B" - County of Norfolk - Delegation of Powers and Duties of Council

Appendix "C" - Municipal Law Departments Association of Ontario Draft Policy on

Accountability & Transparency

Appendix "D" – Municipal Law Departments Association of Ontario Draft Policy on Delegation of Authority

Appendix "E" - Draft Accountability & Transparency Policy

Appendix "F" – Draft Delegation of Authority Policy

Report: CR-CLK-07-016

APPENDIX A

	CORPORATE POLICY	Policy # 07-01
Region of Waterloo		Revision Date: November 2, 2007
Title:	Accountability and Transparency Policy	
Approval Level:	Council	
Applies to:	All Staff and Councillors	***************************************

POLICY STATEMENT:

The Regional Municipality of Waterloo is an accountable and transparent organization and is committed to:

- · Openness and fairness when transacting Regional business,
- Efficient and effective financial management.
- An open, responsive meeting process that ensures citizen have access to and awareness of the Council/Committee business being discussed,
- · Providing access to public information consistent with legislative requirements.
- Ensuring staff conduct themselves in accordance with corporate values as outlined in the strategic plan,
- · Responding in a timely manner to inquiries, concerns and complaints,
- Ensuring delegated responsibilities are documented and include appropriate oversight.
- Knowing, understanding and following any legislative mandate approved by the Provincial or the Federal government.

DEFINITIONS:

Accountability: The concept or principle that a municipality is responsible for their actions, decisions and policies and may be required to explain them and be answerable for resulting consequences. Transparency: The concept or principle that the municipality is open, clear and visible to those we serve. Citizens must be able to "see through" a municipality's inner workings to know exactly what goes on when public officials transact public business.

OPERATING PRINCIPLE:

The Region develops and approves policies that contribute to creating an open, accountable, and transparent public organization. Those policies can be broken into 3 main categories: These categories are defined below.

<u>Category 1 – Municipal Act Policies</u>: The following policies are example of those policies required by the Municipal Act as amended: The procedural by-law, sale of land policy, hiring of employees policy, procurement of goods and services, public notice and associated processes, and delegation of powers and duties to committees, boards or individuals. This policy is to function as the umbrella policy for the requirements of the *Municipal Act*.

<u>Category 2 – Other Legislated Requirements:</u> The Region is responsible for a diverse range of responsibilities. In many cases legislation other than the Municipal Act mandates processes for Council to follow. Examples of these legislative requirements would be the Planning Act, Environmental Assessment Act, Safe Water Drinking Act, and Health Protection and Promotion Act.

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The Region also has several funding partners. These funding partners also imposed financial reporting responsibilities onto the Region.

<u>Category 3 – Other Regional Requirements</u>: Other Regional policies and procedures are also developed in response to Community and Corporate needs. Examples of these policies include Human Resources policies including the staff Code of Ethics, Corporate Strategic Plan including values, vision and mission statement and periodic quarterly financial reporting.

The public decision making process is to be accountable and transparent at the Region. For these reasons the Region is dedicated to:

- Conducting its Council/Committee meetings and associated business in open session, except when permitted under the Municipal Act as amended,
- Providing notice of closed meetings in accordance with the Municipal Act as amended,
- Appointing a meeting investigator in accordance with the Municipal Act,
- Providing access to credible information that can be obtained through routine disclosure and in accordance with Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and Personal Health Information Protection Act (PHIPA).

OPERATING DETAILS:

Each policy identified in category 1 and this policy shall be subject to the following provisions:

- Include the operating details within the individual policies,
- Must identify within the policy when and how the policy will be reviewed to evaluate its effectiveness,
- Provide adequate notice when the policy is to be amended,
- Contain statement(s) regarding the consequences of not complying with the policy,
- Provide for a formalized complaint process.

The Policies identified in Category 2 shall follow the criteria established with in the mandated legislative framework or the agreement with the funding partner. Reporting on these activities will occur as legislated.

The Policies identified in Category 3 shall be subject to the following provisions:

- Include the operating details within the individual policies.
- Contain statement(s) regarding the consequences of not complying with the policy.
- Provide for a formalized complaint process.

Review period

This policy shall be reviewed every 5 years. Notice for the review of this policy shall be given in accordance with the Region of Waterloo Notice Policy.

Complaint process

The Regional Clerk shall be responsible for collecting concerns or complaints related to this policy. Upon notification of a concern/complaint the Clerk shall notify:

- a) in the case of staff, the Department Head and Director responsible for the area and the Director, Employee Relations,
- b) in the case of closed meetings, the meeting investigator,
- c) in the case of Council, the Regional Chair.

SEE ALSO:

Notice Policy #07-02 Sale and disposition of land by-law 95-034 Purchasing By-law 04-093 Employment of Relatives HR Policy I-12 Municipal Act Report: CR-CLK-07-016

Nog	61k COUNTY	CORPORATE SERVIC	ES
POLICY AND	PROCEDURE MA	UAL	
POLICY NO.	CRS-	PAGE NO.	Page 1 of 2
AUTHORITY		APPROVAL DATE	3
		EFFECTIVE DATE	
		LAST REVISION DATE	
SUBJECT	Delegation Policy of Powers and Duties of Council		

PURPOSE

The Municipal Act, 2001 requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. This policy outlines what Council should consider before any delegation of some of its powers and duties and the requirements, conditions and restrictions for Council to authorize any delegation. The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy applies to all committees of Council, departments and staff.

POLICY STATEMENT

The Council of Norfolk County, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context and in accordance with the requirements outlined in the Municipal Act.

IMPLEMENTATION PROCEDURE

Council may delegate its powers and duties under the Municipal Act, the Planning Act, a private Act relating to the municipality and such other Acts as may be prescribed to a person or body subject to the restrictions as set out in this Policy and the legislative requirements of the Municipal Act.

Administrative Powers and Duties:

Definition: Includes all matters required for the management of the corporation which do not involve discretionary decision making.

1. Council may delegate any of its administrative powers and duties.

POLICY NO.	CRS-	PAGE NO.	Page 2 of 4
SUBJECT	Delegation of Powers & Duties of Council		

- 2. In order for Council to authorize the delegation of any of its administrative powers and duties, it shall first approve the conditions and limitations of the delegation by the approval of a by-law.
- 3. Council shall approve policy and procedures for the delegation which includes measures for the monitoring and accountability of the delegate and the transparency of the delegate's actions and decisions.
- Any delegation of administrative powers may be subject to any regulation made by the Minister.

Legislative and Quasi-Judicial Powers:

Definition: Includes all matters where council acts in a legislative or quasi judicial function including enacting by-laws, setting policies and exercising decision making authority

- 1. Legislative and quasi-judicial powers can only be delegated to the following:
 - One or more members of municipal council
 - A body that has at least 2 members, of which 50% are council members, council appointees, or combination
 - An officer, employee or agent of the municipality (if the power delegated is of a "minor nature")
- 2. Council shall approve the conditions and limitations for the delegation of any of its legislative and quasi-judicial powers by the adoption of a by-law.
- 3. Council shall approve policy and procedures for the delegation which includes measures for the monitoring and accountability of the delegate and the transparency of the delegate's actions and decisions.
- 4. Council shall only delegate legislative and quasi-judicial powers to an officer, employee or agent of the municipality which are minor in nature which is clearly defined within the policy and procedures authorizing the said delegation. Council, in determining whether or not a power is of a minor nature, should consider a number of factors as well as the number of people, the size of the geographic area and the time period affected by an exercise of the power.
- 5. The delegation of legislative and quasi-judicial powers of Council are restricted to powers found in the Municipal Act, the Planning Act, a private act relating to the municipality and "such other Acts as may be prescribed."
- 6. No delegation of legislative or quasi-judicial powers to a corporation is permitted.
- 7. Any delegation of legislative or quasi-judicial powers may be subject to any regulation made by the Minister.

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SUBJECT	Delegation of Powers & Duties of Council		

Scope of Power:

- 1. A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality's power to revoke the delegation.
- 2. A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.
- 3. A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.
- 4. A delegation or deemed delegation under Paragraph 6 of a duty results in the duty being a joint duty of the municipality and the delegate.
- A delegation may be made subject to such conditions and limits as the council considers
 appropriate. Council shall outline the procedures that the delegate is required to follow and
 specific measures for accountability of the delegate and the transparency of the delegate's
 actions.
- 6. Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power.

Restrictions of Delegation of Legislative & Quasi -Judicial Powers:

- Council is not authorized to delegate any of the following powers and duties:
 - To appoint or remove from office statutory officers of the municipality.
 - To pass a by-law and deal with issues regarding taxes.
 - To incorporate corporations.
 - To adopt an official plan or an amendment to an official plan under the Planning Act.
 - To pass a zoning by-law under the Planning Act.
 - To pass a by-law related to small business counselling & municipal capital facilities
 - To adopt a community improvement plan
 - To adopt or amend the municipal budget
 - Any other power that may be prescribed

POLICY NO.	CRS-	PAGE NO.	Page 4 of 4
SUBJECT	Delegation of Powers & Duties of Council		

Delegation Re Hearings Application

- 1. This section applies when a municipality is required by law to hold a hearing or provide an opportunity to be heard before making a decision or taking a step, whether the requirement arise from an Act or from any other source of law.
- 2. If Council delegates to a person or body the power or duty to hold a hearing or provide an opportunity to be heard before the decision is made or the step taken, but does not delegate the power to make the decision or take the step, the following rules apply:
 - a) If the person or body holds the hearing or provides the opportunity to be heard, the municipality is not required to do so.
 - b) If the decision or step constitutes the exercise of a statutory power of decision to which The Statutory Powers Procedure Act applies, that Act, except sections 17, 17.1, 18 and 19, applies to the person or body and to the hearing conducted by the person or body.

Appeal Body

- 1. Council may establish an appeal body to hear appeals or review decisions made under any delegated power, if it deems necessary.
- 2. Before an Appeal Body is established, Council shall determine procedures, powers & rules of those conducting the appeals to be approved in a By-law establishing the Appeal Body.

This policy has been drafted by members of the Municipal Law Departments Association of Ontario as a sample policy to be considered for enactment under the *Municipal Act, 2001*. Please note that this policy is not intended to provide legal advice, nor is it intended to ensure compliance with the *Municipal Act, 2001* if enacted. Should you require legal advice, or wish to determine compliance with the *Municipal Act, 2001*, please consult your legal counsel.

DRAFT - Accountability and Transparency Policy

I. Purpose/Application

The Municipal Act, 2001 (the Act) requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the municipality's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the Act to comply with section 270.

II. Definition(s): Accountability; Transparency

- i) Accountability The principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.
- ii) Transparency The principle that the municipality actively encourages and fosters stakeholder participation and openness in its decision making processes. Additionally, transparency means that the municipality's decision making process is open and clear to the public.

Due to popular demand, the definition of stakeholder has been removed.

III. Policy Statement

The Council of the Municipality acknowledges that it is responsible to provide good government for its stakeholders in an accountable and transparent manner by:

- Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- Delivering high quality services to our citizens; and
- Promoting the efficient use of public resources.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. In addition, wherever possible, the

municipality will engage its stakeholders throughout its decision making process which will be open, visible and transparent to the public.

IV. Corporate Values

Some municipalities have corporate values that may be inserted and recognized here, if applicable.

V. Policy Requirements

The principles of accountability and transparency shall apply equally to the political process and decision making and to the administrative management of the municipality.

i. Financial Matters

The municipality will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the municipality provides such accountability and transparency are as follows:

- 1. internal/external audit
- 2. reporting/statements
- 3. long term financial planning
- 4. asset management
- 5. purchasing/procurement
- 6. sale of land
- 7. budget process

ii. Internal Governance

The municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

- 1. code of conduct for staff
- 2. performance management and evaluation
- 3. hiring policy
- 4. orientation/continuing education
- 5. health and safety
- 6. work/life balance
- 7. compensation/benefit
- 8. responsibility for ensuring that administrative practices and procedures recognize Council's commitment to accountability and transparency (CAO/an Integrity Commissioner?)

iii. Public Participation and Information Sharing

The municipality ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The municipality's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or comments in writing on specific items at these meetings. In addition, the municipality has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, websites, etc. Some specific examples include:

- 1. procedure by-law
- 2. code of conduct for councillors
- 3. strategic plan
- 4. delegation rules
- 5. records retention
- 6. planning processes
- 7. public notice by-law or policy

Some other areas that municipalities may want to consider specifically enumerating include:

- Legal
 - delegation/signing authority?
- Privacy and Public Disclosure
- Planning process
- Customer Service Standards
- Provincial/Municipal Benchmarking

This policy has been drafted by members of the Municipal Law Departments Association of Ontario as a sample policy to be considered for enactment under the *Municipal Act, 2001*. Please note that this policy is not intended to provide legal advice, nor is it intended to ensure compliance with the *Municipal Act, 2001* if enacted. Should you require legal advice, or wish to determine compliance with the *Municipal Act, 2001*, please consult your legal counsel.

DRAFT - Delegation of Powers and Duties Policy

I. Purpose/Application

The Municipal Act, 2001 (the Act) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff.

II. Definition(s):

- i) Legislative Powers Includes all matters where council acts in a legislative or quasi judicial function including enacting by-laws, setting policies, and exercising decision making authority.
- ii) Administrative Powers Includes all matters required for the management of the corporation which do not involve discretionary decision making.

III. Policy Statement

The Council of the Municipality, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

IV. Corporate Values

Some municipalities have corporate values that may be inserted and recognized here, if applicable.

V. Policy Requirements

- 1. All delegations of Council powers, duties or functions shall be effected by bylaw.
- 2. Unless a power, duty, or function of Council has been expressly delegated by bylaw, all of the powers, duties and functions of Council remain with Council.
- 3. A delegation of a power, duty or function under any bylaw to any member of staff includes a delegation to a person who is appointed by the CAO or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
- 4. Subject to section 3, a person to whom a power, duty or function has been delegated by bylaw has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.
- 5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the Act.
- 6. (Optional Section) Council has authorized those specific legislative matters listed in Schedule "A" to be delegated to the individual designated subject to the terms set out therein.
- 7. Administrative Matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy, and must take into account the limitations set out in the Act.
- 8. (Optional Section) Council has authorized the delegation of specific administrative matters to those individuals listed in Schedule "B" subject to the terms set out therein.

In exercising any delegated power, the delegate shall ensure the following (core 'have regards to' for the purposes of a draft policy):

- Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the purchasing by-law)
- The scope of the delegated authority shall not be exceeded by the delegate.
- Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.

Here are some other optional 'have regards to' to consider:

- all policies regarding insurance and risk management shall be complied with
- delegates shall ensure the consistent and equitable application of council policies and guidelines

•	any undertakin legal services	ng or contrac	t with a thire	l party shall be	subject to the	approval of

CORPORATE POLICY AND PROCEDURE



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Subject ACCOUNTABILITY AND TRANSPARENCY

Related Policies Disposition of Surplus Property

Hiring Of Employees

Procurement Of Goods And Services

Notice To The Public

Accountability And Transparency

Delegation Of Authority

Guiding Principles for Public Involvement

Council Code of Ethics

Approved by

(date)

Review Date

Annually

POLICY STATEMENT

Guelph City Council acknowledges that it is responsible to provide good government for its community stakeholders in an accountable and transparent manner by:

- Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- Delivering high quality services to our citizens; and
- Promoting the efficient use of public resources.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the City adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its community stakeholders. In addition, wherever possible, the City of Guelph will engage its stakeholders throughout its decision making process which will be open, visible and transparent to the public.

Guelph City Council also acknowledges that there will be matters that due to their very nature must be considered at meetings that are not open to the public, and when these occasions occur, the City of Guelph commits to compliance with the statutory requirements regarding closed meetings under S. 239 of the Municipal Act.

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PURPOSE

The purpose of this policy is to comply with S. 270 of the Municipal Act which requires that all municipalities adopt and maintain a policy with respect to the manner in which the City of Guelph will try to ensure that it is accountable to the public for its actions, and the manner in which we will try to ensure that our actions are transparent to the public. This policy will provide guidance for the delivery of the City's activities and services in accordance with the principles as outlined herein.

DEFINITIONS

Accountability - The principle that the City of Guelph will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.

Transparency – The principle that the City of Guelph actively encourages and fosters stakeholder participation and openness in its decision making processes. Additionally, transparency means that the municipality's decision making process is open and clear to the public.

POLICY REQUIREMENTS

The principles of accountability and transparency shall apply equally to the political process for decision making and to the administrative practices of the municipality.

"A" - Financial Matters

The City of Guelph will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the City of Guelph provides such accountability and transparency in its financial matters, are as follows:

- internal/external audit
- reporting/statements
- long term financial planning
- asset management
- purchasing/procurement
- disposition of surplus property
- budget process

"B" - Internal Governance

The municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

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- code of conduct for staff
- performance management and evaluation
- hiring policy
- orientation/continuing education
- health and safety
- work/life balance
- compensation/benefit
- commitment of senior management to ensure that administrative practices and procedures recognize Council's commitment to accountability and transparency

"C" - Public Participation

The City of Guelph ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The City's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or submit comments in writing on specific items at these meetings. In addition, the City of Guelph has adopted guiding principles for public involvement which ensure that participation by the public can be meaningful and effective by encouraging participation that is:

- inclusive not exclusive
- voluntary
- purpose driven
- respectful of time and financial constraints
- open communication
- adaptable
- accessible to information and decision making
- respectful of for diverse interests
- regularly evaluated

"D" - Disclosure of Information

The City is committed to timely disclosure of information by various means including print media, websites, etc. Some specific examples include:

- The City's website www.guelph.ca
- The City News Page

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- Use of various communication vehicles (newsletters, brochures, print and radio advertising, etc.)
- A robust media relations programme
- Direct communication with constituents (both verbal and written)
- Development of corporate communication strategies
- Public meetings and open houses on municipal initiatives
- Engagement of the public through an effective public consultation process, so as to receive and not just convey information.

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Tab CITY COUNCIL

Subject DELEGATION OF AUTHORITY

Approved by (date)

Review Date Annually

POLICY STATEMENT

Guelph City Council, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

Purpose

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff.

DEFINITIONS

Legislative Powers - Includes all matters where council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision making authority.

Administrative Powers - Includes all matters required for the management of the corporation which do not involve discretionary decision making.

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POLICY REQUIREMENTS

- 1. All delegations of Council powers, duties or functions shall be effected by bylaw.
- 2. Unless a power, duty, or function of Council has been expressly delegated by bylaw, all of the powers, duties and functions of Council remain with Council.
- 3. A delegation of a power, duty or function under any bylaw to any member of staff includes a delegation to a person who is appointed by the CAO or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
- 4. Subject to section 3, a person to whom a power, duty or function has been delegated by bylaw has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.
- 5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the Act.
- 6. Administrative matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy, and must take into account the limitations set out in the Act.

IMPLEMENTATION PROCEDURE

"A" - ADMINISTRATIVE POWERS AND DUTIES

In order for Council to authorize the delegation of any of its administrative powers and duties, it shall first approve the conditions and limitations of the delegation by the approval of a by-law. Council shall approve policy and procedures for the delegation which includes measures for the monitoring and accountability of the delegate and the transparency of the delegate's actions and decisions. In exercising any delegated power, the delegate shall ensure the following:

- 1. Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the purchasing by-law)
- 2. The scope of the delegated authority shall not be exceeded by the delegate.
- 3. Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.

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"B" - LEGISLATIVE AND QUASI-JUDICIAL POWERS

In order for Council to authorize the delegation of any of its legislative and quasi-judicial powers, it is recognized that these powers can only be delegated to the following:

- One or more members of municipal council
- A body that has at least 2 members, of which 50% are council members, council appointees, or a combination thereof
- An officer, employee or agent of the municipality (if the power delegated is of a "minor nature")

Council shall approve the conditions and limitations for the delegation of any of its legislative and quasi-judicial powers.

Council shall approve specific and individual policy and procedures for each delegation which include measures for the monitoring and accountability of the delegate and the transparency of the delegate's actions and decisions.

Council shall only delegate legislative and quasi-judicial powers to an officer, employee or agent of the municipality which are minor in nature.

The delegation of legislative and quasi-judicial powers of Council are restricted to powers found in the Municipal Act, the Planning Act, a private act relating to the municipality and "such other Acts as may be prescribed."

GENERAL RULES RELATING TO DELEGATION OF AUTHORITY

A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality's power to revoke the delegation.

A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.

A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.

A delegation or deemed delegation of a duty results in the duty being a joint duty of the municipality and the delegate.

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A delegation may be made subject to such conditions and limits as the Council considers appropriate. Council shall outline the procedures that the delegate is required to follow and specific measures for accountability of the delegate and the transparency of the delegate's actions.

Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power.

RESTRICTIONS

Council is not authorized to delegate any of the following powers and duties:

- To appoint or remove from office statutory officers of the municipality.
- To pass a by-law and deal with issues regarding taxes.
- To incorporate corporations.
- To adopt an official plan or an amendment to an official plan under the Planning Act.
- To pass a zoning by-law under the Planning Act.
- To pass a by-law related to small business counselling & municipal capital facilities
- To adopt a community improvement plan
- To adopt or amend the municipal budget
- Any other power that may be prescribed

No delegation of legislative or quasi-judicial powers to a corporation is permitted.

Any delegation of legislative or quasi-judicial powers may be subject to any regulation made by the Minister.

