

Special City Council Meeting Agenda



Thursday, December 6, 2018 – 6:00 p.m.
Meeting Room C, Guelph City Hall, 1 Carden Street

Please turn off or place on non-audible all electronic devices during the meeting.

Please note that an electronic version of this agenda is available on guelph.ca/agendas.

Open Meeting – 6:00 p.m.

Disclosure of Pecuniary Interest and General Nature Thereof

Special Council Workshop – Council Orientation – Night 2

Presentation:

Stephen O'Brien, City Clerk

Accountability and Transparency

- Municipal Freedom of Information and Protection of Privacy Act
- Access and Privacy
- Code of Conduct
- Conflicts of Interest
- Integrity Commissioner

Council Governance Structure

- Committee of the Whole
- Regular Council
- Council Planning
- Special Council
- Closed meetings
- Procedural By-law

Mock Committee of the Whole Meeting

Agencies, Boards, Committees and Commissions

- Skill based boards
- Councillor appointments to local boards
- Public appointments to local boards

2018-2022 Council Reception

Invited guests:

Jeff DeRuyter, Chief of Police, Guelph Police Services

Joe Farwell, CAO, Grand River Conservation Authority

Michelle Karker, CEO, The Elliott Community

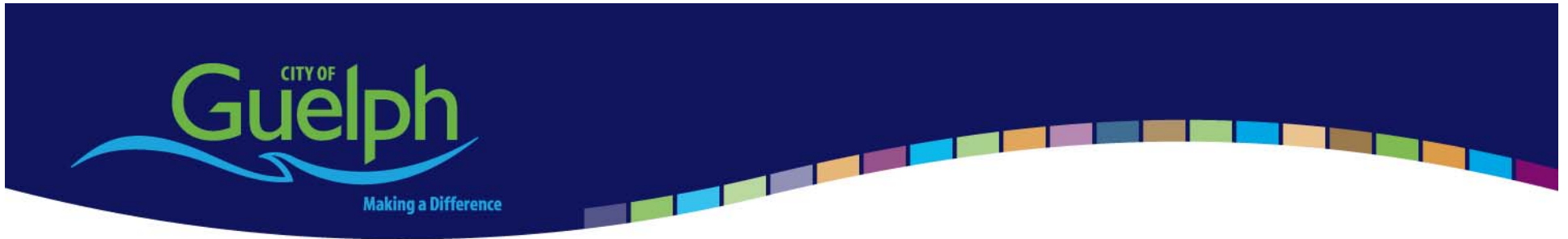
Steve Kraft, CEO, Guelph Public Library

Dr. Nicola Mercer, CEO/Medical Officer of Health, Wellington-Dufferin-Guelph Public Health

Marty Williams, Executive Director, Downtown Guelph Business Association

Scott Wilson, CAO, County of Wellington

Adjournment



2018-2022 Council Orientation

Night 2 – December 6, 2018

Agenda

Time	Content
6:00 p.m.	Accountability and transparency
6:30 p.m.	Council governance structure
6:45 p.m.	Mock Committee of the Whole meeting
7:30 p.m.	Agencies, boards, committees and commissions
7:45 p.m.	2018 – 2022 Council Reception

Accountability and Transparency

Municipal Freedom of Information and Protection of Privacy Act

Access

Provides the public with the right to access City records with limited and specific exemptions (e.g. Freedom of Information requests).

Privacy

The City has an obligation to protect personal information (e.g. names, telephone numbers, email addresses, etc.) in its custody or control.

Recordkeeping

Reasonable measures must be put in place to preserve records (e.g. records retention by-law).



Accountability and Transparency

Access and Privacy

Access to information by Councillors

Councillors have the same rights of access to City records as a member of the public.

Access to Councillor records

Records created or kept by Councillors relating to City business are subject to the public access and privacy rules contained in MFIPPA.

Freedom of Information

All FOI requests are received and processed by the City Clerk's Office.

Accountability and Transparency

City vs Constituency Records

City records are subject to MFIPPA and the City's records retention by-law. These are records created, sent or received while conducting the official business of Council. A destruction form must be completed and approved prior to destroying any City records.

Constituency records are **not** subject to MFIPPA or the City's records retention by-law. These are records created, sent or received by Councillors when acting on behalf of a constituent/representing the interests of a constituent.

Councillors are strongly encouraged to store City and Constituency records separately.

Accountability and Transparency

Code of Conduct

- Council has approved a Code of Conduct for Members of Council and Local Boards which establishes rules relating to:
 - Gifts and benefits
 - Confidentiality
 - Use of corporate resources
 - Current and prospective employment
 - Business relations
 - General conduct
 - Influence on staff
 - Improper use of influence
 - Complaints regarding alleged violations



Accountability and Transparency

Code of Conduct Highlights

- Most gifts over \$300 must be disclosed to the City Clerk
- Members may not disclose confidential information
- Members may not use City property or equipment for personal purposes
- Members may not unduly influence staff
- Only Council as a whole may direct staff

Accountability and Transparency

Conflicts of Interest

- The Municipal Conflict of Interest Act requires that all members declare conflicts of interest
 - Staff cannot and will not provide advice about whether a member has a direct or indirect pecuniary interest
- As of March 1, 2019 conflicts must be declared in writing and a public registry must be maintained by the City Clerk
- After declaring a conflict of interest members may not debate, vote or attempt to influence a vote on the topic their conflict of interest relates to
 - Additional considerations for declarations related to closed session items