Any delegation of administrative powers may be subject to any regulation made by the Minister.





Meeting: Accountability and Transparency Committee

Date: November 20, 2007

Time: 5:00 p.m.

Location: Committee Room "A"

Present: Councillor Beard - Chair; Scott Butler, Todd Dennis, Jean McKenzie Leiper,

Christopher Moes and Rolf Pedersen

Staff: Lois Giles, City Clerk/Manager of Council Administrative

Services; Tina Agnello, Deputy City Clerk and Joyce Sweeney

Council Committee Co-ordinator

The Committee members introduced themselves.

1. Moved by Christopher Moes and Seconded by Scott Butler THAT the minutes of the Accountability & Transparency Committee meeting held on October 29, 2007 be confirmed as recorded and without being read.

Carried

Meeting Investigator

2. Moved by Jean McKenzie Leiper and Seconded by Rolf Pedersen THAT the City of Guelph appoint The Association of Municipalities of Ontario Local Authority Services Ltd. as the City's Meeting Investigator pursuant to S. 239 of the Municipal Act;

AND THAT staff be requested to investigate provisions for early termination from the agreement and if provisions are not included that such provisions be included.

Carried

Delegation of Authority and Accountability and Transparency Policies

3. Moved by Todd Dennis and Seconded by Christopher Moes THAT the draft delegation of authority policy and the accountability and transparency policy be approved as amended, subject to review by Legal Services for compliance with the legislation.





The City Clerk advised that she would circulate the policy prior to the document being forwarded to the Governance & Economic Development Committee.

The City Clerk advised that the committee has a number of tasks to complete with respect to discretionary matters.

Next Meeting:- January 22, 2008 at 5:00 p.m.

The meeting adjourned at 6:20 p.m.







Meeting: Accountability & Transparency Committee

Date: January 22, 2008

Time: 5:00 p.m.

Location: Committee Room "A" (just outside the Council Chambers)

Chair: Councillor Vicki Beard

Agenda Items

ltem #	Description					
1	Adoption of Minutes – November 20, 2007					
2	Council Approved the following: (December 17, 2007)					
	Delegation of Powers and Duties Policy					
	Accountability & Transparency Policy					
3	Documents and Policies Required to be reviewed:-					
	Code of Ethics - see attached					
	- attached policies from other municipalities					
	Procedural By-law (1996)-15200 — see attached consolidated by-law					
	Expectations of Working Together / Strategies for Dealing with Conflict, April 6, 2000 – see					
1	attached					
4	Next Meeting					
5	Adjourn					



CORPORATE POLICY AND PROCEDURE



Policy No. December 17, 2007

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CITY COUNCIL

Subject

DELEGATION OF POWERS AND DUTIES

Related Policies

Accountability And Transparency Purchasing By-law (2005)-17679

Approved by

(date)

Review Date

Annually

POLICY STATEMENT

Guelph City Council, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the Municipal Act, 2001 (the Act) and will respect the applicable restrictions outlined in the Act.

PURPOSE

The Act requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the legislative and administrative powers and duties which Council may delegate and to establish principles governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff.

DEFINITIONS

Legislative Powers - Includes all matters where council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision making authority.

Administrative Powers - Includes all matters required for the management of the corporation subject to such limitations as Council may deem appropriate.

Delegate(s) - The person, persons or body to whom a delegation of

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authority is made by Council.

Delegation – The granting of authority by City Council to a person, persons or a body to exercise a legislative or administrative power of the Council.

POLICY REQUIREMENTS

- 1. All delegations of Council powers, duties or functions shall be effected by bylaw.
- 2. Unless a power, duty, or function of Council has been expressly delegated by bylaw, it shall remain with Council.
- 3. A delegation of a power, duty or function under any bylaw to any member of staff includes a delegation to a person who is appointed by the CAO or the staff member's supervisor or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
- 4. Subject to section 3, a person to whom a power, duty or function has been delegated by bylaw has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.
- 5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and such delegations must take into account the limitations set out in the Act.
- Administrative matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy, and such delegations must take into account the limitations set out in the Act.

IMPLEMENTATION PROCEDURE

"A" - ADMINISTRATIVE POWERS

In order for Council to authorize the delegation of any of its Administrative Powers, it shall first approve the conditions and limitations of the delegation. Council shall approve policy and procedures for the delegation which include measures for the monitoring and accountability of the delegate and the transparency of the delegate's actions and decisions. In exercising any delegated power, the delegate shall ensure the following:

1. Any expenditure related to the matter shall have been provided for in the current year's budget, or authorized by the Purchasing By-

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law (2005)-17679.

- 2. The scope of the delegated authority shall not be exceeded by the delegate.
- 3. Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.
- 4. The delegate, in carrying out the delegated powers and duties, shall consider the public interest, shall act in good faith, shall not act unfairly and shall not act arbitrarily.

"B" - LEGISLATIVE POWERS

Council's legislative powers can only be delegated to the following:

- One or more members of municipal council
- A body that has at least 2 members, of which 50% are council members, council appointees, or a combination thereof
- An officer, employee or agent of the municipality (if the power delegated is of a "minor nature" as provided in S. 23.2 of the Municipal Act).

Council shall approve the conditions and limitations for the delegation of any of its Legislative Powers.

Council shall approve specific and individual policy and procedures for each delegation which include measures for the monitoring and accountability of the delegate and the transparency of the delegate's actions and decisions.

Council shall only delegate Legislative Powers to an officer, employee or agent of the municipality if those Legislative Powers are minor in nature.

The only Legislative Powers of Council which may be delegated are powers found in the Municipal Act, the Planning Act, a private act relating to the municipality and "such other Acts as may be prescribed by Regulation.

GENERAL RULES
RELATING TO
DELEGATION OF
AUTHORITY

A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality's power to revoke the delegation.

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A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.

A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.

A delegation or deemed delegation of a duty results in the duty being a joint duty of the municipality and the delegate.

A delegation may be made subject to such conditions and limits as the Council considers appropriate. Council shall outline the procedures that the delegate is required to follow and specific measures for accountability of the delegate and the transparency of the delegate's actions.

Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power.

Council may provide for reviews or appeals of decisions made by persons or bodies in the exercise or intended exercise of powers or the performance or intended performance of duties delegated pursuant to this policy.

RESTRICTIONS

Council is not authorized to delegate any of the following powers and duties:

- To appoint or remove from office statutory officers of the municipality.
- To pass a by-law to deal with issues regarding taxes.
- To incorporate corporations.
- To adopt an official plan or an amendment to an official plan under the Planning Act.
- To pass a zoning by-law under the Planning Act.
- To pass a by-law related to small business counseling & municipal capital facilities
- To adopt a community improvement plan
- To adopt or amend the municipal budget
- Any other power that may be prescribed by Regulation

No delegation of legislative powers to a corporation is permitted.

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Any delegation may be subject to any regulation made by the Minister.

CORPORATE POLICY AND PROCEDURE



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CITY COUNCIL

Subject

ACCOUNTABILITY AND TRANSPARENCY

Related Policies

Disposition of Surplus Property By-law (1995)-14835

Hiring Of Employees

Procurement Of Goods And Services By-law (2005)-17679

Notice To The Public Delegation Of Authority

Guiding Principles for Public Involvement

Council Code of Ethics

Approved by

(date)

Review Date

Annually

POLICY STATEMENT

Guelph City Council acknowledges that it is responsible to provide good government for its community stakeholders in an accountable and transparent manner by:

- Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- Delivering high quality services to our constituents; and
- Promoting the efficient use of public resources.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the City adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its community stakeholders. In addition, wherever possible, the City of Guelph will engage its stakeholders throughout its decision making process which will be open, visible and transparent to the public.

Guelph City Council also acknowledges that there will be matters that due to their very nature must be considered at meetings that are not open to the public, and when these occasions occur, the City of Guelph commits to compliance with the statutory requirements regarding closed meetings under S. 239 of the Municipal Act, 2001 (the Act).

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PURPOSE

The purpose of this policy is to comply with S. 270 of the Act which requires that all municipalities adopt and maintain a policy with respect to the manner in which the City of Guelph will try to ensure that it is accountable to the public for its actions, and the manner in which we will try to ensure that our actions are transparent to the public. This policy will provide guidance for the delivery of the City's activities and services in accordance with the principles as outlined herein.

DEFINITIONS

Accountability - The principle that the City of Guelph will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.

Transparency – The principle that the City of Guelph actively encourages and fosters stakeholder participation and openness in its decision making processes. Additionally, transparency means that the municipality's decision making process is open and clear to the public.

Meeting – Any regular, special or other meeting of council, of a local board or of a committee of either of them.

POLICY REQUIREMENTS

The principles of accountability and transparency shall apply equally to the political process for decision making and to the administrative practices of the municipality.

"A" - Financial Matters

The City of Guelph will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the City of Guelph provides such accountability and transparency in its financial matters, are as follows:

- internal/external audit
- reporting/statements
- · long term financial planning
- asset management
- purchasing/procurement
- disposition of surplus property
- budget process

"B" - Internal Governance

The municipality's administrative practices ensure specific accountability

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on the part of its employees through the following initiatives:

- code of conduct for staff
- performance management and evaluation
- hiring policy
- orientation/continuing education
- health and safety
- work/life balance
- compensation/benefit
- commitment of senior management to ensure that administrative practices and procedures recognize Council's commitment to accountability and transparency

"C" - Public Participation

The City of Guelph ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The City's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or submit comments in writing on specific items at these meetings. In addition, the City of Guelph has adopted guiding principles for public involvement which ensure that participation by the public can be meaningful and effective by encouraging participation that is:

- inclusive not exclusive
- voluntary
- purpose driven
- respectful of time and financial constraints
- open communication
- adaptable
- · accessible to information and decision making
- respectful of diverse interests
- regularly evaluated

These guidelines are available in the City Clerk's Office and on the City's website.

"D" - Disclosure of Information

The City is committed to timely disclosure of information by various

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means including print media, websites, etc. Some specific examples include:

- The City's website www.guelph.ca
- The City News Page
- Use of various communication vehicles (newsletters, brochures, print and radio advertising, etc.)
- A robust media relations programme
- Direct communication with constituents (both verbal and written)
- Development of corporate communication strategies
- Public meetings and open houses on municipal initiatives
- Engagement of the public through an effective public consultation process, so as to receive and not just convey information.



GUELPH CITY COUNCIL CODE OF ETHICS

"We will respect and obey the City's laws and do our best to encourage a like respect and adherence in those about us."

Guelph City Council will govern the City with a commitment to the preservation of values and integrity, representative local government and democracy, and dedication to the promotion of efficient and effective governance.

The following statements will serve as a guide and will acknowledge the commitment being made in this service to the community:

- The Council has as high priorities, the continual improvement of its members' professional ability and the promotion of an atmosphere conducive to the fair exchange of ideas and policies among its members.
- In its governance role, the Council will continue to be dedicated to friendly and courteous relationships with staff, other council members and the public and will actively seek to improve the quality and image of public service.
- Each Council member will be dedicated to the faithful stewardship of the public trust.

CODE OF ETHICS

The office of elected official is one of trust and service to the citizens of the City of Guelph. This position creates a special responsibility for each Guelph City Council member. Certain ethical principles shall govern the conduct of every Council Member who shall:

- Be dedicated to the highest ideals of honour and integrity in all public and personal relationships in order that the member may merit the respect, trust and confidence of the citizens of Guelph.
- Recognize that the chief function of municipal government at all times is to serve the best interests of all of the people.
- □ Be dedicated to public service by being co-operative, creative and constructive.
- Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the Council.
- Do no seek or accept gifts or special favours.
- Believe that personal gain through the use of information or by misuse of public funds or time is dishonest.
- Recognize that public decisions based on established values, are ultimately the responsibility of the City Council.
- Conduct business in open, well publicized meetings in order to be directly accountable to the citizens of Guelph. It is recognized that in certain situations, consideration of issues will take place at in camera sessions, however, any actions as a result of that type of meeting, may be handled later in open session.
- Preserve the integrity and confidentiality of all information that is not available to the general public and to use it only in the performance of official duties.
- Treat all staff, members of the public and colleagues with courtesy, respect, objectivity and fairness.

THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST BY-LAW # 2007-31

BEING A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST TO ADOPT A CODE OF CONDUCT POLICY FOR COUNCIL

WHEREAS, Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, provides a Municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Part V.1, Accountability and Transparency, Section 223.2 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes a Municipality to establish codes of conduct for members of council of the municipality and of local boards of the municipality;

AND WHEREAS the Council of the Corporation of the Municipality of Highlands East deems it expedient to adopt a Code of Conduct policy for Council;

AND WHEREAS the Council of the Corporation of the Municipality of Highlands East deems it expedient to adopt Policy for Roles and Responsibilities of Council and Senior Management;

NOW THEREFORE the Council of the Corporation of the Municipality of Highlands East hereby enacts a Code of Conduct for Council, attached hereto as Schedule "A".

1. SEVERABILITY

1.1 In the event that section or sections of this by-law thereof are found by a Court of competent jurisdiction to be invalid or ultra vires, such section, sections or parts thereof shall be deemed to be severable, with all other sections or parts of this by-law remaining in the full force and effect.

2. SCHEDULES

- 2.1 THAT the following schedules are attached and form part of this by-law:
 - a) Schedule "A" Code of Conduct for Council
 - b) Schedule "B" Roles and Responsibilities of Council and Senior Management

3. EFFECTIVE DATE

3.1 THAT this By-law shall take effect upon its adoption.

READ	A FIRST	AND SI	ECOND	TIME	THIS	12 TH	DAY	OF J	UNE,	2007.
READ	A THIRD	TIME	AND PA	ASSED	THIS	12^{TH}	DAY	OF J	UNE,	2007.

Dave Burton, R	leeve	
Irene Cook, Cle	rk	

THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST BY-LAW # 2007-31

BEING A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST TO ADOPT A CODE OF CONDUCT POLICY FOR COUNCIL



HIGHLANDS EAST Schedule "A" to By-law # 2007-31

ACCOUNTABILITY AND TRANSPARENCY

A CODE OF CONDUCT FOR COUNCIL MEMBERS

1.0 BACKGROUND

This Code of Conduct is a public declaration of the principles of good conduct and ethics (standards of behavior) that we the Members of the Highlands East Council have decided its stakeholders could reasonably expect of us as Members of the Council to demonstrate in the performance of our responsibilities as elected community representatives.

Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Members of Council are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent and professional manner.

The key stakeholders, although obvious at first, represent a broad base of interests and concerns which require fair and open attention, adjudication and disposition.

These key stakeholders include but are not limited to;

- Residents
- Province of Ontario
- Taxpayers
- Staff
- School Boards and Other Public Agencies
- Suppliers
- Other Members of Council
- Chambers of Commerce

To assist the Municipality of Highlands East Members of Council in interacting effectively with all stakeholders, the following obligations are expected of each of them;

- That they solemnly promise, declare and carry out their responsibilities as prescribed in the oath of office.
- That they learn and follow the Procedural By-law for Council and its Committees.
- That Council is to read and respect the guidelines contained in the Roles and Responsibilities of Council and Senior Management Document
- That they read, understand and follow the provisions of the Municipal Act and Municipal Conflict of Interest Act which apply directly and indirectly to the role of Member of Council.

A "Code of Conduct" for Members of Council has been prepared for their personal review and reference so as to;

- augment communication to the public in the role and integrity of municipal politicians in the Municipality of Highlands East
- to provide present and future Councils with additional assistance and guidelines as they perform their elected duties and responsibilities, and
- to assist Members of Council in providing leadership by example to staff.

It is hoped that this will be viewed by each Member of Council as a valuable added resource and guideline to assist them in fulfilling their mandate in an effective, open and efficient manner.

The Municipality of Highlands East Members of Council fundamentally understands that;

- the proper operation of democratic and representative municipal government requires that they be independent, impartial and responsible to the people,
- there are open and proper channels for decision making and approval of policy,
- conflicts between private interests and public responsibilities are unacceptable and must be avoided, and
- as leaders of the community, they are held to a higher standard of behaviour and conduct.

2.0 STATEMENT OF THE GENERAL DUTIES OF COUNCIL MEMBERS

The general duties of Council Members are to act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties.

Council Members must not make improper use of information acquired or make improper use of their position as a Member of Council.

3.0 STATEMENT OF COMMITMENT

We the Members of the Highlands East Council are committed to discharging our duties conscientiously and to the best of our ability.

In the performance of our community role we will act with honesty and integrity and generally conduct ourselves in a way that both generates community trust and confidence in us as individuals and enhances the role and image of the Council and Local Government generally.

In addition to all legislative requirements, we the Members of the Highlands East Council have adopted the requirements of this code of conduct and ethics are standards that we will adopt in the performance of our role.

4.0 PRINCIPLES OF THIS CODE OF CONDUCT

4.1 A Member of Council must act in a fair, honest and proper manner according to the law.

Although areas of ethical exposure are generally consistent and understood in municipal governance, the following areas and guidelines have been specifically identified in our community, as being paramount to the municipal political process;

- I. Roles and Responsibilities
- II. Use of Information
- III. Communications and Media Relations
- IV. Relationships with Staff
- V. Gifts and Benefits
- VI. Conflicts of Interest Pecuniary Interest
- VII. Use of Corporate Property
- VIII. Transparency
- IX. Outside Work or Business Activities

I. Roles and Responsibilities

Council is to read and respect the guidelines contained in the **Roles and Responsibilities of Council and Senior Management Document** and each Council

Member must act with reasonable care and be diligent in the performance of his or her **role and responsibilities**:

II. Use of Information

In their decision making process, Members of Council are sometimes privy to information which may be confidential or controversial such as, but not limited to "Closed/In Camera" meetings. It is expected that they will;

- Use "insider" information appropriately, so as not to be used to their personal advantage
- Use confidential information appropriately so as not to cause detriment or benefit to others
- Respect the status of confidential (personnel, legal, property acquisition) information until the matter ceases to be confidential as determined by Council
- Understand that they enjoy the same access rights to municipal information as any other member of the community, unless it is specifically relevant to a matter before the Council
- Only release information according to the provisions of the Municipal Freedom of Information and Protection of Individual Privacy Act.

III. Communications and Media Relations

Members of Council will accurately and adequately communicate the attitudes and decisions of Highlands East Council, even if they disagree with a majority decision of Council so that;

- There is respect for the decision making processes of Council
- Official information related to decisions and resolutions made by Council will
 normally be communicated in the first instance to the community and the media
 in an official capacity by the Reeve or designate.
- Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately.
- Confidential information will be communicated only when and after determined by Council.

IV. Relationships with Staff and Other Members of Council

Members of Council will;

- Read and respect the guidelines contained in the "Complimentary Roles and Responsibilities of Council and the Senior Management" document.
- Acknowledge that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions.
- Refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others.

- Refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.
- Council is to read and respect the guidelines contained in the Hiring Policy as enacted by by-law by Council. Each Council Member must act with reasonable care and be diligent in the performance of his or her responsibilities with respect to the Hiring Policy of the Municipality.

V. Gifts and Benefits

Members of Council will only;

- Accept gifts, hospitality or entertainment of a nominal value that could not be reasonably construed as being given in anticipation or recognition of special consideration by the Corporation.
- Accept hospitality or entertainment if the offer is infrequent (less than 2 or 3 times a year) and appropriate to the occasion. In these circumstances it is assumed that the nature of the business discussed is important enough to the Municipality that reciprocal arrangements should openly be made and charged to the Municipality.
- Members of Council will:
- Acknowledge that the Reeve will in his/her role, periodically receive and distribute ceremonial or other similar items

VI. Conflicts of Interest – Pecuniary Interest

Members of Council will recognize their obligations to;

Follow and respect both the letter and spirit of the provisions of the Municipal Act and the Municipal Conflict of Interest Act, 1994, as amended from time to time, and will disclose other interests which may not necessarily be of a pecuniary nature.

V11. Use of Corporate Property

Members of Council will;

 only use corporate property, equipment, supplies or services of consequence, for activities connected with the discharge of official duties or associated community activities having the sanction of Council or its Committees.

VIII. Transparency & Openness in Decision Making

Members of Council will endeavour to;

• conduct and convey Council business in an open and public manner (other than for those decisions of a personnel, legal or property

acquisition matter) so that stakeholders can obtain the process, logic and rationale which were used to reach conclusions or decisions.

IX Outside Work or Business Activities

- Council may not engage in any outside work or business activity:
 - (a) that conflicts with their duties as a member of Council;
 - (b) which uses their knowledge of confidential plans, projects or information about the holdings of the corporation; and
 - (c) that will, or is likely to, negatively influence or affect them in carrying out their duties as a member of Council.

5.0 PUBLIC INPUT

Council will periodically use formal and informal opportunities to seek public input as a component of the decision making process which have broad impacts on the community. The purpose of the exercise will be to provide stakeholders with a mechanism to provide opinions and advice so that the widest range of views and information is available before final decisions are made.

6.0 PROFESSIONAL DEVELOPMENT

Members of Council have an obligation to promote, support, pursue and partake in opportunities for professional development, including but not limited to;

- AMO Conference
- Ministry of Municipal Affairs and Housing seminars
- Provincial Professional Association Training Institutes (OGRA, AMCTO, PRO, etc.)
- Provincial Municipal Council orientation sessions
- Council Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the carriage of their duties and responsibilities.

7.0 COUNCIL'S OBJECTIVES:

Council is to read and respect the guidelines contained in the **Roles and Responsibilities** of Council and Senior Management Document and Council Members and employees will seek to achieve a team approach in an environment of mutual respect, trust, and acceptance of their different roles in achieving the Council's objectives contained the Roles and Responsibilities of Council and Senior Management.

8. IMPLEMENTATION

At the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct Document (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it.

A Code of Conduct component will be included as part of the orientation workshop for each new Council.

Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.

9.0 FURTHER INFORMATION

Members of the public may inspect this Code of Conduct for Council Members at the Municipality of Highlands East Municipal Office located at 2249 Loop Road and, may upon payment of a fee obtain a copy.

Any enquiries in relation to this Code of Conduct should be directed to:

Clerk
The Municipality of Highlands East
Box 295
Wilberforce, Ontario
1-705-448-2981

10.0 STATEMENT OF ADOPTION AND REVIEW

This code of conduct was adopted by by-law #	2007	on June 12, 2007
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Appendix "I" to Schedule "A"

A Code of Conduct for Council Members

COMMITMENT OF THE COUNCIL MEMBERS

We the Members of the Municipality of Highlands East Council are committed to observing this Code of Conduct.

This Code of Conduct will be reviewed by the Municipality of Highlands East Council the year following a municipal election year.

Reeve	Ward 1 Councillor
Ward 2 Councillor	Ward 3 Councillor
Ward 4 Councillor	

Appendix II" to Schedule "A"

A Code of Conduct for Council Members

COMPLIANCE WITH THIS CODE OF CONDUCT

a. Process for an investigation of an alleged breach of the code of conduct:

A request for an investigation into an alleged breach may be made in writing to the **Integrity Commissioner** for the Municipality of Highlands East setting out the following perimeters:

- i. Name of Council Member who breached the Code of Conduct;
- ii. Details setting out specific breach and how committed

b. Responsibility for the investigation of any alleged breach:

i. An Integrity Commissioner appointed by the Municipality

c. Method of investigation:

i. The Integrity Commissioner appointed by the Municipality of Highlands East will investigate the alleged breach in an independent manner and report back to the Council.

d. Processes to protect the rights of the individual in the course of the investigation:

- i. The Commissioner and every person acting under the jurisdiction of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties of the investigation.
- ii. If the Commissioner provides a periodic report to council on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned.

e. How a decision will be made and options for remedial action for any proven breaches:

i. Decision of a breach, recommendations, and options for remedial actions will be made by the Integrity Commissioner and will be submitted to Council.

f. Right to appeal against any decision:

i. Decisions may be appealed in writing to the following:

The Integrity Commissioner for the Municipality of Highlands East

g. Penalties for a breach of the Code of Conduct:

- i. The Municipality may impose either of the following penalties on a member of Council if the Commissioner reports to the Municipality that, in his or her opinion, the member of Council has contravened the Code of Conduct:
 - 1) A reprimand
 - 2) Suspension of the remuneration paid to the member in respect of his or her services as a member of council for a period of up to 90 days.



Schedule "B" to By-law No. 2007-31

Roles and Responsibilities of Council and Senior Management

POLICY

The Municipality of Highlands East recognizes that defining clear operational and strategic roles for Council and senior management is an essential management practice.

Based on this direction a working governance model was developed that is specifically designed for the Municipality of Highlands East.

ROLE OF COUNCIL

Key Roles or Functions of Council

- Establish and evaluate policies and programmes that define the strategic priorities to be achieved, the parameters within which the CAO and staff are to operate, Council - Executive relations, and Council processes.
- Ensure that high quality municipal services and programs are provided in a cost-effective manner and to determine which services the municipality provides.
- Balance the diverse values, aspirations, priorities and competing interests of the community.
- Market and promote the Municipality of Highlands East as a great place to live, work and vacation.
- To ensure that administrative and controllership policies, practices and procedures are in place to implement the decisions of council.
- To maintain the financial integrity of the municipality.
- To carry out the duties of council as defined in the Municipal Act or any other Act.
- Understand and give proper consideration to legal requirements
- Act in a reasonable, just and non discriminatory behaviour in all aspects carrying out their roles and responsibilities
- · Act good faith and not for improper or ulterior motive
- Behave in a manner that maintains and enhances the image of our Council and does not reflect adversely on the Council

- Follow guidelines as to the appropriateness of the acceptance of gifts and gratuities
- Be impartial in reaching Council decisions and acceptance of the responsibility associated with that decision
- Be honest and claim reasonable and fair reimbursement of expenses and usage of Council equipment for official purposes.
- Appropriate and proper use of information, balancing the interests of the community against the rights of the individual.
- Attendance and participation in Council meetings, apologizing or obtaining leave of absence in advance for non attendance.
- The proper consideration of the business of the Council and being informed on the matters for decision.
- The fair and equitable treatment of all matters under consideration.
- Respect for decisions of the Council.
- Careful consideration to the allocation of resources and expenditure.
- Council Members recognize that their mandate incorporates tasks to include;
 - Fairly representing the diversity of community views in developing an overall strategy for the future of our Municipality
 - Setting objectives and determining strategies to achieve Council's Corporate objectives in a Strategic Plan
 - Achieving sound financial management, planning and accountability
 - Being aware of and conversant with the statutory obligations imposed on Council as a whole, as well as each individual Member of Council
- Council Members must be fair and honest in their dealings with individuals and organizations and behave in a manner that facilitates constructive communication between the Council and the community.

Key Objectives of Council

Council members must be courteous and demonstrate sensitive behavior that does not discriminate against people.

Council members must be aware and disclose of any situation that may create a tension between public and private roles.

Council members must show respect for electors opinions and property.

Council members must prevent the misuse of his or her position to gain an advantage for themselves or others.

Council members are to recognize that an individual Council Member has no authority to make decisions, direct staff or commit Council resources.

When representing the Council in the Community, Council will:

- a. provide an accurate and fair representation of Council decisions.
- b. recognise that Council Members have a duty to respect Council decisions and policy directions.
- c. conduct themselves in a manner that will not reflect unfavorably on the Council.
- d. maintain mature and constructive working relationships based on mutual trust and respect.
- e. conduct the relationship with courtesy and respect.
- f. accept and respect their different but complementary roles

Council's objectives when dealing with employees; Council will:

- a. demonstrate respect for employees' professional opinion and expertise.
- b. have an agreed communication process.
- c. prevent the misuse of their position to influence employees to gain an advantage for themselves or others.

Members will establish a working relationship with fellow Members that recognizes and respects the diversity of opinion and achieves the best possible outcomes for the community as set out below:

- a. conduct the relationship with courtesy and respect.
- b. maintain behaviour that seeks to establish mature and constructive working relationships.
- c. the right of all points of view to be heard.
- d. information obtained by a Member as a result of his or her role is not to be used for any purpose other than Council business
- e. clear and concise guidelines for the making of public statements on behalf of the Council
- f. recognition that in their relationships with the media the Member is putting forward personal views and not those of the Council unless the individual has been specifically authorized by the Council to convey a particular position to the media
- g. personal comments being clearly identified
- h. Information given in relation to the Council or Council decisions should be accurate and not be a misuse of information

i. respect for and maintenance of confidentiality

Information obtained by a Member in the course of his or her duties is respected and used in a careful and prudent manner.

COUNCIL TEAM VISION

The Municipality of Highlands East serves the community through the provision of effective, responsible, and visionary leadership. The Council will:

- focus on achieving a common vision and goals for the municipality;
- make sound, effective, and timely decisions based upon objective data and open debate of issues;
- develop and maintain a climate where integrity, mutual support, trust, and professionalism are valued;
- utilize the diverse knowledge, expertise and talents of all Council members to optimal advantage;
- conduct its activities in an orderly, professional and businesslike manner;
- benefit from strong and effective leadership from the Reeve and individual Council members:
- · value collegiality, teamwork and a sense of humor;
- enjoy the benefits of effective communication and open sharing of information among its members;
- balance effective diverse values, aspirations and competing interests within the community; and
- work effectively in partnership with a capable executive and staff to provide excellent service to residents and customers.

COUNCIL MEMBER COMMITMENTS

Priority Setting and Decision-making

Council will utilize a strategic management approach to set directions for the municipality. This will involve:

- environmental scanning to identify major internal and external issues and developments likely to impact the municipality's operating environment;
- public, community and staff input processes to identify emerging issues and concerns;
- annual Council/Senior Management planning sessions to establish strategic priorities and related key results and strategies;
- development of a strategic plan and the allocation of resources to support its implementation;
- ongoing monitoring of implementation to ensure continued relevance and make mid course corrections as a result of unforeseen circumstances;
- assessment of progress made against established key results or performance measures.

Council members will use rational, objective decision-making processes that are supported by appropriate research of options, administrative recommendations, external resources, if required, and a thorough review of implications.

Decisions will be made in a timely fashion with due consideration being given to the impact of the decision on individual wards as well as the municipality as a whole.

Diverse opinions, views, and creative ideas will be considered and evaluated as part of the decision-making process.

Communications With the Media and the Public

- Open and thorough public debate of major issues will be encouraged "no muzzles".
- Council members will be honest and respectful of each other in their communications with the public and the media.
- Council members will stay focused on issues when making public statements and issuing media releases.
- Council members will avoid public statements that pit one ward against another, or damage the reputation of Council or another Council member.
- "Bad news" or failures will be dealt with in a forthright manner that includes identifying the problem, communicating the corrective action to be taken, and resisting the temptation to ascribe blame.
- Council members will give their colleagues prior notice regarding the content and timing of any planned media releases.
- For major issues, Council will attempt to reach collective agreement on the common themes to be communicated.
- A designated media spokesman for the Council on major policy issues will be established. (E.g., Formal press releases on major policy decision taken by Council will be issued from the Clerk's office in conjunction with the Reeve.)
- Council members will attempt to communicate a sense of Council Team, share credit for successes and position Council and the Corporation positively.
- Confidential and privileged information will not be disclosed.

Once Council makes a decision, Council members will respect the legitimacy of the decision and not attempt to undermine its implementation.

Council Member Relationships – Resolving Conflicts

- Council members will deal with conflicts in a timely and issues focused manner; i.e., significant conflicts and problems will not be ignored.
- Council members will respect each others' time and honour commitments made.
- Council members will listen, not just react. Creation of a "shared feeling of a fair hearing" for all parties will be a priority.
- All Council members will have equal access to available information relevant to the issue or decision.
- Council members will embrace/encourage constructive disagreement and discussion while avoiding/discouraging destructive conflict.
- Resolution of conflicts and disagreements will include an assessment of the objectives to be achieved, open discussion of diverse views, additional research and professional advice as appropriate and a focus on doing what is in the best interests of the municipality.
- Council members will make reasonable attempts to build consensus on issues, and failing that they will respect the majority vote of Council.

Relationships With Administration and Staff

- The policy development role of Council and operational/implementation role of Administration will be respected.
- Council members will not attempt to direct the activities of staff or departments except through established channels of authority.
- Staff skills, expertise, and contributions to the municipality will be recognized and appreciated.
- Council members will direct any criticisms of staff through the Chief Administrative Officer and refrain from criticizing staff in public or to the media.

Monitoring Council Effectiveness

Council will measure its success against pre-established indicators including:

- levels of satisfaction with municipal services and programs:
- ability to resolve emerging issues and challenges;
- quality of fiscal stewardship as measured by adherence to financial plans and targets; economic development and growth statistics;
- how Council and the municipality are perceived by business, development industry, residents, other levels of government;
- ability to influence policy decisions through effective representation on important regional and provincial committees, institutions, leadership initiatives; and
- comparison of performance with other municipalities on key benchmarks.

Council will review its performance periodically in relation to its council team vision and commitments.

SENIOR MANAGEMENT ROLES:

CHIEF ADMINISTRATIVE OFFICER ROLE

Directing and Leading:

Inspires, motivates, and communicates a direction and vision for the organization.

Planning:

Responsible for ensuring the development of a **strategic plan a**s well as operational planning and budget development.

Organizing:

Organize an internal structure and process to deliver the organization's services.

Staffing:

Recruiting, deploying, supervising, compensating, developing, reprimanding and terminating staff.

Controlling:

Monitors, measures and corrects the direction of the strategic plan, controls the expenditure of the current budget.

SENIOR MANAGEMENT EXPECTATIONS OF COUNCIL

The CAO and Senior Management Staff have the right to expect the following from Council:

- Clear expectations, strategic directions and policy for the executive
- Clearly defined operational role -- adequate authority and freedom to manage the day-to-day operations of the municipality
- Support for reasonable decisions made by the executive
- Timely information regarding emerging issues and community concerns
- Acceptance that staff recommendations may not reflect the political preferences of some Council members.

COUNCIL/SENIOR MANAGEMENT RELATIONSHIP

Council has a right to expect the following from the Senior Management:

- · Vision, leadership, administrative competence, and political sensitivity
- A focus on creating a strong Council/Executive Team
- Accountability, including effective and timely monitoring and reporting re: finances, major activities and results
- Recognition that council may not accept a recommendation for political reasons and understanding that this should not be taken as a negative reflection on administration.

BY-LAW NUMBER 53 - 2007 OF THE CORPORATION OF THE MUNICIPALITY OF MEAFORD

Being a By-law to Establish a Code of Conduct for the Municipality of Meaford

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local boards and their operations; and

WHEREAS Section 223.2(1) of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes municipalities to establish codes of conduct for members of the council of the municipality and of local boards of the municipality; and

WHEREAS Section 223.2(5) of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes penalties for a contravention of the code of conduct; and

WHEREAS Council of the Corporation of the Municipality of Meaford deems it expedient to establish a Code of Conduct for Council;

NOW THEREFORE Council of the Corporation of the Municipality of Meaford hereby enacts as follows:

- 1. THAT this Council does hereby adopt the Code of Conduct, attached hereto as Schedule "A".
- 2. THAT Schedule "A" forms part of this by-law.
- THAT this By-law shall come into force and take effect upon receiving the final passing thereof.

READ a FIRST and SECOND time this 23rd day of April, 2007.

READ a THIRD time and finally passed this 23rd day of April, 2007.

Original Signed by	Original Signed by
Wally Reif, Mayor	Lynda Galbraith, Clerk

SCHEDULE "A" TO BY-LAW 53-2007

Code of Conduct for Members of Council of the Municipality of Meaford

A. PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets minimum standard for the behaviour of Council members in carrying out their functions. It has been developed to assist Council to:

- 1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
- 2. Fulfill their duty to act honestly and exercise reasonable care and diligence;
- 3. Act in a way that enhances public confidence in local government; and
- 4. Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

B. STANDARDS OF CONDUCT

- 1. Members of Council shall at all times seek to advance the common good of the community which they serve.
- 2. Members of Council shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.
- 3. Members of Council shall refrain from behaviour that could constitute an act of disorder or misbehaviour. Specifically, Members of Council shall refrain from conduct that:
 - Contravenes Federal or Provincial statutes or legislation, the Municipal Act, Municipal by-laws, associated regulations, and the Municipality's Code of Conduct.
 - Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others.
 - Prejudices the provision of a service or services to the community.

C. CONDUCT TO BE OBSERVED

1. Release of Confidential Information

Members of Council have a duty to hold in strict confidence all information concerning matters dealt with at *in camera* meetings or that is determined to be confidential by the CAO, Clerk or as specifically declared by Council. A Member of Council shall not, either directly or indirectly, release, make public or in any way divulge any such information or any aspect of the *in camera* deliberations to anyone, unless expressly authorized by Council or required by law to do so.

- a. Members of Council shall not release information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56.*
- b. Members of Council shall not release information subject to solicitorclient privilege, unless expressly authorized by Council or required by law to do so.
- c. Members of Council shall not misuse confidential information (information that they have knowledge of by virtue of their position as Councillor that is not in the public domain, including e-mails and correspondence from other Members of Council or third parties) such that it may cause detriment to the Corporation, Council or others, or benefit or detriment to themselves or others.
- d. All in camera materials shall be collected at the end of each in camera session by the Clerk or CAO.

2. Foster Respect for Decision-making Process

All Members of Council shall accurately and adequately communicate the attitudes and decisions of the Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

3. Release of Information to Public and Media

Members of Council acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or the Mayor as Head of Council or by those so designated.

4. Acceptance of Gifts

Council members shall comply with the Municipal Conflict of Interest Act and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibility of office.

5. Engaging in Incompatible Activity

Members of Council shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.

Without limiting the generality of the foregoing, Members of Council shall not:

a. use any influence of office for any purpose other than official duties;

- b. act as an agent before Council or any committee, board or commission of Council:
- c. solicit, demand or accept the services of any corporation, employee, or individual providing services to the municipality at a time in which said person or corporation is being paid by the municipality;
- d. use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- e. place themselves in a position of obligation to any person or organization which might benefit from special consideration or may seek preferential treatment:
- f. give preferential treatment to any person or organization in which a Member or Members of Council have a financial interest;
- g. influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member or Members of Council have a financial interest; and
- h. use Corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

6 Conflict of Interest

It is the responsibility of individual Councillors to ensure that they are aware and trained in the application of the Municipal Conflict of Interest Act. The onus is on the Councillor to identify a conflict of interest, and shall take the appropriate action to identify the existence of a conflict in favour of his/her public duty.

- a. A conflict exists when an individual is, or could be, influenced, or appear to be influenced by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, close mindedness or undue influence.
- b. Council members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.

Recognizing that it is impossible to anticipate all possible conflicts that may arise during a Member's term of office and, those conflicts may not be only pecuniary in nature, it is generally advisable to be as open as possible. It is not enough that a conflict not exist, it must also be seen by taxpayers not to exist.

The following principles should be used as a guide (refer to Municipal Conflict of Interest Plus A Handbook by Forbes and Conant):

i. In making decisions, always place the interests of the taxpayers first and, in particular, place them before the interests of colleagues on Council, staff, friends, or family.

- ii. Always interpret the phrase "Conflict of Interest" in the broadest possible terms.
- iii. A factor which could be considered a conflict by taxpayers should be treated as a conflict and be disclosed by the member of Council.
- iv. If in doubt, it is better to disclose a situation.
- v. It is the responsibility of individual Councillors to obtain independent legal advice with respect to any situation that might arise whereby there is a potential for a conflict of interest.
- vi. It is considered a breach of this policy to require or to attempt to burden staff members to assist in the determination of a conflict of interest for individual Councillors.

7. Avoidance of Waste

Members of Council shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which the Member of Council is aware.

D. INTERPERSONAL BEHAVIOUR OF MEMBERS OF COUNCIL

1. Treat Every Person with Dignity, Understanding and Respect

Members of Council shall abide by the provisions of the *Human Rights Code* and, in doing so, shall treat every person, including other Members of Council, corporate employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

2. Not to Discriminate

In accordance with the *Human Rights Code*, Members of Council shall not discriminate against anyone on the basis of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. "Age", "disability", "family status", "record of offences", "same sex partnership status" shall be as defined in the *Human Rights Code*.

3. Not to Engage in Harassment or Bullying (Psychological Harassment)

In accordance with the Municipality of Meaford's *Human Resources Policy* as amended and *Human Rights Code*, harassment shall mean engaging in a course of vexatious comment or conduct that is known, or ought to be known, to be unwelcome. Bullying is the ongoing health- or career-endangering mistreatment of an employee, by one or more of their peers or higher-ups. Unlikely to involve physical violence, it usually takes the form of psychological

abuse. Often, verbal and strategic insults are intended to prevent targets from being successful in their job.

The exercise of performance management tools with respect to corporate employees for legitimate purposes by Council is not harassment or bullying.

4. Protection of Privacy

Councillors shall comply with the Municipal Freedom of Information and Protection of Privacy at all times. Public comments, discussions and disclosures to the media regarding employees or individuals that breach a persons privacy is deemed to be a contravention of this Code of Conduct.

E. ALLEGATIONS, BREACHES AND DISCIPLINARY ACTIONS

All Members of Council shall abide by the requirements of this Code of Conduct.

An Integrity Commissioner shall be appointed by bylaw, report to Council, and shall be responsible for performing in an independent manner in accordance with the Municipal Act 2001. The Commissioner will investigate allegations and may at his/her discretion conduct investigations in accordance with the Public Inquiries Act (PIA). The Integrity Commissioner may refuse to investigate allegations that the Integrity Commissioner deems to be frivolous or vexatious.

The Integrity Commissioner shall:

- i. Investigate within 30 days of receipt of a formal request and prepare a written report and recommendation for Council. Additional time may be requested and granted by a resolution of Council for considering various circumstances including vacation, access to information and complexity of investigation.
- ii. Determine if a member or members of Council have committed a breach of this Code,
- iii. Recommend disciplinary action including penalties and or sanctions as set out in the Municipal Act.
- iv. A quarterly report shall be provided to Council for review. This report shall provide a listing of investigations, costs and the status of individual investigations.

The Integrity Commissioner may consult with the legal counsel as might be required with the assistance of the CAO or in the absence of the CAO, the Clerk, in determining points of law in executing their duties in this Code of Conduct.

1. Complaints made by Corporate Employees of Discrimination or Harassment Where a corporate employee makes a complaint of harassment or discriminatory treatment by a Member of Council, the Member of Council may participate in the Informal Resolution and/or Mediation processes under the Workplace Harassment/Discrimination Prevention Policy and Complaint Procedure for employees in accordance with the municipal human resources policy as amended.