Accountability and Transparency

Conflicts of Interest

Online Conflict of Interest
Registry

Online Conflict of Interest Submission

Accountability and Transparency

Integrity Commissioner

- The City of Guelph has appointed Robert Swayze as its Integrity Commissioner
- The Integrity Commissioner can provide advice to members regarding the Code of Conduct
- The Integrity Commissioner can provide advice to members regarding the Municipal Conflict of Interest Act as of March 1, 2019
- Members of the public, City staff and members of Council may file formal complaints with the Integrity Commissioner for alleged contraventions of the Code of Conduct or Municipal Conflict of Interest Act
- All costs associated with the Integrity Commissioners involvement in providing advice or investigations relating to the Code of Conduct or Municipal Conflict of Interest Act are funded by the City's budget



Council Governance Structure

Open Meetings

- Committee of the Whole
 - First Monday of every month
 - Generally, reports from staff go to the Committee of the Whole for debate and discussion
- Regular Council
 - Fourth Monday of every month
 - Generally, the Committee of the Whole makes recommendations which go to Council for final approval

Council Governance Structure

Open Meetings Continued

- Council Planning
 - Second Monday of every month
 - Generally, reports from staff that require statutory approval under the Planning Act are brought to Council Planning
- Special Council Meetings
 - Scheduled as required
 - Includes all budget meetings
 - Generally, items which require a significant amount of time or are specific to a single topic/subject are brought to Special Council meetings

Council Governance Structure

Open Meetings Continued

- Shareholder of Guelph Junction Railway Ltd.
 - Council meets periodically as required as the Shareholder of GJR Ltd.
- Shareholder of Guelph Municipal Holdings Inc.
 - Council meets periodically as required as the Shareholder of GMHI
- Committee of Management for the Elliott
 - The Committee of Management for the Elliott meets quarterly

Council Governance Structure

Closed Meetings

- All Council/Committee meetings take place in public, usually in the Council Chambers, and are recorded
- 'Closed meetings' are meetings that are not open to the public
- Meetings can only be closed in accordance with s. 239 of the Municipal Act
- The Closed Meeting Protocol, and ultimately the Municipal Act, establish the procedures that govern closed meetings

Council Governance Structure

Closed Meetings

- Exceptions to the open meeting requirements include:
 - Security of municipal property
 - Personal matters about identifiable individuals
 - Proposed/pending acquisition or disposition of land by the municipality
 - Labour relations or employee negotiations
 - Litigation or potential litigation
 - Advice subject to solicitor-client privilege
 - Information shared in confidence by the federal or provincial government
 - Trade secret or technical information shared in confidence which could jeopardize a competitive position or contractual negotiation
 - Trade secret or technical information belonging to the municipality that has monetary value
 - A position, plan, procedure, criteria or instruction to be applied to a negotiation



Council Governance Structure

Committee of the Whole Governance System

- Council has established a Committee of the Whole governance system
- Committee of the Whole makes recommendations to Council but does not have any approval authority
- Most regular agenda items go to a Committee of the Whole meeting for debate and discussion before going to Council for final approval



Council Governance Structure

Committee of the Whole Governance System

- Service Areas (CS, PS, IDE, Gov. and Aud.) report to the Committee of the Whole on alternating months
- Council appoints Service Area Chairs to chair Committee of the Whole meetings related to particular service areas
- Chairs are appointed every two years (twice per term)

Council Governance Structure

Procedural By-law

- Council has approved a Procedural By-law which governs proceedings at Committee and Council meetings as well as most other agencies, boards, committees and commissions
- The Procedural By-law, required by the Municipal Act, establishes rules of order which govern the setting of agendas, chairing, voting, notices of motion, decorum and delegations
- The Clerk provides procedural advice to the Chair and to Council but the Chair rules on procedural matters



Council Governance Structure

Mock Committee of the Whole Meeting

Council Chambers

Agencies, Boards, Committees and Commissions

- City Council makes public and Council appointments to more than 25 boards and committees
- Some ABCs are statutory, such as:
 - Guelph Police Services Board
 - Guelph Public Library Board
 - Grand River Conservation Authority Board of Directors
 - Planning Advisory Committee
 - Accessibility Advisory Committee
- Some ABCs are discretionary, such as:
 - Public Art Advisory Committee
 - Tourism Advisory Committee
 - Wellbeing Grant Allocation Panel

Agencies, Boards, Committees and Commissions

- Members of the public can apply to serve on a variety of ABCs but most commonly on advisory committees
- Councillors do not serve on advisory committees (statutory or discretionary)
- Councillors do serve on other ABCs, such as the Guelph Police Services Board or Grand River Conservation Authority Board of Directors
- Council and public appointments are typically made every two years or as required by vacancies



2018-2022 Council Reception

Invited guests:

Jeff DeRuyter, Chief of Police, Guelph Police Service

Joe Farwell, CAO, Grand River Conservation Authority

Michelle Karker, CEO, The Elliott Community

Steve Kraft, CEO, Guelph Public Library

Dr. Nicola Mercer, CEO/Medical Officer of Health, Wellington-Dufferin-Guelph
Public Health

Marty Williams, Executive Director, Downtown Guelph Business Association

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