If the Member of Council does not participate in these processes or if the complaint is not resolved through these processes, the complainant may lodge a complaint to the Ontario Human Rights Commission.

2. Complaints made by Any Person (Allegations of Activity Other Than in 1. above)

Any complainant may take the following steps, if applicable, to address prohibited activity by a Member of Council.

- a. A complainant may provide a written report or letter to their supervisor and the Mayor and/or the Deputy Mayor
- b. A complainant may contact the OPP with respect to an investigation under s. 122 of the *Criminal Code of Canada*, where the allegation is that a Member of Council, in a matter connected to the duties of office, commits fraud or a breach of trust.
- c. A complainant may contact the OPP with respect to an investigation under s. 123 of the Criminal Code of Canada, where the allegation is that a Member of Council, in a matter connected to the duties of office, demands, accepts, or offers or agrees to accept from any person, a loan, reward, advantage or benefit of any kind.
- d. A complainant may advise the Member of Council verbally or in writing that the activity contravenes this by-law.
- e. A complainant may encourage the Member of Council to stop the prohibited activity.
- f. A complainant should keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information.
- g. A complainant may refer his or her complaint to the Ontario Human Rights Commission where the alleged misconduct involves a violation of the *Human Rights Code*.

F. PROFESSIONAL DEVELOPMENT

Members of Council shall promote and participate in opportunities for professional development. Council Members are required to stay updated on issues and trends so that they can be as efficient and effective as possible in the carrying out of their duties and responsibilities. Professional development activities shall comply with Bylaw 28-2003 The Conference Policy as amended.

G. IMPLEMENTATION

- 1. A Code of Conduct component will be included as part of the orientation workshop for each new Council.
- 2. Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis.

CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS (RESTRICTED DEFINITION) CITY OF TORONTO

Authority: Consolidated Code of Conduct for Members of Council, including:

"Code of Conduct for Members of Council Inclusive of Lobbyist Provisions" adopted, as amended, by City Council on September 28 and 29, 1999 (Clause 2 of Report 5 of the Administration Committee) and as amended by:

"Amendments to Code of Conduct for Members of Council" approved by City Council on September 25, 26 and 27, 2006 (Clause 26 of Report 7 of the Policy and Finance Committee) that under Council action (2) came into force on February 8, 2007 following City Council's approval on February 5, 6, 7 and 8, 2007 of the appeal mechanisms and legal support program in CC2.5 "Amendments to the Code of Conduct Complaint Protocol under Members Code of Conduct"

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¹ Prepared by Integrity Commissioner for Ease of Reference

PREAMBLE:

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all government officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the City of Toronto's reputation and integrity.

To these ends, during its first term as a unified City, the City of Toronto, as one of several initiatives, adopted a *Code of Conduct for Members of Council*. Subsection 157(1) of the *City of Toronto Act*, 2006 now requires the City to establish codes of conduct for members of Council and of certain local boards of the City. In response to this requirement, the City has revised and updated the original *Code of Conduct*. It is intended to supplement and be compatible with the laws governing the conduct of members.

The key statements of principle that underline the Code of Conduct are as follows:

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

I. STATUTORY PROVISIONS REGULATING CONDUCT:

This *Code of Conduct* operates along with and as a supplement to the existing statutes governing the conduct of members. Four pieces of provincial legislation govern the conduct of members of Council:

- the City of Toronto Act, 2006, and Chapter 27, Council Procedures, of the Municipal Code (the Council procedures by-law) passed under section 189 of that Act;
- the Municipal Conflict of Interest Act;
- the Municipal Elections Act, 1996; and
- the Municipal Freedom of Information and Protection of Privacy Act.

The Criminal Code of Canada also governs the conduct of members of Council.

II. APPLICATION:

This Code of Conduct applies to all members of Council (including the Mayor).

This *Code of Conduct* also applies, subject to any necessary modification, to members of local boards (restricted definition) as defined in section 156 of the *City of Toronto Act*, 2006 and, by reference to A3 (as amended) of Clause 2 of Report No. 5 of the Administration Committee as amended and adopted by City Council at its meeting on September 28 and 29, 1999, to all other appointments to City agencies, boards and commissions (subject to any necessary (legal) modification).

(The provisions of the *Municipal Conflict of Interest Act* also apply to local boards, as defined in that Act, with decision-making power.)

III. <u>DEFINITIONS</u>:

In the Code of Conduct, the terms "child", "parent" and "spouse" have the same meanings as in the Municipal Conflict of Interest Act:

"child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

"parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

"spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage

IV. GIFTS AND BENEFITS:

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child, or parent, or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

The following are recognized as exceptions:

- (a) compensation authorized by law;
- (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (c) a political contribution otherwise reported by law;
- (d) services provided without compensation by persons volunteering their time;
- (e) a suitable memento of a function honouring the member;
- (f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country;

- (g) food and beverages consumed at banquets, receptions or similar events, if:
 - 1. attendance serves a legitimate business purpose;
 - 2. the person extending the invitation or a representative of the organization is in attendance; and
 - 3. the value is reasonable and the invitations infrequent; and
- (h) communication to the offices of a member, including subscriptions to newspapers and periodicals.

Except for category (c), these exceptions do not apply to lobbyists. Lobbyists are not permitted to make a gift or provide a benefit under this provision unless it is a political contribution permitted by law.

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

The disclosure statement must indicate

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

Any disclosure statement will be a matter of public record.

On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the member. In the event that the Integrity Commissioner makes that preliminary determination, he or she shall call upon the member to justify receipt of the gift or benefit.

Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.

Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts and benefits from one source during a calendar year worth in excess of \$500.

V. CONFIDENTIAL INFORMATION:

Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

The City of Toronto Act, 2006 allows information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the Code of Conduct, "confidential information" also includes this type of information.

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.

Under the Procedural By-law (passed under section 189 of the City of Toronto Act, 2006), a matter that has been discussed at an in-camera (closed) meeting remains confidential. No

member shall disclose the content of any such matter, or the substance of deliberations, of the incamera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of the types of information that a member of Council must keep confidential:

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

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

VI. <u>USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES:</u>

No member of Council should use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, web sites, Council transportation delivery services and Councillor global budgets) for activities other than the business of the Corporation. Nor should any member obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the City.

VII. <u>ELECTION CAMPAIGN WORK:</u>

Members are required to follow the provisions of the *Municipal Elections Act*, 1996. No member shall use the facilities, equipment, supplies, services or other resources of the City

(including Councillor newsletters and websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on City property during regular working hours. No member shall use the services of persons during hours in which those persons receive any compensation from the City.

VIII. IMPROPER USE OF INFLUENCE:

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

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

For the purposes of this provision:

"private advantage" does not include a matter:

- (a) that is of general application;
- (b) that affects a member of Council, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- (c) that concerns the remuneration or benefits of a member of Council.

IX. BUSINESS RELATIONS:

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*.

A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

X. CONDUCT RESPECTING CURRENT AND PROSPECTIVE EMPLOYMENT:

No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.

XI. CONDUCT AT COUNCIL:

Members shall conduct themselves with decorum at Council in accordance with the provisions of Chapter 27, Council Procedures, of the Municipal Code (the Council procedures by-law).

XII. CONDUCT RESPECTING STAFF:

Only Council as a whole has the authority to approve budget, policy, Committee processes and other such matters. Accordingly, members shall direct requests outside of Council-approved budget, process or policy, to the appropriate Standing Committee.

Under the direction of the City Manager, staff serves the Council as a whole, and the combined interests of all members as evidenced through the decisions of Council. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City.

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

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles are captured in the Schedule to the *Code of Conduct* and include dealing with constituents and the general public, participating as Standing Committee members, participating as Chairs of Standing Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of City staff in both the carrying out of their responsibilities and in dealing with the Council.

XIII. CONDUCT RESPECTING LOBBYISTS:

Lobbying is a permissible but regulated activity. In the City of Toronto, it is defined in terms of any communication between a paid lobbyist, or a voluntary lobbyist on behalf of a for-profit entity, and a public official (including a member of Council) in respect of a broad range of subject matters.

Members of Council are responsible for upholding the terms of Chapter 140, Lobbying, of the City of Toronto Municipal Code (the lobbying by-law, inclusive of the lobbyists' code of conduct).

More particularly, members of Council should not engage in communications in respect of the list of subject matters contained in Chapter 140 with a person who is not registered as required by Chapter 140.

Members of Council should also not knowingly communicate with a registered lobbyist who is acting in violation of Chapter 140.

In the event that a lobbyist is in violation of Chapter 140, members of Council should either refuse to deal with the lobbyist on those terms or, where appropriate, terminate the communication with the lobbyist at once and communicate the violation or attempted violation to the Lobbyist Registrar.

[This provision shall come into force when Chapter 140, as enacted under the *City of Toronto Act, 2006,* comes into force. Until then, Part X, now renumbered as Part XIII, of the original *Code of Conduct* remains in effect.]

XIV. DISCREDITABLE CONDUCT:

All members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The *Ontario Human Rights Code* applies, as does the Human Rights, Harassment and Hate Activity Policy Framework adopted by Council at its meeting of December 16 and 17, 1998.

XV. FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES:

A number of the provisions of this *Code of Conduct* incorporate policies and procedures adopted by Council. More generally, members of Council are required to observe the terms of all policies and procedures established by City Council.

This provision does not prevent a member of Council from requesting that Council grant an exemption from a policy.

XVI. <u>REPRISALS AND OBSTRUCTION</u>:

Members of Council should respect the integrity of the *Code of Conduct* and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

XVII. ACTING ON ADVICE OF INTEGRITY COMMISSIONER:

Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.

XVIII. COMPLIANCE WITH THE CODE OF CONDUCT:

Members of Council are accountable to the public through the four-year election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the *Criminal Code* of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.

In addition, subsection 160(5) of the City of Toronto Act, 2006, authorizes Council to impose either of two penalties on a member of Council or a local board (restricted definition) following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the Code of Conduct:

- 1. A reprimand; or
- 2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or the local board, as the case may be, for a period of up to 90 days.

Other Actions:

The Integrity Commissioner may also recommend that Council or a local board (restricted definition) take the following actions:

- 1. Removal from membership of a Committee or local board (restricted definition).
- 2. Removal as Chair of a Committee or local board (restricted definition).
- 3. Repayment or reimbursement of moneys received.
- 4. Return of property or reimbursement of its value.
- 5. A request for an apology to Council, the complainant, or both.

SCHEDULE TO THE CODE OF CONDUCT ROLES AND RESPONSIBILITIES OF THE COUNCIL MEMBERS AND STAFF

Notes:

- 1. This Schedule has not yet been updated to reflect the changes made in 2006 to the Municipal Code Chapter 27, Council Procedures, by By-law No.1045-2006 for example, the role of the Speaker.
- 2. To access the former version of the Schedule (i.e. not yet amended as per note #1) please select Schedule to the Code of Conduct: Roles and Responsibilities of the Council Members and Staff.

Consolidated Procedural By-law

THE CORPORTION OF THE CITY OF GUELPH

By-law Number (1996)-15200

A By-law to provide rules for governing the order and procedures of the Council of the City of Guelph, to adopt Municipal Code Amendment #179, and to repeal (1992)-14220, as amended. [amended by By-laws (1998)-15690, (2000)-16326, (2003)-17071, (2005)-17807, (2006)-17923, (2006)-18060, (2007)-18222, (2007)-18249, (2007)-18274, (2007)-18372 and (2007)-18454]

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

AND WHEREAS section 55 of The Municipal Act, R.S.O. 1990 c.M.45, as amended requires Council and every local board to adopt a procedure by-law for governing the calling, place and proceedings of meetings;

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

GENERAL

- 1. (1) The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of the Council and wherever possible with the necessary modifications, for all committees of Council, unless otherwise prescribed.
 - (2) Any reference to a member of Council shall include the Mayor.

MEETINGS

INAUGURAL

- 2. (1) The Inaugural meeting of the Council following a regular election shall be held on the first Monday in December at 7:00 p.m. in the Council Chambers of City Hall or at such alternate location as may be named by City Council. If this day is a public holiday, the Council shall meet at the same hour on the next day, not being a public holiday.
 - (2) At the inaugural meeting, all members present shall make their declaration of office, and no regular business shall be proceeded with at this meeting.

REGULAR MEETINGS

3. (1) Council shall meet on the dates and times as provided by schedule as set by Council by resolution each year at 7:00 p.m. in the Council Chambers of City Hall unless by way of resolution the Council selects an alternate meeting date, time or another location. In the event the regular meeting date falls on a public holiday, the Council shall meet at the same hour on the next day not being a public holiday. Where required, meetings that are

closed to the public pursuant to Section 239 of the Municipal Act, may be scheduled no earlier than 5:00 p.m. on the day of a regular scheduled Council meeting. [Amended 2005-08-22 by By-law (2005)-17807] [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-03-05 by By-law (2007)-18249] [Amended 2007-12-017 by By-law (2007)-18454]

- (2) Unless there is a quorum consisting of seven members of Council present within fifteen minutes after the time appointed for the meeting of the Council, the Council shall stand adjourned until the next meeting date, and the City Clerk shall take down the names of the members present at the expiration of such fifteen minutes.
- (3) As soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the Chair and call the members to order. In the absence of the Mayor or Acting Mayor, the City Clerk shall call the members to order. A Chair shall be chosen from the members present and that person shall preside during the meeting or until the arrival of the Mayor or Acting Mayor.

SPECIAL COUNCIL MEETINGS

- 4. (1) The Mayor may at any time summon a special meeting of Council and it shall be the duty of the Mayor to summon a special meeting when so requested in writing by a majority of members of Council.
 - (2) Upon receipt of a petition of the majority of the members of the Council, the City Clerk shall summon a special meeting for the purpose and at the time and place mentioned in the petition.
 - (3) The City Clerk shall give notice of the time, place and the purpose thereof of every special meeting to all members not less than 48 hours prior to the time fixed for the meeting.
 - (4) The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting, except with the unanimous consent of all members present at such meeting.
 - (5) On urgent or extraordinary occasions, an emergency special council meeting may be called by the Mayor, and the notice provided in sub-section (3) above shall not be required.

AGENDA

5. The City Clerk shall have prepared and printed for the use of members at the regular meetings of Council, an agenda with the following headings:

Singing of O Canada

Silent Prayer

Declaration of possible Pecuniary Interest

Confirmation of previous Council Minutes

Presentations

Public Meetings pursuant to legislation including The Planning Act

Delegations

Matters arising out of Delegations heard
Reports of Committees of Council and other Boards, Committees and Commissions
Consent Agenda
Special Resolutions
By-laws
Questions and Announcements
Notice of Motions
Adjournment

PUBLIC NOTICE OF MEETINGS [Amended 2007-12-017 by By-law (2007)-18454]

- 5.(1) Public notice of all regular open and closed Council and Standing Committee meetings will be given by:
 - including them on the general calendar on the City's website at least 72 hours prior to the meeting,
 - by posting a notice in City Hall at least 72 hours prior to the meeting; and
 - by publication in a local paper at least 72 hours prior to the meeting.
 - (2) Public notice of all special open and closed Council and Standing Committee meetings will be given by:
 - including them on the general calendar on the City's webpage at least 24 hours prior to the meeting,
 - wherever possible, 2 weeks in advance of the meeting,
 - wherever practicable, as soon after the meeting is called.

MINUTES

- 6. (1) The minutes of the previous meeting not yet adopted shall be presented by the City Clerk for adoption. It shall not be necessary to have the minutes read where copies thereof have been provided to members of Council with the agenda.
 - (2) When the minutes have been adopted, they shall be signed by the Mayor and City Clerk.

PRESENTATIONS

7. Council shall hear any presentation, for information purposes only, and presentations shall be limited to a maximum of ten minutes.

PUBLIC MEETINGS PURSUANT TO LEGISLATION

8. Where required, statutory public meetings under the Planning Act shall be held on the first Monday of the month starting at 7:00 p.m. Reports on planning matters shall be made available to the public one week in advance of the meeting. Notwithstanding subsection 9(2) of this by-law, the time limitation for delegations at a public meeting for the purpose of informing the public of matters under the Planning Act, shall not exceed ten minutes. The ten minute time period may be extended by the Council by a majority vote of the Council members present. Such question shall be decided by Council without debate. Questions by Council of staff may be asked after the staff presentation and prior to delegations. [Amended 2003-03-03 by By-law (2003)-17071] [Amended 2005-08-22]

by By-law (2005)-17807]] [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-03-05 by By-law (2007)-18249]

DELEGATIONS

- 9. (1) No person, except members of Council and appointed officials of the City of Guelph, shall be allowed to come within the horseshoe during the sittings of the Council without the permission of Council.
 - (2) Upon approval of the Council, a person wishing to appear as a delegation may address the Council for a period of time not exceeding five minutes. The five minute time period may be extended by the Council by a majority vote of the Council members present. Such question shall be decided by the Council without debate.
 - (3) Delegations wishing to address Council shall notify the City Clerk no later than the Wednesday immediately preceding the regular Council meeting in order that they may be listed on the agenda along with the subject matter of their address. The delegation where possible, should provide a written copy of the submission before 4:00 p.m. on the Wednesday prior to the regular Council meeting. Delegations notifying the City Clerk after 4:00 p.m. on the Wednesday prior to the regular Council meeting who wish to address matters on the agenda have until 12:00 noon on the day of the Council meeting to have their name and written outline notated on the addendum. [Amended 2005-08-22 by By-law (2005)-17807]
 - (4) (a) Delegations wishing to address Council on a matter not on the agenda, or on a matter clearly beyond Council's jurisdiction shall be directed by the City Clerk to the appropriate standing committee of Council to make representation. The delegation shall provide a written outline identifying the subject matter and the general nature of the request to the City Clerk for inclusion with the applicable agenda package.
 - (b) In the event that the matter is of an urgent nature and requires a decision prior to the next Council meeting, sub-section 9(4)(a) shall not apply and the delegation shall be heard at the conclusion of all items of business on the agenda.
 - (5) In the case of special Council meetings the above rules will apply with the necessary modifications.
 - (6) Delegations shall not be permitted to appear before Council for the sole purpose of generating publicity for an event.
 - (7) Delegations that have previously appeared before Council on a subject matter shall provide new information only in any subsequent presentations relating to that matter.
 - (8) A person who is unable to attend a Council meeting may arrange for another person to appear as a delegation on such person's behalf and to read aloud a prepared statement pertaining to an item listed on the Council agenda.
 - (9) Except on matters of order, members of Council shall not interrupt a delegation while he or she is addressing Council.

- (10) Members of Council may only ask questions of delegations and shall not express an opinion or enter into debate with the delegations.
- (11) An organized body wishing to address Council as a delegation shall be limited to a maximum of five minutes regardless of the number of representatives of that group wishing to address Council.
- (12) All delegations on an issue shall be heard before questions are asked of staff or discussion among Council.
- (13) Where delegations have appeared on an item on the Council agenda, the item shall be brought forward for consideration immediately after all delegations have been heard.

 [Amended 2005-08-22 by By-law (2005)-17807]

MATTERS BEFORE COURT, TRIBUNAL, ETC.

10. Council shall not permit any person to address Council during a closed meeting on litigation or potential litigation, including matters which are before and under the jurisdiction of any court or administrative tribunals affecting the municipality or local board unless such matter is referred to Council by the said administrative tribunal or court or, in the alternative, Council deems this matter to be sufficiently important to allow the delegation to be heard.

REPORTS FROM COMMITTEES, BOARD AND COMMISSIONS

- 11. (1) Reports of Committees of Council and other Board, Committees and Commissions shall be submitted in the following order:
 - (a) Standing Committees
 - (b) Special Committees appointed from time to time by Council; and
 - (c) Boards and Commissions
 - (2) All reports from Committees of Council shall be presented by the Chair of the Committee or, in their absence, by a member of the Committee, who shall move the adoption of the Report, or that the Report be received.
 - (3) Reports from Boards and Commissions submitted in writing shall be signed by the Chair or Secretary. When the reports are such that action of Council is required, appropriate resolutions shall be presented for consideration.

CONSENT AGENDA

- 12. (1) The Consent Agenda shall consist of the following items:
 - (a) Reports from Administrative Staff which are recommended by the City Administrator and may be submitted;
 - i) on the initiative of the City Administrator or, through the City Administrator, a Department Head, or
 - ii) as a result of correspondence received by any official of the City.

- (b) Correspondence for the direction of Council shall include:
 - i) correspondence for which a policy decision or approval of Council is required, and
 - ii) correspondence accompanied by a recommendation from the City Clerk
 - iii) correspondence where a member of Council has requested that the item be placed on the consent agenda
- (c) Correspondence for the information of Council.

POINT OF ORDER OR PRIVILEGE

- 13.(1) A member may raise a point of order at any time, whereupon the Mayor shall:
 - a) interrupt a matter of consideration on the agenda; and
 - b) ask the member who has been speaking to be seated; and
 - c) ask the member raising the point of order to state the substance of and the basis for the point of order; and the applicable rule involved; and
 - d) ask the member raising the point of order to be seated; and
 - e) rule on the point of order immediately without debate by Council.

If there is no appeal, the decision of the Mayor is final. The Council, if appealed to, shall decide the question without debate and its decision is final.

- (2) A member may raise a point of privilege at any time if they consider that their integrity or the integrity of Council as a whole has been impugned, whereupon the Mayor shall:
 - a) interrupt a matter of consideration on the agenda; and
 - b) ask the member who has been speaking to be seated; and
 - c) ask the member raising the point of privilege to state the substance of and the basis for the point of privilege; and
 - d) ask the member raising the point of privilege to be seated; and
 - e) rule on the point of privilege immediately without debate by Council.

If there is no appeal, the decision of the Mayor is final. The Council, if appealed to, shall decide the question without debate and its decision is final.

Where the Mayor considers that the integrity of any City employee has been impugned or questioned, the Mayor may permit the City Administrator, department head or other city employee to make a statement to Council. [Amended 2005-08-22 by By-law (2005)-17807]

CONDUCT OF MEMBERS IN COUNCIL

- 14. (1) The Mayor shall preserve order and decide questions of order and privilege.
 - (2) Every member desiring to speak, shall raise his or her hand so as to be recognized by the Mayor.
 - (3) Every member, on being recognized shall remain seated in their place, and address themselves to the Mayor. [Amended 2007-08-13 by By-law Number (2008)-18372]

- (4) A member called to order by the Mayor shall immediately sit down, but then may rise to explain and appeal to the Council. The Council, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Mayor shall be final.
- (5) No member shall:
 - (a) without leave of the Council: [amended 1998-03-02 by By-law (1998)-15690] [Amended 2005-08-22 by By-law (2005)-17807]
 - i) speak to an issue for more than 5 minutes (cumulative);
 - (b) use offensive words or speak disrespectfully of Council or any person;
 - (c) speak on any subject other than the subject under debate;
 - (d) speak in contempt of any decision of the Council except when speaking in support of a motion for reconsideration;
 - (e) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared:
 - (f) disobey the rules or decisions of Council or a decision of the Mayor on questions of order or practice or upon the interpretation of the rules of the Council, and in case a member persists in any such disobedience after having been called to order by the Mayor, such member may be ordered by Council to leave his or her seat for that meeting and, in case of their refusing to do so, they may, on the order of the head of Council, be removed therefrom by the police. In case of adequate apology being made by the member they may, by vote of the Council, be permitted to take their seat.
- (6) Section 14(5)(a) shall not apply to any Chair of a Standing Committee, or his or her designate, when presenting the Committee's report to Council. [amended 1998-03-02 by By-law (1998)-15690]

MOTIONS AND ORDER OF PUTTING QUESTIONS IN COUNCIL

- 15. (1) All motions shall be seconded before being debated. When a motion is seconded, it may upon request, be read or stated by the Mayor or City Clerk at any time during the debate.
 - (2) Whenever the Mayor is of the opinion that a motion is contrary to the rules and privileges of the Council, the Mayor shall apprise the members thereof immediately and shall cite the rule or authority applicable to the case without argument or comment.
 - (3) A motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order.
 - (4) After a motion is moved and seconded, it shall be deemed to be possession of the Council but may, with the consent of the Council, be withdrawn at any time before decision or amendment.
 - (5) When a motion is under consideration no other motion shall be received unless:

- (a) to refer the motion to a standing committee, committee of council, administrative staff or any person or body and such motion:
 - (i) is open to debate;
 - (ii) is amendable; and
 - (iii) shall preclude amendment or debate of the preceding motion unless resolved in the negative.
- (b) to amend the motion and such motion to amend:
 - (i) is open to debate;
 - (ii) shall not propose a direct negative to the main motion;
 - (iii) shall be relevant to the main motion;
 - (iv) is subject to only one amendment at one time, and any amendment more than one must be to the main question; and
 - (v) shall be put in the reverse order to that in which they are moved, and shall be decided or withdrawn before the main question is put to the vote.
- (c) to defer the motion to another time and such motion to defer:
 - (i) is not open to debate;
 - (ii) is not subject to amendment; and
 - (iii) applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.
- (d) to adjourn the meeting and such motion to adjourn:
 - (i) is not open to debate;
 - (ii) is not subject to amendment; and
 - (iii) shall always be in order, but no other such motion shall be made unless some intermediate proceeding has taken place.
- (e) to move the previous question and such motion:
 - (i) cannot be amended;
 - (ii) cannot be proposed when there is an amendment under consideration;
 - (iii) shall preclude all amendments of the main question;
 - (iv) when resolved in the affirmative, the question is to be put forthwith, without debate or amendment;
 - (v) when resolved in the negative, the debate shall continue;
 - (vi) cannot be received in any committee of Council; and
 - (vii) may be voted against by the mover and seconder.

VOTING

- 16. (1) When one or more of the motions set out in Section 15 has been made, the order of the vote shall be as follows:
 - (a) to defer consideration of the motion;
 - (b) to refer the motion;

- (c) upon the amendments in the reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
- (d) then, upon the main motion or upon the main motion as amended, if any amendments have been carried.
- (2) When the question under consideration contains distinct propositions, upon the request of any member of Council, the vote upon each proposition shall be taken separately.
- (3) After a question is finally put by the Mayor, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
- (4) (i) After a question is finally put by the Mayor (other than motions regarding procedural matters) members of Council must distinguish their vote when voting on any matter by voting in favour or opposed using an electronic voting system.
 - (ii) Should Council meet in a place where there is no electronic voting system or should the electronic voting system in the Council Chambers be inoperable, the members of Council must distinguish their vote by clearly calling out if they are in favour or opposed to the question when their name is called.
 - (iii) After a question is put on a procedural motion, Members of Council must clearly distinguish their vote by placing their hand up in the air above their shoulder.

 [Amended 2007-08-13 by By-law Number (2008)-18372]
- (5) The City Clerk shall for all motions, other than procedural motions, record the name and vote of every member voting on a matter of question. [Amended 2007-08-13 by Bylaw Number (2008)-18372]
- (6) The Mayor shall vote on any question while in possession of the Chair, however, if the Mayor wishes to propose a motion he or she must step down and shall not resume the Chair until the vote is taken. [Amended 2007-08-13 by By-law Number (2008)-18372]
- (7) The City Clerk shall record in the minutes the name of any member of Council who is not present in the Chamber when such recorded vote is taken.

RECONSIDERATION OF COUNCIL DECISION:

- 17. (1) After a resolution is passed, any member of Council who voted with the majority in respect of such motion, may move a motion for reconsideration. The motion shall only be seconded by a member of Council who voted with the majority.
 - (2) No discussion on the main motion shall be allowed unless the motion for reconsideration is carried in the affirmative by a vote of a minimum vote of seven of the entire Council.

 [Amended 2000-06-05 by By-law (2000)-16326]
 - (3) Any member of Council who did not vote on the motion to be reconsidered by reason of not being a duly elected member of Council at the time the vote was taken or who was absent at the time a vote was taken on the motion, shall be deemed to be a member of Council who voted with the majority for the purposes of sub-section (1).

- (4) Debate on a motion for reconsideration must be confined to reasons for or against the reconsideration, and no discussion on the main question shall be allowed until the motion for reconsideration is carried.
- (5) No question shall be reconsidered more than once during the term of Council, nor shall a vote to reconsider be reconsidered.
- (6) If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next order of business, unless the motion for reconsideration calls for a future definite date. Debate on the motion to be reconsidered may proceed as though it had never previously been voted on.
- (7) A motion to reconsider may also be introduced by a Notice of Motion. The mover or seconder is not required to have voted with the majority of Council. This notice of motion shall appear on the agenda of a subsequent meeting or the meeting specified by the mover and seconder. This motion is deemed to have been passed in the affirmative if it received a vote of at least 7 of the entire Council. [Amended 2000-06-05 by By-law (2000)-16326]

BY-LAWS

- 18. (1) The City Clerk shall submit to Council a summary of all by-laws proposed for adoption, including the by-law numbers, titles and explanatory notes.
 - (2) Every proposed by-law shall be at the Council Meeting at the time of reading and be available to any person interested in reviewing same.
 - (3) Every by-law proposed for adoption shall be introduced upon motion, and shall be read three times before it is finally passed.
 - (4) After the by-laws have been passed, the City Clerk shall be responsible for their correctness should they be amended at the Council meeting.
 - (5) Every by-law passed by Council shall:
 - (a) be signed by the Mayor, or the presiding officer at the meeting;
 - (b) be signed by the City Clerk;
 - (c) be sealed with the seal of the Corporation, and;
 - (d) indicate the date of passage.

CONFIRMATORY BY-LAW

19. Council shall, at each meeting, enact a by-law to confirm each motion, resolution and action passed and taken by the Council at that meeting.

QUESTIONS AND ANNOUNCEMENTS

20. Any member of Council may ask questions relating to matters of general interest or benefit to the Council or the City. No argument or opinion is to be offered or facts to be stated, except as far as necessary to clarify the question. In answering any questions a member is not to debate the matter. All announcements shall be provided to the Mayor in

writing prior to the Council meeting, and the Mayor shall read the announcements at the end of the Council meeting. [Amended 2005-08-22 by By-law (2005)-17807]

NOTICE OF MOTION AND SPECIAL RESOLUTIONS

- 21. (1) Any member may give notice of intent that he or she will introduce a motion at the next or a subsequent meeting of Council to initiate any measure or to make any change in the Council's established policy. At the time of giving of notice, members shall fully disclose the intent of the motion to Council. The giving of notice requires no seconder and is not at that time debatable. [Amended 2006-06-19 by By-law (2006)-18060]
 - (2) Notices of motion shall be in writing, and shall be submitted to the City Clerk for inclusion in the Agenda of the next meeting of Council following the meeting at which notice was given or such other time as is specified in the notice. Notices received after the time of printing of the agenda for a Council meeting, shall be placed on the agenda for the next following regular Council Meeting.
 - (3) Motions for which previous notice has been given shall be listed on the agenda under the heading "Special Resolutions". Special resolutions for which previous notice was given shall not be placed on supplementary or addendum agendas.
 - (4) In introducing a special resolution to Council, a member shall be permitted the opportunity of providing material and information in support of the resolution for the benefit of Council.
 - (5) Where Council has passed a resolution at a meeting closed to the public in accordance with Appendix #1 "Matters for Closed Meetings", such resolution shall only be added to the agenda of a regular or special meeting by the Clerk when so directed by Council. This resolution shall be incorporated in the Special Resolution section of the Council agenda.

ADDENDUM/SUPPLEMENTARY AGENDAS

- 22. (1) An addendum or supplementary agenda shall be prepared by the City Clerk to advise Council of names of persons who wish to speak to matters on the agenda who have contacted the City Clerk after the agenda has been distributed.
 - (2) Items or matters will not be added to the agenda after its distribution to Council by inclusion on the addendum unless directed by the Mayor or member of Council or senior staff if the urgent nature of the matter requires a decision prior to the next Council meeting.

ADJOURNMENT

23. (1) The Council shall always adjourn at 11:00 p.m. if in session at that hour, unless otherwise decided before that hour by a two-thirds vote of the members present. When the Council is adjourned at 11:00 p.m., before the agenda is completed, a time and date shall be established for consideration of the balance of the agenda.

- (2) A motion to adjourn may be made by a member who has the floor, requires no seconder and need not be in writing. However, no motion to adjourn may be made during the taking of a vote on any other motion.
- (3) If a motion to extend the automatic adjournment time is required prior to the hearing of all delegations on a matter being considered at the time such motion to adjourn is made, the meeting shall not be adjourned until all delegations listed have been heard, and Council has disposed of the matter and have completed the time sensitive issues on the agenda. [Amended 2005-08-22 by By-law (2005)-17807]

DISCLOSURE OF PECUNIARY INTEREST

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

COMMITTEE OF THE WHOLE

- 25. (1) When it is moved and seconded that the Council go into Committee of the Whole, the Mayor shall remain as Chair of the Committee of the Whole and shall maintain order in the Committee.
 - (2) The rules governing the procedure of the Council and the conduct of members in Council shall be observed in Committee of the Whole so far as they are applicable, except that a motion shall not be required to be seconded before debate is permitted. [amended 1998-03-02 by By-law (1998)-15690]

STRIKING COMMITTEE

- 26. (1) In the first year of a new term, the Council shall meet as a striking committee for the purpose of making appointments to the Standing Committees and Boards, Committees and Commissions.
 - (2) In all other years of the Council term, the striking committee shall meet as part of the regularly scheduled Council meeting on the last regularly scheduled meeting in November.

STANDING AND SPECIAL COMMITTEES

- 27. (1) Council shall appoint the following standing committees:
 - (a) Community Development and Environmental Services Committee,
 - (b) Emergency Services, Community Services and Operations Committee
 - (c) Finance, Administration & Corporate Services Committee, and
 - (d) Governance and Economic Development Committee
 - (e) Land Ambulance Committee

[Amended 2006-01-09 by By-law (2006)-17923] [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-04-16 by By-law (2007)-18274]

- (2) (a) Each standing committee shall be composed of four councillors and the Mayor. Each standing committee shall select a Chair from among its members. The selected Chair and members of each standing committee shall be appointed by Council for a one year term. A quorum for a standing committee shall be three members.
 - (b) Notwithstanding Section 27(2)(a), the Land Ambulance Committee shall also be composed of the Warden of Wellington County and three members of County Council and quorum shall be five members. [Amended 2007-04-16 by By-law (2007)-18274]
- (3) Council may by resolution, appoint special committees for such purposes as are specified in the resolution.
- (4) Council may appoint a member to act on any committee in lieu and during the absence of any member who is absent from the municipality or unable from illness to attend the meetings of such committee. The member appointed shall be deemed to be a member of the committee and entitled to act thereon during the member's absence or illness.
- (5) Wherever possible the business of the standing or special committees shall be conducted in accordance with the rules of conduct and debate which apply to Council meetings.
- (6) Members of Council may attend the meetings of any of its committees and, upon being recognized by the Chair, shall be allowed to take part in any discussion or debate. However, non-committee members shall be disqualified from voting.
- (7) Standing and special committees shall report to Council on all matters that have been referred to them and shall recommend such action as they deem necessary. The Council may refer back to any committee any report in whole or in part or any question or matter for further consideration.
- (8) The Chair of each standing committee shall preside at every meeting or, in the Chair's absence, such other Member as may be chosen by the Committee.
- (9) The Chair shall preside at every meeting and may vote on all questions submitted. In the case of an equal division of votes, the question shall be passed in the negative. A recorded vote may be requested by any member of a committee on any question before the committee.
- (10) The Chair of each committee shall sign the minutes of their respective committee meetings after they have been adopted by resolution of the committee.
- (11) Each standing committee shall establish regular meeting dates and the Chair of each committee shall be responsible for the calling of the meetings.
- (12) At the direction of the Chair of a standing committee or special committee, the City Clerk shall call a special meeting or cancel a scheduled meeting. The City Clerk shall give at least forty-eight hours notice of the calling or cancellation of any meetings.

CALLING MEETINGS

28. The Chair of the Standing Committee shall establish regular meeting dates and be responsible for the calling of meetings. The Mayor being an ex-officio member of each standing committee also has the authority to call a standing committee meeting. Lastly, the majority of members of a standing committee have the authority to call a meeting. Once a request is made the arrangements for the meeting shall be made within the next day and a meeting scheduled for the first possible time when a quorum would be available.

MEMBER ABSENT FROM MEETINGS

29. The appointment of a member of Council to a standing committee may be terminated if the member is absent from meetings of the Committee for three consecutive months without being authorized to do so by a resolution of the committee entered upon its minutes.

STANDING COMMITTEE FUNCTIONS

- 30. (1) The general service area responsibilities of the Community Development and Environmental Services Committee shall be to study and report to Council on matters relating to, but not limited to, the following:
 - (a) Community Design & Development Services (with the exception of Economic Development and Tourism)
 - (b) Environmental Services
 - (2) The general service area responsibilities of the Emergency Services, Community Services and Operations Committee shall be to study and report on matters relating to, but not limited to, the following: [Amended 2007-04-16 by By-law (2007)-18274]
 - (a) Community Services
 - (b) Emergency Services
 - (c) Operations
 - (d) Wellness
 - (3) The general service area responsibilities of the Finance, Administration and Corporate Services Committee shall be to study and report on matters relating to, but not limited to, the following:
 - (a) Corporate Services
 - (b) Finance
 - (c) Human Resources
 - (d) Financial Audit
 - (4) The general service area responsibilities of the Governance and Economic Development Committee shall be to study and report on matters relating to, but not limited to, the following:
 - (a) Economic Development and Tourism
 - (b) Strategic Planning and Corporate Initiatives

- (c) Intergovernmental Liaison
- (d) Governance Policy Review
- (5) The general service area responsibilities of the Land Ambulance Committee shall be to study and report on matters relating to, but not limited to the following:
 - (a) Land Ambulance Services provided to the residents of the City of Guelph and the Council of Wellington. [Amended 2007-04-16 by By-law (2007)-18274]
- (6) Where a matter may fall under the responsibility of more than one standing committee, the City Clerk shall consult with the Mayor and the committee chairs involved, for a determination of which standing committee shall deal with the matter.
 [Amended 2007-01-08 by By-law (2007)-18222] [Amended 2007-04-16 by By-law (2007)-18274]

SUSPENSION OF RULES

31. No provision of this by-law shall be suspended except by affirmative vote of two-thirds of the entire Council.

UNPROVIDED RULES

32. In any unprovided case in the proceedings of Council, or a Committee, the procedure followed shall be as provided in Bourinot's Rules of Order.

PROCEDURAL BY-LAWS FOR OTHER COMMITTEES

Where a board, committee or commission has not adopted a procedural by-law, such board, committee or commission shall be deemed to have adopted this procedural by-law with necessary modifications including the requirement that all meetings be open to the public, subject to the same exceptions applicable to Council Meetings as set out herein.

MUNICIPAL CODE AMENDMENT

34. Municipal Code Amendment #179, which amends Chapter 20 of the City of Guelph Municipal Code by removing Article II and substituting the aforementioned clauses is hereby adopted.

REPEAL OF PREVIOUS BY-LAWS

35. By-law Number (1992)-14220, and the accompanying amendments numbered By-law (1994)-14522, (1994)-14627, (1995)-14771 are hereby repealed.

PASSED THIS SIXTEENTH DAY OF JUNE, 1996.

Original Signed by: Mayor Joe Young V. Charlene Lavigne, Deputy Clerk

APPENDIX

MATTERS FOR CLOSED MEETINGS

239. (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

- (2) Meetings of Council as well as standing committees of Council shall be open to the public unless one of the following matters shall be discussed:
 - (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual, including municipal or local board employees;
 - (c) a proposed or pending acquisition or disposition of land by the municipality or local board:
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

Other Criteria

(3) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act. 2001, c. 25, s. 239 (3).

Educational or training sessions

- (3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - 1. The meeting is held for the purpose of educating or training the members.
 - 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Prior to holding the meeting which is closed to the public, council or the committee must convene in a formal session and pass a resolution indicating which of the issues as identified in section 1 shall be discussed at the closed meeting.

City of Guelph: Council/Directors Workshop Expectations of Working Together April 6, 2000

ľ		
	recognize the benefits of	13
	City's senior management team, we	υ
	As members of the City Council and the	υ

- lmproved quality and image of the public service better decision making
- u Increased efficiency and effectiveness a better run municipality
- U A satisfying work environment being an employer of choice

working together:

We value the following
characteristics and are
committed to see that they are
reflected in our work with Council,
stall, community partners and
citizens.

Respect Professionalism

Trust Positive Attitudes

Understanding Ethical Behaviour

Openness Mutually Supportive

Leadership

These expectations will be demonstrated through the following behaviours:

- I. Working together to achieve common goals.
- 2. Being polite to each other and treating everyone fairly.
- 3. Listening carefully to all views expressed.
- 4. Keeping promises made to each other and to the group.
- 5. Encouraging creativity in our thinking and in our work.
- 6. Being consistent in what we say and how we act.
- 7. Supporting each other individually and as a group.
- 8. Recognizing publicly each other's accomplishments
- 9. Demonstrating and supporting leadership
- 10. Sharing information.
- 1. Encouraging ongoing learning, training and skills enhancement
- 12. Moving forward and accepting the democratic decision-making process.

City of Guelph: Council/Directors Workshop Strategies for Dealing With Conflict April 6, 2000

	Activity	Responsibility
i.	Adopt and publicly practice the behaviours and expectations for working together. The benefits, expectations and behaviours developed by City Council and the City's senior management team should be finalized and adopted by Council. Once adopted, they can be published and used by Council and staff.	City Council
2.	Adopt a zero policy for personal attacks. Personal attacks on staff or members of Council, whether in public or private, is considered unprofessional, destructive and unacceptable. Council should adopt a zero tolerance for personal attacks on the part of members of Council and staff.	City Council
3.	Introduce a motion of reprimand as verbal punishment. If an individual member of Council or staff does not respect or demonstrate the values and expectations of behaviour once adopted by Council, then Council will enact section 14.1 (b) of the procedural bylaw. This mechanism will ensure that everyone including the public, understands that the behaviour is not in keeping with the City's adopted practices.	City Council
4.	Investigate conflict resolution programs. Other public and private sector organizations have internal programs that provide training in the areas of mediation and conflict resolution. The City should investigate these programs with a view to providing appropriate training to Council members and staff.	Department Heads
5.	Investigate the value of having a Code of Ethics. A number of municipalities in other jurisdictions (e.g. Quebec, United States), have a Code of Ethics. Council members sign the Code when they assume office. The City should investigate the practice with respect to having a Code of Ethics for municipal elected officials as input into deciding on the value for the City of Guelph.	Department Heads
6.	Develop a mechanism for recognizing excellence in teamwork. City projects/initiatives that have involved successful teamwork should be publicly recognized by City Council. They can be used to illustrate how the City is putting into practice its commitment to working together effectively. This recognition should be made by the Mayor and Council. There should be further investigation on how this initiative should be implemented.	Directors
7.	Hold an annual City Council/Directors workshop on the subject of working together. The City should build on the success of the Hockley Yalley workshop and host an annual off-site meeting to discuss areas of common interest. Initially, the discussion should continue to address how to work together effectively.	City Council and Directors

Activity	Responsibility
8. Organize an annual social event. Members of City Council and Directors should participate in an annual social activity designed to allow the group to interact in a relaxed and informal activity. The activity will encourage individuals to get to know and understand each other in more than just a work situation.	City Council and Directors





Meeting: Accountability and Transparency Committee

Date: January 22, 2008

Time: 5:00 p.m.

Location: Committee Room "A"

Present: Councillor Beard - Chair; Scott Butler, Todd Dennis, Jean McKenzie Leiper,

Christopher Moes and Rolf Pedersen

Staff: Lois Giles, Director of Information Services/City Clerk/; and

Tina Agnello, Deputy City Clerk

1. Moved by Todd Dennis and Seconded by Christopher Moes
THAT the minutes of the Accountability & Transparency Committee meeting held on November
20, 2007 be confirmed as recorded and without being read.

Carried

Code of Conduct

The Committee requested that staff bring back a template of the Code of Conduct incorporating examples from other municipalities.

The Committee discussed Council conference attendance, expenditures, use of resources for election; use of computers/e-mail and annual report to Council with respect to Council expenses and remuneration.

Next Meeting:- March 11, 2008 at 5:00 p.m.

The meeting adjourned at 6:30 p.m.







Meeting:

Accountability & Transparency Committee

Date:

March 11, 2008

Time:

6:30 p.m.

Location:

Committee Room "C" (downstairs in City Hall)

Chair:

Councillor Vicki Beard

Agenda Items

Item #	Description
1	Adoption of Minutes – January 22, 2008
2	Town of Fort Erie:- Report of the Ombudsman
3	Code of Conduct
	Attached are the following documents:
	Code of Ethics
	Zero Tolerance
	Council Use of E-Mail
	Incumbent Municipal Candidates Guideline
:	Sample Code of Conduct Provisions
4	2006 Council's Statement of Remuneration
4	Next Meeting
5	Adjourn





Meeting:

Accountability and Transparency Committee

Date:

January 22, 2008

Time:

5:00 p.m.

Location:

Committee Room "A"

Present:

Councillor Beard - Chair; Scott Butler, Todd Dennis, Jean McKenzie Leiper,

Christopher Moes and Rolf Pedersen

Staff:

Lois Giles, Director of Information Services/City Clerk/; and

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Next Meeting:-

March 11, 2008 at 5:00 p.m.

The meeting adjourned at 6:30 p.m.





André Marin OMBUDSMAN

February 5, 2008

Mayor Martin Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6

Dear Mayor Martin:

My Office has concluded its investigation into the complaints we received concerning the closed meeting held by the Town of Fort Erie Council on January 7, 2008.

The results of the investigation are set out in the attached report.

Yours truly,

André Marin Ombudsman

Encl.

O Ombudsman

"Enlightening Closed Council Sessions"

Investigation into Fort Erie Town Council Closed Meeting of January 7, 2008

> André Marin Ombudsman of Ontario February 5, 2008

Complaint

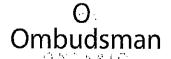
On January 7, 2008, my Office received a complaint concerning a meeting scheduled by the Fort Erie Town Council for that evening. The meeting was to be closed to the public and held at an off-site location for the purposes of "education and training." On January 16, my Office received a second complaint about the same meeting. This complaint focused on the lack of detail provided to the public about the nature of the education and training provided at the January 7 session. In addition, it was suggested that council may have engaged in the planning and discussion of town business during the closed meeting.

Ombudsman jurisdiction

- Under the *Municipal Act*, 2001, municipalities and local boards are required to pass bylaws setting out the rules of procedure for meetings. The law requires that public notice be given that a meeting will be held, and that all meetings be open to the public unless they fall within prescribed exceptions. Until recently, the only way to enforce compliance with the open meeting provisions was to bring a court challenge against the municipal council or board.
- As of January 1, 2008, legislative changes came into effect, giving citizens the right to request an investigation into whether a municipality that has closed a meeting to the public has complied with the law. The Act allows municipalities to choose who will investigate such complaints they may appoint their own investigator or use the services of my Office. It also designates my Office as the default investigator for the more than 100 municipalities across the province that have yet to appoint one.
- 4 On December 10, 2007, Fort Erie Town Council voted to appoint the Ombudsman of Ontario as its investigator for closed meeting complaints.

Closed education and training sessions

Section 239 of the *Municipal Act, 2001* sets out a number of exceptions to the open meeting requirements. On January 1, 2007, an exception was added to the Act: A meeting of a council may be closed to the public if it is held for the purposes of educating or training council members, provided that members do



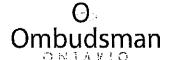
- not discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council.¹
- Before holding a closed meeting for the purposes of education or training, a council is required to pass a resolution stating that such a meeting will be held, as well as the general nature of its subject matter and the relevant legislative provision.²

Fort Erie Town Council's rules

- The Corporation of the Town of Fort Erie's *Rules of Procedure*³ provide that a special meeting of council, including a closed meeting, may be called and that notice of such a meeting must state the business to be considered. As a general rule, no other business can be considered by council except that which has been disclosed.⁴ Public notice of the meeting must be posted on the website, "for accountability and transparency purposes."
- With proper notice and a majority vote, council has the authority to hold meetings outside of its chambers. ⁵

Investigative Process

- 9 On January 17, 2008, following preliminary inquiries by my Office, the complainants and the Town Solicitor of Fort Erie were notified of my intention to pursue an investigation into the complaints concerning the closed education and training session held on January 7.
- Our investigators interviewed 11 individuals, including all seven members of council, as well as the Town Clerk, Town Solicitor, the town's Chief Administrative Officer, and the independent facilitator who developed the training materials and facilitated the closed session. In addition, documents from the municipality were obtained and reviewed including minutes, memoranda,



s.239 (3.1), Municipal Act, 2007, as amended

² s.239(4)(b), Municipal Act, 2007, as amended

³ Bylaw No.145-06

⁴ s.3.3.2 of Rules of Procedure Bylaw No.145-06

⁵ s.239(3), Municipal Act, 2001, Bylaw No. 145-06

- training materials and handouts, personal notes made by the participants at the session, municipal and procedural bylaws and applicable legislation.
- This was the first investigation regarding a closed meeting that my Office has conducted since the new legislative provisions came into force. The exceptional co-operation of Fort Erie's council and municipal staff contributed in large measure to its successful and timely completion.

Investigation Facts/Evidence

The need for education and training

- During our investigation, we learned that the Mayor had informally discussed the possibility of training with council members in November 2007 and they had agreed it would be useful. Such a meeting would explore how they might better work towards the continued fulfillment of their mandate by strengthening interpersonal relationships and communication.
- In a November 13, 2007 inter-office memorandum to council members, the Mayor explained the purpose of the proposed training as a chance to "reflect on our past year in order to improve our performance as a Council by an exchange of views on how to strengthen Council-to-Council and Council-to-Staff relationships."
- Given the nature of the contemplated training, the facilitator recommended that it take place in a closed session where the participants would likely feel more comfortable openly discussing their thoughts.
- One council member expressed concern that some of the issues identified for discussion during the training might give rise to discussion of council business. The Town Solicitor and Town Clerk, who were consulted about the session from the outset, reviewed the proposed training agenda and determined there was nothing on it that could be considered a "business" item.

Resolving to go into closed session

The first public reference to the January 7, 2008 meeting occurred on December 10, 2007, when council passed a resolution to hold an education and training session in closed session under s.239 of the Act.



- The agenda for the December 10 meeting referenced the item under 'New Business' as follows:
 - a. "(a) Closed Session Meeting Monday January 7, 2008 at Peace Bridge Authority Conference Room. Re: Education and Training Session".
- The minutes of the December 10, 2007 meeting contain the following resolution:

"Resolution: "THAT: the Municipal Council of the Town of Fort Erie hereby authorizes the holding of a Closed Session Meeting on Monday January 7, 2008, commencing at 6:00 pm at the Peace Bridge Authority Conference Room in order to conduct an Education and Training Session on Council/Council-Staff Relations."

Both the December 10, 2007 agenda and minutes were posted on the Town of Fort Erie website. The agenda for the January 7 meeting was issued to council a few days before the meeting and was also posted to the website. It similarly referred to an "Education and Training Session on Council/Council-Staff Relations" to be held in closed session at the Peace Bridge Authority Conference Room. Although the education and training session was to be closed to the public, certain standard portions of the meeting were technically open, including the call to order, roll call, disclosures of pecuniary interest and general nature, and adjournment.

The January 7 closed session

- The education and training session at the Peace Bridge Authority Conference Room started 20 minutes earlier than planned, at the request of the facilitator. ⁶ It concluded at 9:03 p.m.
- The closed session was attended by Mayor Douglas Martin, Councillors Ann-Marie Noyes, Bob Steckley, Tim Whitfield, Martha Lockwood, Richard Shular and Sandy Annunziata; Chief Administrative Officer Harry Schlange; Town Clerk Carolyn Kett; and the training facilitator, Beverley Carter. The Town Clerk also attended in her capacity as clerk to record the session and to provide advice on procedural matters.



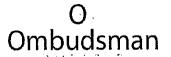
⁶ Section 3.3 of Council Rule of Procedure Bylaw No.145-06, as amended, was waived to permit the meeting to commence at 5:40 p.m., instead of the scheduled 6 p.m. This is standard procedure.

Discussions during the closed session

- According to those we interviewed and our review of the notes and training materials, the main issues discussed during the closed session were: Stages of group development, guiding principles for conducting skilled conversations, trust-building and trust-depleting behaviour, and how to develop effective groups. Participants were asked to discuss their own interpersonal skills, to imagine council performing at its optimum, and to consider how optimal functioning might be achieved.
- The personal notes taken by the participants during this session, the official records of the session, and our discussions with the training facilitator, suggest that previous council business was only referred to in passing, to illustrate points being discussed, and no new council business was discussed.
- 24 My investigation confirmed that no resolutions were passed during the meeting, with the exception of the resolution to go into closed session and the resolution for the council to rise without report. This was also confirmed by the minutes. Our conclusion is that no council business was advanced during the closed session.

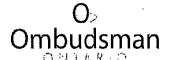
Public access to the 'open' portions of the meeting

- The citizens who contacted my Office expressed concern about the location of the January 7 meeting. It was suggested that as the Peace Bridge Authority Conference Room is privately owned, members of the public were effectively prevented from attending even during the brief "open" portion of the meeting.
- The Town Clerk confirmed that prior to the meeting she received inquiries from the public concerning the reason the training was being held outside of the town hall, and how they could access the open portions of the meeting. She said she responded to all of these inquiries.
- The training facilitator told our investigators that she had recommended the training be conducted outside of council chambers, in an environment that would be conducive to open, frank discussion and would not replicate the atmosphere in which council normally did business. She also required a location with separate rooms for smaller group discussions. Council had used the Peace Bridge Authority Conference Room in the past, and determined it to be the most suitable venue.



Opinion

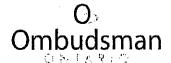
- While municipalities in this province have long been required to hold open meetings, enforcement through investigative oversight is a brand new venture. It is a significant step forward in reinforcing the democratic legitimacy of municipal decisions. Any attempt to close doors to the public is likely to be met with considerable concern from citizens and requires careful scrutiny to ensure public confidence in local government is sustained.
- After examining all the available evidence, I am satisfied that the January 7 closed session held by the Fort Erie council was focused on improving communication and team-building skills, and that it came within the education and training exception provided for under the *Municipal Act*, 2001.
- Council had the authority to meet off-site for the purposes of engaging in education and training, provided its bylaw was followed. While a private meeting location might present an obstacle to public attendance in some instances, I am satisfied that had citizens wished to attend the open portions of the special meeting at the Peace Bridge Authority Conference Room, they could have done so.
- The whole purpose behind the legislative drive to allow an avenue of complaint if council meets in a closed session is to enhance democracy by empowering citizens to hold municipalities to account for their decision to meet privately. The new provisions of the law require a broad and generous interpretation based on principles of openness and transparency. The "education and training" exception is a new addition to the list of permissible exceptions to the open meeting requirements, and concern about its use is understandable. These exceptions must be read restrictively with a corresponding obligation on municipalities to issue meaningful and informative notices that enlighten the public on the reasons for the closed meeting. The more information available about a closed session, the less room there is for conjecture.
- In addition, how are citizens to make an informed decision to complain about a closed meeting if the notice of the meeting is bereft of meaningful information? The situation is akin to asking a citizen to navigate unknown territory without a map. Providing a few more details about a planned meeting is like raising the blinds in a dark room it is not an arduous task, and is well worth the effort because the sunlight benefits everyone.



- I believe that, in this case, to a significant degree, public concern and criticism would have been avoided had council chosen to provide more information about the nature of the training when it first gave notice of the meeting. As our investigation found, the actual substance of the meeting clearly fell within the ambit of the exception. Why not provide, then, greater clarity and include more specifics in the notice? To do so would not only meet the legal letter of the legislation but would fulfill its spirit. In response to our Preliminary Report, the Town of Fort Erie has agreed to provide greater explanation the next time it embarks on an education and training session in closed session.
- I would like to thank the Town of Fort Erie for its co-operation during the investigation.

André Marin

Ombudsman of Ontario





GUELPH CITY COUNCIL CODE OF ETHICS

"We will respect and obey the City's laws and do our best to encourage a like respect and adherence in those about us."

Guelph City Council will govern the City with a commitment to the preservation of values and integrity, representative local government and democracy, and dedication to the promotion of efficient and effective governance.

The following statements will serve as a guide and will acknowledge the commitment being made in this service to the community:

- The Council has as high priorities, the continual improvement of its members' professional ability and the promotion of an atmosphere conducive to the fair exchange of ideas and policies among its members.
- In its governance role, the Council will continue to be dedicated to friendly and courteous relationships with staff, other council members and the public and will actively seek to improve the quality and image of public service.
- Each Council member will be dedicated to the faithful stewardship of the public trust.

CODE OF ETHICS

The office of elected official is one of trust and service to the citizens of the City of Guelph. This position creates a special responsibility for each Guelph City Council member. Certain ethical principles shall govern the conduct of every Council Member who shall:

- □ Be dedicated to the highest ideals of honour and integrity in all public and personal relationships in order that the member may merit the respect, trust and confidence of the citizens of Guelph.
- \square Recognize that the chief function of municipal government at all times is to serve the best interests of <u>all</u> of the people.
- □ Be dedicated to public service by being co-operative, creative and constructive.
- Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the Council.
- □ Do no seek or accept gifts or special favours.
- Believe that personal gain through the use of information or by misuse of public funds or time is dishonest.
- □ Recognize that public decisions based on established values, are ultimately the responsibility of the City Council.
- Conduct business in open, well publicized meetings in order to be directly accountable to the citizens of Guelph. It is recognized that in certain situations, consideration of issues will take place at in camera sessions, however, any actions as a result of that type of meeting, may be handled later in open session.
- Preserve the integrity and confidentiality of all information that is not available to the general public and to use it only in the performance of official duties.
- Treat all staff, members of the public and colleagues with courtesy, respect, objectivity and fairness.

Subject.

Zero Tolerance / Motion of Reprimand

Recommendations

THAT Council adopt the procedures as outlined in this report with respect to Zero Tolerance on Personal Attacks and Motions of Reprimand.

Background

As a result of discussions during recent workshops, Council had requested that a procedure be drafted that would deal with personal attacks and behaviours that were not in keeping with the Code of Ethics adopted by Council. In drafting these procedures, the City's procedural by-law and Bourinot's Rules of Order were reviewed. The procedures are as follows:

Zero Tolerance Policy on Personal Attacks:

In the event that a Councillor makes a personal attack against another Councillor, staff person or member of the public, the Mayor shall call the Councillor to order, and ask the Councillor to withdraw their comments and proceed to discuss the issue on the table. If the Councillor continues with their personal attack, the Mayor shall ask the Councillor to be seated. If the Councillor does not take their seat, or if order is not restored to the meeting, the Mayor shall call a recess for a stated period of time. The meeting shall reconvene at the stated time to resume discussion at the point at which it was broken off. In the event that the Mayor makes a personal attack against another Councillor, staff person or member of the public, any member of Council can rise on a point of order, and call for a recess for a stated period of time. The meeting shall reconvene at the stated time to resume discussion at the point at which it was broken off.

Introducing a Motion of Reprimand:

If a member of Council feels that another Councillor has not respected or demonstrated the expectations of behaviour adopted by Council, they may introduce a motion of reprimand. The motion would be heard by Council once the named Councillor has been given an opportunity to respond. The motion could be worded as follows:

THAT this Council deems the actions or statements by (named individual) with regard to the matter of (agenda item) to be inappropriate and not in keeping with the expectations of behaviour adopted by this Council.

Alternatives

Do not adopt the procedures.

Implications

Any incidents would have to be dealt with under the existing Procedural By-law.

Funding

n/a

Finance and Administration

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Informat	ion
Services	

Prepar	ed by:
Lois A	

Lois A. Giles, Director of Information Services/Clerk.



CORPORATE POLICY AND PROCEDURE



POLICY NO.

PAGE

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EFFECTIVE DATE Sept. 2, 2003

REVISION

Authority

Information Services

Subject

Council Use of E-Mail

Related Policies

n/a

Approved by

Guelph City Council

Revision Date

n/a

POLICY STATEMENT

The City of Guelph provides access to electronic data network services, including electronic mail and Internet to facilitate business communications for members of Guelph City Council.

Members of Council should conduct themselves honestly and appropriately in their use of the City's network services and systems, and respect the copyrights, software licensing rules, property rights, privacy rights and privileges of others.

APPLICATION

This policy applies to the use of City of Guelph computer equipment for e-mail purposes by members of Guelph City Council.

PURPOSE

All computer equipment is the property of the City of Guelph at all times and is for the exclusive use of the council members to whom it has been provided. Access to computer and network services owned or operated by the City of Guelph imposes certain responsibilities and obligations on users and is subject to Council policy and municipal, provincial and federal laws. All members of Council should read this policy and be familiar with their responsibilities.

Acceptable use is ethical, reflects honesty, and shows restraint in the consumption of shared resources. It demonstrates respect for intellectual property, ownership of information, system security mechanisms, and the individual's rights to privacy and freedom from intimidation, harassment, and unwarranted annoyance.

CORPORATE POLICY AND PROCEDURE

POLICY NO.

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USER RESPONSIBILITIES

Council members shall:

- 1. Consider e-Mail to be the equivalent of letters sent on City of Guelph letterhead. An e-Mail address identifies the organization that sent the message, and users should not transmit, retrieve or store communications of a discriminatory or harassing nature or materials that are pomographic or violent. Examples of this would include chain letters, "X-rated" material or derogatory or inflammatory remarks about an individual's race, age, disability, religion, ethnic origin, physical attributes or sexual preference. Abusive, profane or offensive language is not to be transmitted.
- Not use network services or other City equipment for personal gain such as selling access to a user account or by performing work for profit with City resources in a manner not authorized by the City; or for any purpose that is illegal or contrary to the City's best interests (i.e. gambling).
- 3. Protect their user accounts (user ID and password) and system from access by any other individual.
- 4. Recognize that copyright and the related legal concerns apply both to material being distributed from the City to the outside ("outbound") and material originating from outside coming into the City ("inbound"). Intellectual property includes data, reports, applications and assets acquired from third parties including studies, packaged software, and books. Use of illegal copies of copyrighted software or other mediums (including graphics), storing such copies on City systems, or transmitting them over City networks is not permitted.
- 5. Not send sensitive information via e-Mail over the Internet as messages are not 100% secure.
- 6. Not disrupt users or network services, computing resources or equipment. Disruptions include, but are not limited to, distribution of unsolicited advertising, propagation of computer "worms" and viruses, and sustained high volume network traffic which substantially hinders others in their use of the network.
- 7. Not assume that e-Mails are private. All e-Mail messages and their

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attachments are the property of the Corporation of the City of Guelph and are subject to monitoring and filtering for viruses and potentially dangerous file types (i.e. scr, exe, .com).

- 8. Not use the e-Mail system to communicate information such as:
 - a. Personal information about identifiable individuals. The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) prohibits municipalities from disclosing personal information to an individual other than the individual to whom the information relates. Personal information is defined as information about an identifiable individual, including the address, telephone number, fingerprints or blood type of the individual.
 - b. Information that would not normally be released to the public - e.g. third party information, law enforcement information, information pertaining to security of the City and its property, or matters dealt with at in-camera meetings.
 - Not use e-Mail for confidential or sensitive messages, since e-Mail messages are easily misdirected, or re-directed by another user.
 - 10. Not use e-Mail for non-business purposes, such as solicitation, joke or other non business mailing lists, chain letters, distribution of executable files (e.g. .exe, .mpg, .mp3, .bat, .scr, .com etc.), or any activity that could result in personal gain.
 - 11. Not use the "City Staff" distribution list when sending or replying to e-Mails.

BEST PRACTICES

The following are considered as best practices in the use of corporate e-Mail, and members of Council are encouraged to observe same:

- Avoid graphic images and unnecessary attachments. This will reduce the size of e-Mail message and not fill up the recipient's mailbox. Many people have slower speed network connections and could be inconvenienced by large e-mails.
- 2. Don't reply to spam (unsolicited commercial e-Mail). By replying or

CORPORATE POLICY AND PROCEDURE

POLICY NO.

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attempting to unsubscribe, you are confirming that your e-Mail address is "live", and this will only generate more spam. Just hit the delete button.

- 3. Be aware of differences across other e-Mail systems. Others may not have the same e-Mail features or capabilities. Avoid features such as bold, underline or special fonts.
- 4. Avoid writing in all CAPITALS. In a written medium, this appears to be "shouting" and is difficult to read. To emphasize a single word, you can enclose it in _underscores or *asterisks".
- 5. Spell check before sending your message.
- 6. Read your message again before sending.
- 7. Don't use the "respond to All" if you just need to communicate with the original sender.
- 8. Don't forward anyone's e-Mail address without their knowledge.

WHEREAS in the interest of public accountability and transparency, there is a need to separate official municipal governmental activity from municipal election campaign activities; and

WHEREAS incumbent municipal candidates should not have any material advantage over other municipal candidates by virtue of their official position in the city and access to municipal staff and resources;

BE IT RESOLVED THAT:

- No sitting member of Council may approach a member of staff for the purposes of soliciting the provision of corporate resources or services in the support of a municipal election campaign, excluding city information in the public domain.
- 2. No member of City staff shall use corporate resources or services in support of a municipal election campaign. Examples of staff prohibited resources or services include, but are not limited to:
 - Selling or distributing tickets for a fundraising event to benefit any municipal election candidate or municipal campaign committee on City time.
 - > Soliciting contributions to support any municipal election candidate or municipal election campaign committee or ballot question in City time.
 - Using staff time to engage in municipal election campaign activity.
 - Using corporate property, such as fax machines, copy machines or vehicles for municipal election campaign purposes.
- 3. No sitting member of Council may use corporate resources for the purposes of a municipal election campaign. Examples of prohibited uses include, but are not limited to:
 - Using corporate fax machines to deliver municipal election campaign literature.
 - > Using corporate stationery or printing machines to print municipal election campaign literature.
 - > Using corporate personal computers and e-mail accounts.

E SHIP SERVER SE	
Woodstock	Statement of Principle Code of Conduct helps to ensure that the members of Council, advisory committees and of local boards of the municipality (as defined in the Municipal Act) share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Woodstock's elected and appointed representatives operate from a base of integrity, justice and courtesy. Members of Council are responsible for making honest statements. No member shall make a statement when they know that statement is
	false. No member shall make a statement with the intent to mislead Council members or the public. The City of Woodstock's Council Code of Conduct is a general standard that augments the provincial laws and municipal policies and by-laws that govern their conduct. It is not intended to replace personal ethics.
Highlands East	We the Members of the Highlands East Council are committed to discharging our duties conscientiously and to the best of our ability. In the performance of our community role we will act with honesty and integrity and generally conduct ourselves in a way that both generates community trust and confidence in us as individuals and enhances the role and image of the Council and Local Government generally. In addition to all legislative requirements, we the Members of the Highlands East Council have adopted the requirements of this code of conduct and ethics are standards that we will adopt in the performance of our role.
	A Member of Council must act in a fair, honest and proper manner according to the law. We the Members of the Highlands East Council are committed to discharging our duties conscientiously and to the best of our ability. In the performance of our community role we will act with honesty and integrity and generally conduct ourselves in a way that both generates community trust and confidence in us as individuals and enhances the role and image of the Council and Local Government generally.
	In addition to all legislative requirements, we the Members of the Highlands East Council have adopted the requirements of this code of conduct and ethics are standards that we will adopt in the performance of our role. A Member of Council must act in a fair, honest and proper manner according to the law.
ingersoll	A written Code of Conduct helps to ensure that the members of Council, advisory committees and of local boards of the municipality (as defined in the Municipal Act) share a common basis of acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Ingersoll's elected and appointed representatives operate from a base of integrity, justice and courtesy. Members of Council are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council members and the public. The Town of Ingersoll's Code of Conduct is a general standard that augments the provincial laws and municipal policies and by-laws that
	govern their conduct. It is not intended to replace personal ethics. This Code of Conduct is consistent with the existing statutes governing the conduct of members. All members whom this Code of Conduct applies shall serve their constituents in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than the exercise of his or her official duties.
Kitchener (Draft)	A written Code of Conduct helps to ensure that the members of Council, advisory committees, and local boards of the municipality (as defined in the <i>Municipal Act</i>), share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Kitchener's elected and appointed representatives operate from a base of integrity, justice and courtesy. The key principles that underline the Code of Conduct are as follows: • all members to whom this Code of Conduct applies shall serve their constituents in a conscientious and diligent manner; • members should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both real and
	apparent; • members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;

Municipalit	 Statement of Principle members are responsible for making honest statements and no member shall make a statement when they know that statement is false, or with the intent to mislead other members or the public; and, members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.
Toronto	Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all government officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the City of Toronto's reputation and integrity. To these ends, during its first term as a unified City, the City of Toronto, as one of several initiatives, adopted a Code of Conduct for Members of Council. Subsection 157(1) of the City of Toronto Act, 2006 now requires the City to establish codes of conduct for members of Council and of certain local boards of the City. In response to this requirement, the City has revised and updated the original Code of Conduct. It is intended to supplement and be compatible with the laws governing the conduct of members. The key statements of principle that underline the Code of Conduct are as follows: • Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
	 Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real; Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close
	public scrutiny; and • Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.

Woodstock	The Code of Conduct shall apply to all members of Council, advisory committees and of local boards of the municipality (as defined in the Municipal Act).
Highlands East	No comparable provision.
Ingersoll	The Code of Conduct shall apply to all members of Council, advisory committees and of local boards of the municipality (as defined in the Municipal Act).
Kitchener (Draft)	This Code of Conduct shall apply to all members of Council, advisory committees and of local boards of the municipality (as defined in the Municipal Act).
Toronto	This Code of Conduct applies to all members of Council (including the Mayor). This Code of Conduct also applies, subject to any necessary modification, to members of local boards (restricted definition) as defined in section 156 of the City of Toronto Act, 2006 and, by reference to A3 (as amended) of Clause 2 of Report No. 5 of the Administration Committee as amended and adopted by City Council at its meeting on September 28 and 29, 1999, to all other appointments to City agencies, boards and commissions (subject to any necessary (legal) modification). (The provisions of the Municipal Conflict of Interest Act also apply to local boards, as defined in that Act, with decision-making power.)

SECTION SECTIONS	
Municipality Woodstock	No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, unless permitted by the exceptions listed below. For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is
	connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member. The following are recognized as exceptions: a. Compensation authorized by by-law; b. Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation; c. A political contribution otherwise reported by law; d. Services provided without compensation by persons volunteering their time; e. A suitable memento of a function honouring the member; f. Food, lodging transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign country; g. Food and beverages consumed at banquets, receptions or similar events, if: Attendance serves a legitimate purpose; The person extending the invitation or a representative of the organization is in attendance; and The value is reasonable and the invitations infrequent h. Communication to the offices of a member, including subscriptions to newspapers and periodicals.
	In the case of categories (b) (e) (f) (g) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement. Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts or benefits from one source during a calendar year worth in excess of \$500.
	No Member shall seek or obtain by reason of his or her office or benefit worth in excess of \$500 or gifts or benefits from one source during a calendar year worth in excess of \$500.
	No Member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to City services not otherwise available to the general public and not consequent to his or her official duties.
Highlands East	Members of Council will only: Accept gifts, hospitality or entertainment of a nominal value that could not be reasonably construed as being given in anticipation or recognition of special consideration by the Corporation. Accept hospitality or entertainment if the offer is infrequent (less than 2 or 3 times a year) and appropriate to the occasion. In these circumstances it is assumed that the nature of the business discussed is important enough to the Municipality that reciprocal arrangements should openly be made and charged to the Municipality.
	Members of Council will acknowledge that the Reeve will in his/her role, periodically receive and

Municipalit	Ÿ
Similaritishing abalia	distribute ceremonial or other similar items
Ingersoll	No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, unless permitted by the exceptions listed below. For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to a gift to that member. The following are recognized as exceptions: a. Compensation authorized by by-law;
	b. Such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation; c. A political contribution otherwise reported by law; d. Services provided without compensation by persons volunteering their time; e. A suitable memento of a function honouring the member
	f. Food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign country; g. Food and beverages consumed at banquets, receptions or similar events, if:
	- Attendance serves a legitimate purpose; - The person extending the invitation or a representative of the organization is in attendance; and - The value is reasonable and the invitations infrequent h. Communication to the offices of a member, including subscriptions to newspapers and periodicals.
	In the case of categories (b) (e) (f) (g) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Chief Administrative Officer.
	The disclosure statement must indicate: 1. The nature of the gift of benefit; 2. Its source and date of receipt; 3. The circumstances under which it was given or received; 4. The estimated value;
	5. What the recipient intends to do with the gift; and 6. Whether any gift will at any point be left with the Town
	Any disclosure statements will be a matter of public record. On receiving a disclosure statement, the Chief Administrative Officer shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the member. In the event that the Chief Administrative Officer makes that preliminary determination, he or she shall call upon the member to justify receipt of the gift or benefit. Should the Chief Administrative Officer determine that receipt was inappropriate, a written report shall be presented to Council in closed session whereby Council may direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of the gift or benefit already consumed to the Town.
	Except in the cases of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts or benefits from one source during a

Municipalit	Gifts and Benefits
<u> </u>	calendar year worth in excess of \$500. No member shall seek or obtain by reason of his or her office any personal privilege or advantage with respect to Town services not otherwise available to the general public and not consequent to his or her official duties.
Kitchener (Draft)	No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his / her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or advance paid to, or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member. The following are recognized as exceptions: a. compensation authorized by by-law; b. such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation; c. a political contribution otherwise reported by law;
	d. services provided without compensation by persons volunteering their time;
	e. a suitable memento of a function honouring the member; f. food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign country;
	 g. food and beverages consumed at banquets, receptions or similar events, if: attendance serves a legitimate purpose; the person extending the invitation or a representative of the
	organization is in attendance; and,
	the value is reasonable and the invitations infrequent.
	h. communication to the offices of a member, including subscriptions to newspapers and periodicals.
	In the case of categories (b) (e) (f) (g) and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Integrity Commissioner.
	The disclosure statement must indicate: 1. the nature of the gift or benefit;
	2. its source and date of receipt;
	3. the circumstances under which it was given or received; 4. its estimated value;
	5. what the recipient intends to do with the gift; and,
	6. whether any gift will at any point be left with the City.
	Any disclosure statements will be a matter of public record. Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts or benefits from one source during a calendar year worth in excess of \$500. No member shall seek or obtain by reason of his or her office any personal privilege or advantage with
	respect to City services not otherwise available to the general public and not consequent to his or her official duties.
Toronto	No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, unless permitted by the exceptions listed below.

Municipality	Gifts and Benefits	
Part temperature and an extension of the second sec	For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child, or parent, or	niconnording in management and a second or
	to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.	
	The following are recognized as exceptions:	
	(a) compensation authorized by law;	
	(b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;	
	(c) a political contribution otherwise reported by law;	
	(d) services provided without compensation by persons volunteering their time;	
	(e) a suitable memento of a function honouring the member;	
	(f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by	
	the Federal government or by a foreign government within a foreign country;	
	(g) food and beverages consumed at banquets, receptions or similar events, if:	
	1. attendance serves a legitimate business purpose;	
	2. the person extending the invitation or a representative of the organization is in attendance; and	
	3. the value is reasonable and the invitations infrequent; and	
	(h) communication to the offices of a member, including subscriptions to newspapers and periodicals.	
	Except for category (c), these exceptions do not apply to lobbyists. Lobbyists are not permitted to make a gift or provide a benefit under this	
	provision unless it is a political contribution permitted by law.	
	In the case of categories (b), (e), (f), (g), and (h), if the value of the gift or benefit exceeds \$300, or if the total value received from any one source	
	during the course of a calendar year exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a	
	disclosure statement with the Integrity Commissioner.	
	The disclosure statement must indicate	
	1. the nature of the gift or benefit;	
j	2. its source and date of receipt;	
	3. the circumstances under which it was given or received;	
	4. its estimated value;	
	5. what the recipient intends to do with any gift; and	
	6. whether any gift will at any point be left with the City.	
	Any disclosure statement will be a matter of public record.	
	On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her	
	or his opinion, create a conflict between a private interest and the public duty of the member. In the event that the Integrity Commissioner makes	
	that preliminary determination, he or she shall call upon the member to justify receipt of the gift or benefit.	
	Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the member to return the gift, reimburse the	
	donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.	
	Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts and benefits from one source during a	
	calendar year worth in excess of \$500.	
		1

Municipality	Confidentiality.
Woodstock	All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees are confidential.
	Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so. Under the Procedural By-law (authorized under s. 239 of the Municipal Act), where a matter that has been discussed at an in-camera (closed) meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the in-camera meeting.
	Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential.
	Particular care should be exercised in ensuring confidentiality of the following types of information: • the security of the property of the municipality or local board; • personnel matters about an identifiable individual, including municipal or local body employees; • a proposed or pending acquisition or disposition of land by the municipality or local board; • labour relations or employee negotiations;
	 litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act; items under litigation, negotiation, or personnel matters; information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
	 price schedules in contract tender or Request For Proposal submissions if so specified; information deemed to be "personal information" under the Municipal Freedom of Information and Protection of Privacy Act; and statistical data required by law not to be released (e.g. certain census or assessment data).
Highlands East	In their decision making process, Members of Council are sometimes privy to information which may be confidential or controversial such as, but not limited to Closed/In Camera" meetings. It is expected that they will; • Use "insider" information appropriately, so as not to be used to their personal advantage • Use confidential information appropriately so as not to cause detriment or benefit to others • Respect the status of confidential (personnel, legal, property acquisition) information until the matter ceases to be confidential as determined by Council • Understand that they enjoy the same access rights to municipal information as any other member of the community, unless it is specifically relevant to a matter before the Council
	Only release information according to the provisions of the Municipal Freedom of Information and Protection of Individual Privacy Act.
Ingersoll	All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees are confidential. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so. Under the Procedural By-law (authorized under s. 239 of the Municipal Act), where a matter that has been discussed at an in-camera (closed) meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the in-camera meeting. Members shall not permit any persons other than those who are entitled thereto to have access to information that is confidential. Particular care should be exercised in ensuring confidentiality of the following types of information: • The security of the property of the municipality or local board; • Personnel matters about an identifiable individual, including municipal or local body employees;

Municipalit	ÿ Confidentiality
	· A proposed or pending acquisition or disposition of land by the municipality or local board;
	Labour relations or employee negotiations;
	Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
	· Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
	A matter in respect of which a council board, committee or other body may hold a closed meeting under another Act;
	· Items under litigation, negotiation, or personnel matters;
	Information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
	Price schedules in contract tender or Request For Proposal submissions if so specified;
	Information deemed to be "personal information" under the Municipal Freedom of Information and Protection of Privacy Act; and
	· Statistical data required by law not to be released (e.g. certain census or assessment data)
Kitchener	All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees are confidential. Members shall not disclose or
(draft)	release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law
()	to do so. Under the Procedural By-law, authorized under section 239 of the <i>Municipal Act</i> , where a matter that has been discussed at an in-camera (closed) meeting remains
	confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the incamera meeting. Members shall not permit any persons other
	than those who are entitled thereto to have access to information that is confidential. Particular care should be exercised in ensuring confidentiality of the following types of
	information:
	• the security of the property of the municipality or local board;
	• personnel matters about an identifiable individual, including municipal or local body employees;
	• a proposed or pending acquisition or disposition of land by the municipality or local board;
	• labour relations or employee negotiations;
	• litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
	advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
	• a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
	• items under litigation, negotiation, or personnel matters;
	• information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
	• price schedules in contract tender or Request For Proposal submissions if So specified;
	• information deemed to be "personal information" under the Municipal Freedom of Information and Protection of Privacy Act; and,
	• statistical data required by law not to be released (e.g. certain census or assessment data).
	This list is provided as an example and is not exclusive. Requests for information should be referred to appropriate staff to be addressed as either an informal request for
1	access to municipal records or as a formal request under the Municipal Freedom of Information and Protection of Privacy Act.
Toronto	Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, under the
. 0.00	Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in
	confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.
	The City of Toronto Act, 2006 allows information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local
	board, and matters authorized in other legislation, to remain confidential. For the purposes of the Code of Conduct, "confidential information" also includes this type of
	information.
	No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form,
	The member of the pastic of the pastic, any confidence by virtue of their office, in either of any member of the pastic, any confidence by virtue of their office, in either of any member of the pastic, any confidence by virtue of their office, in either of the

micipality Confidentiality	
except when required by law or authorized by Council to do so.	
Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should be received as indirectly be relative to the personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should be received as a single personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should be received as a single personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should be received as a single personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should be received as a single personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should be received as a single personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should be received as a single person of the	d
directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets. Under the Procedural By-law (passed under section 189 of the City of Toronto Act, 2006), a matter that has been discussed at an in-camera (closed) meeting remains	اء
confidential. No member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses	s
the information at a meeting that is open to the public or releases the information to the public.	
The following are examples of the types of information that a member of Council must keep confidential:	
• items under litigation, negotiation, or personnel matters;	
 information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence); price schedules in contract tender or Request For Proposal submissions if so specified; 	
• information deemed to be "personal information" under the <i>Municipal Conflict of Interest Act</i> ; and	
• statistical data required by law not to be released (e.g. certain census or assessment data).	
Members of Council should not access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their dutie and not prohibited by Council policy.	S
and not promoted by Council policy.	

Municipality	Use of City Property
Woodstock	No member shall use for personal purposes any City property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised.
	No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Woodstock.
	No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.
Highlands	Members of Council will;
East	only use corporate property, equipment, supplies or services of consequence, for activities connected with the discharge of official duties or associated community activities having the sanction of Council or its Committees.
Ingersoll	No member shall use for personal purposes any Town property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of Town duties or associated community activities of which Town Council has been advised. No member shall obtain financial gain from the use of Town developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains exclusive property of the Town of Ingersoll. No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.
Kitchener (Draft)	No member shall use for personal purposes any City property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised. No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Kitchener. No member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.
Toronto	No member of Council should use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, web sites, Council transportation delivery services and Councillor global budgets) for activities other than the business of the Corporation. Nor should any member obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the City.

Municipality Woodstock	Work of a Political or Personal Nature No member shall use City facilities, services, or property for his or her re-election campaign. No member shall use the services of City employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the City.
	No Member shall use City facilities, services or property for his or her personal or business use. No Member shall use the services of City employees for his or her personal or personal business during the hours in which the employees are in the paid employment of the City.
Highlands East	No comparable provision.
Ingersoll	No member shall use Town facilities, services or property for his or her re-election campaign. No member shall use the services of the Town employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Town. No member shall use Town facilities, services or property for his or her personal or personal business use. No member shall use the services of Town employees for his or her personal or personal business during the hours in which the employees are in the paid employment of the Town.
Kitchener (draft)	No member shall use City facilities, services, or property for his or her re-election campaign. No member shall use the services of City employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the City. Council Policy I-226 (Elections - Use of City Facilities for Political Campaign Purposes) applies.
Toronto	Members are required to follow the provisions of the <i>Municipal Elections Act</i> , 1996. No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on City property during regular working hours. No member shall use the services of persons during hours in which those persons receive any compensation from the City.

Municipality	Conduct Respect Current and Prospective Employment
Woodstock	No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.
Highlands	Council may not engage in any outside work or business activity:
East	(a) that conflicts with their duties as a member of Council;
	(b) which uses their knowledge of confidential plans, projects or information about the holdings of the corporation; and
	(c) that will, or is likely to, negatively influence or affect them in carrying out their duties as a member of Council.
Ingersoll	No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Town.
Kitchener (draft)	No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.
Toronto	No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.

Municipality	Municipality Use of City Technology or Resources		
Woodstock	Members shall comply with the provisions of the City of Woodstock policy HR019, Use of City Technology Resources. The City of Woodstock licenses the use of computer software from a variety of vendors. The City of Woodstock does not own the software or its documentation. Software is normally copyrighted, and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.		
Highlands East	No comparable provision.		
Ingersoil	Members shall comply with the provisions of the Town of Ingersoll Computer User Policy. The Town of Ingersoll licenses the use of computer software from a variety of vendors. The Town of Ingersoll does not own the software or its documentation. Software is normally copyrighted, and no individual may copy or distribute the software unless expressly permitted to do so under the applicable licence.		
Kitchener (draft)	No comparable provision.		
Toronto	Covered generally under use of City property provision.		

Municipality	Business Relations
Woodstock	No member shall borrow money from any person who regularly does business with the City unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.
Highlands East	No comparable provision.
Ingersoll	No member shall borrow money from any person who regularly does business with the Town unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money. No member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the Town.
Kitchener (Draft)	No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the <i>Municipal Conflict of Interest Act</i> . A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.
Toronto	No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the <i>Municipal Conflict of Interest Act</i> . A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

Municipality	Representing the City
Woodstock	Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed
Highlands East	No comparable provision.
Ingersoll	Members shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed.
Kitchener (draft)	Members shall make every effort to participate diligently in the activities of the agencies, boards, committees and commissions to which they are appointed.
Toronto	No comparable provision.

Municipality	Influence on Staff
Woodstock	Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members of Council. In addition, members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members of Council.
	The Council directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council.
	Council has delegated responsibility to the Chief Administrative Officer for the administration of the affairs of the City in accordance with the by-laws adopted. This means that under the direction of the CAO, staff has the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy.
	Accordingly, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.
Highlands East	Members of Council will; Read and respect the guidelines contained in the "Complimentary Roles and Responsibilities of Council and the Senior Management" document. Acknowledge that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions. Refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others. Refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility. Council is to read and respect the guidelines contained in the Hiring Policy as enacted by by-law by Council. Each Council Member must act with reasonable care and be diligent in the performance of his or her responsibilities with respect to the Hiring Policy of the Municipality.
Ingersoll	Members shall be respectful of the fact that staff work for the Town as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members of Council. In addition, members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members of Council. The Council directs the business of the Town and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer for the administration of the affairs of the Town in accordance with the by-laws adopted. This means that under the direction of the CAO, staff has the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.
Kitchener (Draft)	Only Council as a whole has the authority to approve budget, policy, committee processes and other such matters. Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members. In addition, members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City. Council directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to

Municipality	/ Influence on Staff
	the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with decisions adopted by Council. This means that under the direction of the CAO, staff has the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions. No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.
Toronto	Only Council as a whole has the authority to approve budget, policy, Committee processes and other such matters. Accordingly, members shall direct requests outside of Council-approved budget, process or policy, to the appropriate Standing Committee. Under the direction of the City Manager, staff serves the Council as a whole, and the combined interests of all members as evidenced through the decisions of Council. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City. No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity. In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles are captured in the Schedule to the Code of Conduct and include dealing with constituents and the general public, participating as Standing Committee members, participating as Chairs of Standing Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of City staff in both the carrying out of their responsibilities and in dealing with the Council.

Woodstock	Encouragement of Respect for the City and its By-laws and Policies Members shall encourage public respect for the City and its bylaws and policies.
Highlands East	Members of Council will accurately and adequately communicate the attitudes and decisions of Highlands East Council, even if they disagree with a majority decision of Council so that; • There is respect for the decision making processes of Council
	 Official information related to decisions and resolutions made by Council will normally be communicated in the first instance to the community and the media in an official capacity by the Reeve or designate. Information concerning adopted policies, procedures and decisions of the Council is conveyed openly and accurately. Confidential information will be communicated only when and after determined by Council.
Ingersoll	Members shall encourage public respect for the Town and its by-laws and policies.
Kitchener (Draft)	No comparable provision.
Toronto	No comparable provision.

Municipality	Professional Development
Woodstock	No comparable provision.
Highlands East	Members of Council have an obligation to promote, support, pursue and partake in opportunities for professional development, including but not limited to; • AMO Conference • Ministry of Municipal Affairs and Housing seminars • Provincial Professional Association Training Institutes (OGRA, AMCTO, PRO, etc.) • Provincial Municipal Council orientation sessions • Council Members are encouraged to stay updated on issues and trends so that they can be as efficient and effective as possible in the carriage of their duties and responsibilities.
Ingersoll	No comparable provision.
Kitchener (draft)	No comparable provision.
Toronto	No comparable provision.

Municipality	Implementation
Woodstock	No comparable provision.
Highlands East	At the beginning of each term, Members of Council will be expected to sign two copies of the Code of Conduct Document (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it. A Code of Conduct component will be included as part of the orientation workshop for each new Council. Council Members are expected to formally and informally review their adherence to the provisions of the Code on a regular basis or when so requested by Council.
Ingersoll	No comparable provision.
Kitchener (draft)	No comparable provision.
Toronto	No comparable provision.

Municipality	Improper Use of Influence
Woodstock	No comparable provision.
Highlands East	No comparable provision.
Ingersoll	No comparable provision.
Kitchener (draft)	No member shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties. Examples of prohibited conduct are the use of one's status to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relative, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence in return for present actions or inaction. For the purposes of this provision: "private advantage" does not include a matter: a. that is of general application; b. that affects a member of Council, his or her immediate relative, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or, c. that concerns the remuneration or benefits of a member of Council.
Toronto	No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties. Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within Council in return for present actions or inaction. For the purposes of this provision: "private advantage" does not include a matter: (a) that is of general application; (b) that affects a member of Council, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or (c) that concerns the remuneration or benefits of a member of Council.

Municipality	/ Lobbyists
Woodstock	No comparable provision.
Highlands East	No comparable provision.
Ingersoll	No comparable provision.
Toronto	Lobbying is a permissible but regulated activity. In the City of Toronto, it is defined in terms of any communication between a paid lobbyist, or a voluntary lobbyist on behalf of a forprofit entity, and a public official (including a member of Council) in respect of a broad range of subject matters. Members of Council are responsible for upholding the terms of Chapter 140, Lobbying, of the City of Toronto Municipal Code (the lobbying by-law, inclusive of the lobbyists' code of conduct). More particularly, members of Council should not engage in communications in respect of the list of subject matters contained in Chapter 140 with a person who is not registered as required by Chapter 140. Members of Council should also not knowingly communicate with a registered lobbyist who is acting in violation of Chapter 140. In the event that a lobbyist is in violation of Chapter 140, members of Council should either refuse to deal with the lobbyist on those terms or, where appropriate, terminate the communication with the lobbyist at once and communicate the violation or attempted violation to the Lobbyist Registrar. [This provision shall come into force when Chapter 140, as enacted under the <i>City of Toronto Act, 2006,</i> comes into force. Until then, Part X, now renumbered as Part XIII, of the original <i>Code of Conduct</i> remains in effect.]



FINANCE

Information Report

TO:

Council

DATE:

March 23, 2007

SUBJECT: COUNCIL'S STATEMENT OF REMUNERATION

BACKGROUND:

The Municipal Act, Sec. 284 requires the Treasurer to file with Council by the 31st of March, a statement of total remuneration and expenses paid in the previous year to members of Council in respect of his or her services as a member of Council or any other body, including a local board. Further, the Treasurer is required to include each person appointed by the municipality to serve as a member of any body, including local boards. Salary and expenses for Mayor and Council are paid in accordance with Council Resolution dated July 17, 2006.

Following is the information for 2006:

		Beienst		
Les Manies Les	Honoralium	Expense Allowence		Total Section
Kathleen Quarrie	42,643.26	19,986.89	4,827.51	67,457.66
Karen Farbridge	3,710.42	2,220.99	÷	5,931.41
Christine Billings	17,103.84	8,370.95		25,474.79
Lise Burcher	17,103.84	8,090.50	3,121.66	28,316.00
Gloria Kovach	17,103.84	8,370.95	959.60	26,434.39
Maggie Laidlaw	17,103.84	8,074.17	2,717.53	27,895.54
Laura Baily	15,740.50	7,377.49	1,242.25	24,360.24
David Birtwistle	15,740.50	7,377.49		23,117.99
Cathy Downer	15,740.50	7,377.49	1,365.12	24,483.11
Ray Ferraro	15,740.50	7,377.49		23,117.99
Rocco Furfaro	15,740.50	7,377.49		23,117.99
Peter Hamtak	15,740.50	7,377.49		23,117.99
Daniel Moziar	15,740.50	7,377.49		23,117.99
Dan Schnurr	15,740.50	7,377.49		23,117.99
Vikki Beard	1,363.32	993.46		2,356.78
Bob Bell	1,363.34	993.46		2,356.80
lan Findlay	1,363.34	993.46		2,356.80
June Hofland	1,363.34	993.46		2,356.80
Leanne Piper	1,363.34	993.46		2,356.80
Mike Salisbury	1,363.34	993.46		2,356.80
Karl Wettstein	1,363.34	993.46		2,356.80
Kathleen Farrelly	1,363.33	696.68		2,060.01

* - Expense Allowance and Sundry Expenses are reported net of GST rebates recovered.

Committee of Adjustment	Honorarium		
O'Kane Clos Sharpe Brimblecombe Funnell Andrews McNair	\$1,055.00 \$1,600.00 \$ 65.00 \$1,235.00 \$1,170.00 \$1,170.00 \$1,300.00		
Grand River Conservation Authority	Per Diem	<u>Mileage</u>	
Birtwistle Moziar	\$1,428.00 \$1,309.00	\$ 411.12 \$ 598.40	
Wellington Dufferin Guelph Health Unit	Honorarium	Expenses	<u>Mileage</u>
Davenport Laidlaw	\$1,145.00	\$ 509.27	\$ 648.26 \$183.68
Guelph Police Services	Honorarium		
Clark Fairbairn Baily Quarrie Van Soelen Giles	\$3,660.00 \$3,000.00 \$2,250.00 \$2,250.00 \$2,388.48 \$ 500.00		

Prepared By:

Greg Beal, CMA

Manager of Financial Services

519-837-5610 ext. 2239 greg.beal@guelph.ca

Approved for Presentation:

Larry Kotseff /

Chief Administrative Officer

A Great Place to Call Home

Recommended By:

David A. Kennedy, C.A.

Director of Finance 519-837-5610 ext. 5606

david.kennedy@guelph.ca

MEETING MINUTES



MEETING Accountability & Transparency Committee

DATE March 11, 2008

LOCATION Committee Room C

TIME 6:30 p.m.

PRESENT Councillor Beard - Chair; Todd Dennis, Jean McKenzie Leiper,

and Rolf Pedersen

STAFF Lois A. Giles, Director of Information Services/City Clerk/; Tina Agnello, Deputy

City Clerk; and Joyce Sweeney, Council Committee Co-ordinator

REGRETS Scott Butler and Christopher Moes

1. Moved by Jean McKenzie Leiper and Seconded by Todd Dennis THAT the minutes of the Accountability & Transparency Committee meeting held on January 22, 2008 be confirmed as recorded and without being read.

Carried

Town of Fort Erie: - Ombudsman Report

The Committee discussed in detail the report of the Ombudsman with respect to their closed meeting investigation relating to the Town of Fort Erie.

Code of Conduct

The Director of Information Services/City Clerk provided the Committee with information on various municipalities' Codes of Conduct.

The Committee advised that they would review in detail the information provided on the Codes of Conduct of other municipalities and would advise staff of their preferences by April 4th. Staff were directed to consolidate the committee's preferences into one draft Code of Conduct document for their review, along with other draft potential provisions that may be of interest.

Next Meeting: - April 22, 2008 – 6:00 p.m.

The meeting adjourned at 7:40 p.m.

MEETING AGENDA



MEETING Accountability & Transparency Committee

DATE June 24, 2008

LOCATION Committee Room B

TIME 5:00 p.m.

CHAIR Councillor Vicki Beard

AGENDA ITEMS

ITEM #	DESCRIPTION	
1	Adoption of Minutes – March 11, 2008	
2	Council Code of Conduct See attached:-	
3	Next Meeting	
4	Adjourn	

MEETING MINUTES



MEETING Accountability & Transparency Committee

DATE March 11, 2008

LOCATION Committee Room C

TIME 6:30 p.m.

PRESENT Councillor Beard - Chair; Todd Dennis, Jean McKenzie Leiper,

and Rolf Pedersen

STAFF Lois A. Giles, Director of Information Services/City Clerk/; Tina Agnello, Deputy

City Clerk; and Joyce Sweeney, Council Committee Co-ordinator

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Next Meeting:- April 22, 2008 – 6:00 p.m.

The meeting adjourned at 7:40 p.m.

CORPORATE POLICY AND PROCEDURE



POLICY NO.

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Tab

CITY COUNCIL

Authority

???

Subject

COUNCIL CODE OF CONDUCT

Related Policies

Accountability and Transparency

Approved by

Date

Review Date

Annually

POLICY STATEMENT

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

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

PURPOSE

The purpose of the Code of Conduct is to:

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

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- Set out the means of correcting unethical conduct.
- Municipal Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well being of the community and regard for the integrity of the Corporation.

DEFINITIONS

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

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

- Personal data of employees or others.
- Records related to internal policies and practices, which if disclosed, may prejudice the effective performance of a municipal operation.
- Records of a financial nature reflecting information given or accumulated in confidence.
- Files prepared in connection with litigation and adjudicative proceedings.
- Reports of consultants, policy drafts and internal communications, which, if disclosed, may prejudice the effective operation of the municipality.

GIFTS AND BENEFITS

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

- a) compensation authorized by by-law;
- such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution otherwise reported by law;
- d) services provided without compensation by persons volunteering their time:
- e) a suitable memento of a function honouring the member;

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f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign country;

- g) food and beverages consumed at banquets, receptions or similar events, if:
- h) attendance serves a legitimate purpose;
- i) the person extending the invitation or a representative of the organization is in attendance; and,
- j) the value is reasonable and the invitations infrequent.
- k) communication to the offices of a member, including subscriptions to newspapers and periodicals.

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

The disclosure statement must indicate:

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

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

CONFIDENTIALITY

All information, documentation or deliberation received, reviewed or taken in closed session of Council and its committees are confidential. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so. Under the Procedural By-law, authorized under section 239 of the *Municipal Act*, where a matter that has been discussed at an in-camera (closed) meeting remains confidential, no member shall disclose the content of the matter, or the substance of deliberations, of the in camera meeting. Members shall not permit any persons other than those who

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are entitled thereto to have access to information that is confidential. Particular care should be exercised in ensuring confidentiality of the following types of information:

· items under litigation, negotiation, or personnel matters;

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

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

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

USE OF CITY PROPERTY

No member shall use for personal purposes, or permit the use of any City property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised.

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

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

WORK OF A POLITICAL OR PERSONAL NATURE Members are required to follow the provisions of the *Municipal Elections Act*, 1996. No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on City property during regular working hours. No

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member shall use the services of persons during hours in which those persons receive any compensation from the City.

No Member shall use City facilities, services or property for his or her personal or business use. No Member shall use the services of City employees for his or her personal or personal business during the hours in which the employees are in the paid employment of the City.

Conduct Respecting
Current and
Prospective
Employment

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

BUSINESS RELATIONS

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

INFLUENCE ON STAFF

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

Council directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with decisions adopted by Council. This means that under the direction of the CAO, staff has the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and

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objectives of Council, and to manage implementation within the resources at their disposal. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

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

IMPROPER USE OF INFLUENCE

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties. Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relatives, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within Council in return for present actions or inaction.

For the purposes of this provision:

"private advantage" does not include a matter:

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

MEETING MINUTES



MEETING Accountability & Transparency Committee

DATE June 24, 2008

LOCATION Committee Room A

TIME 5:00 p.m.

PRESENT Councillor Beard - Chair; Jean McKenzie Leiper, Christopher Moes

and Rolf Pedersen

STAFF Lois A. Giles, Director of Information Services/City Clerk/; Tina Agnello, Deputy

City Clerk; and Joyce Sweeney, Council Committee Co-ordinator

REGRETS Scott Butler and Todd Dennis

1. Moved by Rolf Pedersen and Seconded by Jean McKenzie Leiper THAT the minutes of the Accountability & Transparency Committee meeting held on March 11, 2008 be confirmed as recorded and without being read.

Carried

Council Code of Conduct

The Committee discussed in detail the draft policy with respect to a Council Code of Conduct.

2. Moved by Jean McKenzie Leiper and Seconded by Christopher Moes THAT the attached policy with respect to a Council Code of Conduct, be approved.

Carried

The City Clerk reviewed the tasks remaining for the Committee to consider with respect to the various discretionary positions.

Next Meeting: - to be determined

The meeting adjourned at 7:00 p.m.

MEETING AGENDA



MEETING

Accountability & Transparency Committee

DATE

July 22, 2008

LOCATION

Committee Room A

TIME

5:00 p.m.

CHAIR

Councillor Vicki Beard

AGENDA ITEMS

ITEM #	DESCRIPTION	
1	Adoption of Minutes – June 24, 2008	
2	Discretionary Positions Under Municipal Act	
3	Next Meeting	
4	Adjourn	

MEETING MINUTES



MEETING Accountability & Transparency Committee

DATE

June 24, 2008

LOCATION

Committee Room A

TIME

5:00 p.m.

PRESENT

Councillor Beard - Chair; Jean McKenzie Leiper, Christopher Moes

and Rolf Pedersen

STAFF

Lois A. Giles, Director of Information Services/City Clerk/; Tina Agnello, Deput

City Clerk; and Joyce Sweeney, Council Committee Co-ordinator

REGRETS

Scott Butler and Todd Dennis

1. Moved by Rolf Pedersen and Seconded by Jean McKenzie Leiper THAT the minutes of the Accountability & Transparency Committee meeting held on March 11, 2008 be confirmed as recorded and without being read.

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Council Code of Conduct

The Committee discussed in detail the draft policy with respect to a Council Code of Conduct.

2. Moved by Jean McKenzie Leiper and Seconded by Christopher Moes
THAT the attached policy with respect to a Council Code of Conduct, be approved.

Carried

The City Clerk reviewed the tasks remaining for the Committee to consider with respect to the various discretionary positions.

Next Meeting:-

to be determined

The meeting adjourned at 7:00 p.m.

COMMITTEE REPORT



TO Accountability & Transparency Committee

SERVICE AREA

Information Services July 17th, 2008

SUBJECT Discretionary Positions under Municipal Act

RECOMMENDATION

THAT no action be taken at this time to appoint the following discretionary positions under the Accountability and Transparency provisions of the Municipal Act:

- Integrity Commissioner
- Auditor General
- Lobbyist Registrar
- Ombudsman

AND THAT the appointment of these discretionary positions be reviewed again prior to the end of the current term of Council.

AND THAT City staff develop a process for responding to a complaint that a contravention of the Code of Conduct may have occurred;

BACKGROUND

In 2007, Council established a special committee to make recommendations with respect to the new accountability and transparency provisions in the Municipal Act. The committee has already fulfilled part of its mandate with respect to the development of mandatory policies, appointment of a meeting investigator and development of a code of conduct. The most recent focus of the committee has been on the appointment of discretionary positions under the Municipal Act.

REPORT

Under the Accountability and Transparency provisions of the Municipal Act, a council has the discretion to appoint the following positions:

- 1. Integrity Commissioner who reports to council and who is responsible for performing the functions assigned by the municipality regarding the code of conduct for members of council and for members of local boards.
- 2. Registrar responsible for a lobby registration which is a formal tracking of lobbyists and their meetings with public officials that would be made available for public inspection.

- 3. Ombudsman responsible for investigating in an independent manner any decision or recommendation made or act done or omitted in the course of the administration of the municipality, its local boards and such municipally-controlled corporations as the municipality may specify.
- 4. Appoint an Auditor General responsible for assisting Council in "holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money in municipal operations". This does not include the duties of the municipal auditor.

These provisions of the Municipal Act were developed to address issues of accountability and transparency in municipal administration, largely resulting from the Bellamy (Toronto computer leasing) and Sills (Waterloo RIM Park) inquiries. The City of Toronto Act requires that the above positions be appointed and has budgeted in 2008 an amount of \$5.462 million dollars to cover the associated costs, the majority of which is allocated to the Auditor General.

For the balance of Ontario, these appointments are discretionary. As far as we can determine, only a few of the 445 Ontario municipalities have established any of these discretionary positions. The most common appointment is the position of Integrity Commissioner. The majority of the individuals who have been appointed to this position, have a background in law. It is my understanding that similar to the AMO/LAS meeting investigation service, most municipalities have made a financial arrangement that includes an annual retainer, daily rates for conducting inquiries, and expenses.

Below is a summary of the information staff have been able to obtain with respect to appointments for these discretionary positions:

Integrity	Lobbyist Registrar	Ombudsman	Auditor General
Commissioner			
Hamilton	Toronto	None	Ottawa
Meaford			Toronto
Oakville			
Port Hope			
Toronto			
Vaughan			
Woodstock			

The City's Finance, Administration & Corporate Services Committee is currently looking into the establishment of an internal audit function for the City that would deal with matters of internal financial control. This function would operate independently of the annual audit process, and report directly to the Audit Committee. Until such time as an internal audit function is established and functioning, appointment of an Auditor General would likely be premature.

Since there is such limited experience in Ontario at this time with respect to these appointments, it is staff's recommendation that no action be taken at this time to establish the discretionary positions. It is further recommended that this be reviewed

again prior to the end of this term of Council. Hopefully at that time, there will be some municipal experience that will guide the decision making process at that time with respect to these positions.

If an Integrity Commissioner is not to be appointed at this time, it is recommended that staff develop procedures for responding to a complaint that a contravention of the code of conduct may have occurred.

CORPORATE STRATEGIC PLAN

This recommendation supports Goal 5 of the Strategic Plan to have a community-focused, responsive and accountable government.

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

Corporate Services

COMMUNICATIONS

N/A

ATTACHMENTS

Recommended By:

Lois A. Giles,

Director of Information Services/Clerk.