

COMMITTEE AGENDA



TO **Governance Committee**

DATE September 16, 2013

LOCATION Council Chambers, Guelph City Hall, 1 Carden Street

TIME 3:00 p.m.

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

CONFIRMATION OF MINUTES – July 16, 2013 open meeting minutes

PRESENTATIONS (Items with no accompanying report)

a) None

CONSENT AGENDA

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

ITEM	CITY PRESENTATION	DELEGATIONS	TO BE EXTRACTED
GOV-2013.12 Driving Performance & Results: Implementing the Corporate Strategic Plan (CSP) Key Performance Indicators (KPIs)			
GOV-2013.13 Citizen Appointment Policy and Advisory Committee Meeting Procedures			
GOV-2013.14 Document Execution By-law			
GOV-2013.15 Downtown Guelph Business Association			

GOV-2013.16 Final Proposed Terms of Reference for City Council and Standing Committees			
GOV-2013.17 Information Flow Protocol			
GOV-2013.18 Organizational Assessment			

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

ITEMS EXTRACTED FROM CONSENT AGENDA

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

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

STAFF UPDATES AND ANNOUNCEMENTS

ADJOURN

NEXT MEETING – October 15, 2013



**The Corporation of the City of Guelph
Governance Committee
Tuesday July 16, 2013 at 3:00 p.m.**

Attendance

Members: Chair Farbridge, Councillors Dennis (arrived at 3:05 pm), Findlay, Hofland and Piper

Councillors: Councillors Bell, Furfaro, Van Hellemond and Wettstein

Staff: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director, Corporate & Human Resources; Mr. D. McCaughan, Executive Director, Operations, Transportation & Emergency Services; Ms. C. Clack, Interim Executive Director, Community & Social Services; Ms. T. Agnello, City Clerk; and Ms. J. Sweeney, Council Committee Coordinator

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

Chair Farbridge called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Confirmation of Minutes

1. Moved by Councillor Hofland
Seconded by Councillor Piper

That the open meeting minutes of the Governance Committee held on February 11, 2013 be confirmed as recorded.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Findlay, Hofland and Piper (4)
VOTING AGAINST: (0)

CARRIED

Consent Agenda

The following items were extracted:

GOV-2013.8 2014 Municipal Election: Methods of Voting
GOV-2013.10 Delegation of Authority for Operational Applications, Contracts and Agreement

Balance of Consent Items

2. Moved by Councillor Hofland
Seconded by Councillor Piper

That the balance of the Governance Committee July 16, 2013 Consent Agenda, as identified below, be adopted:

GOV-2013.9 CAO Performance Appraisal Committee Terms of Reference and Process Protocol

1. That the CAO Performance Appraisal Process Terms of Reference and Process Protocol be approved.
2. That the Performance Appraisal Committee be struck as an Ad Hoc Committee of Council to meet in accordance with the Terms of Reference provided as part of the July 16, 2013 report entitled "CAO Performance Appraisal Committee Terms of Reference and Process Protocol.

GOV-2013.11 Outstanding Motions of the Governance Committee

That the report, dated July 16, 2013, regarding outstanding motions of the Governance Committee, be received.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Dennis, Findlay, Hofland and Piper (5)
VOTING AGAINST: (0)

CARRIED

Extracted Items

GOV-2013.8 2014 Municipal Election: Methods of Voting

Mr. Blair Labelle, City Clerk provided a high level summary of the proposed election model for the 2014 municipal election.

Ms. Nicole Goodman, Research Consultant, outlined the key findings of the municipal election survey recently conducted. She outlined the reasons, advantages, and challenges of other municipalities who have used internet voting in their municipal elections.

There was discussion on voter privacy and security and the integrity of the master voters list.

Ms. Janet Doner, Manager Community Engagement & Global Citizenship, Student Life at the University of Guelph, requested that the city ensures students have access to candidates and information for municipal elections. She said access to paper ballot voting hinders young people casting their vote and that addressing these barriers will increase young people's motivation to vote. She supports internet voting and a polling location on campus.

Mr. Tyler Valiquette, Central Students Association Local Affairs Commissioner, University of Guelph, suggested the traditional method of voting is unfriendly to student life and that on line voting would be more accessible. He suggested that a combination of on line and traditional voting day would encourage students to vote.

It was requested that the clauses be voted on separately.

3. Moved by Councillor Piper
Seconded by Councillor Hofland

1. That a By-law be approved to support the use of vote scanners/tabulators in the 2014 Municipal Election.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Dennis, Findlay, Hofland and Piper (5)
VOTING AGAINST: (0)

CARRIED

4. Moved by Councillor Piper
Seconded by Councillor Hofland

2. That a By-law be approved to support the use of Internet voting in the 2014 Municipal Election as a complementary voting channel for the advance voting period.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Hofland and Piper (3)
VOTING AGAINST: Councillors Dennis and Findlay (2)

CARRIED

GOV-2013.10 Delegation of Authority for Operational Applications, Contracts and Agreements

The Executive Director of Operations, Transit and Emergency Services indicated that the schedule will be corrected to specify that the delegated power apply to works or services that are ordinary to the business of all City service areas

5. Moved by Councillor Piper
Seconded by Councillor Hofland

1. THAT the Report 'Delegation of Authority for Contract and Agreements' dated, July 16, 2013 be received.
2. **That the Delegation of Authority for Operational Applications, Contracts and Agreements Schedule Z be amended under Delegates by deleting the last bullet and replacing it with the following: "A person who is appointed as Acting Executive Director by the CAO or by an Executive Director from time to time to as in their stead."**
3. That Council approve an amendment to the Delegated Authority By-law for approving applications, contracts and agreements under the jurisdiction of the City of Guelph to Chief Administrative Officer and to the positions of Executive Directors of Operations, Transit & Emergency Services, Community and Social Services, Corporate and Human Resources, Finance and Enterprise and Planning, Building, Engineering and Environment.

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

VOTING AGAINST: (0)

CARRIED

Adjournment (4:10 p.m.)

6. Moved by Councillor Findlay
Seconded by Councillor Dennis

That the meeting be adjourned.

CARRIED

Tina Agnello – Deputy Clerk

**GOVERNANCE COMMITTEE
CONSENT AGENDA**

September 16, 2013

Members of the Governance Committee.

SUMMARY OF REPORTS:

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

A Reports from Administrative Staff

REPORT	DIRECTION
<p>GOV-2013.12 DRIVING PERFORMANCE & RESULTS: IMPLEMENTING THE CORPORATE STRATEGIC PLAN (CSP) KEY PERFORMANCE INDICATORS (KPIs)</p> <p>1. That the September 16, 2013 report entitled “Driving Performance and Results: Implementing the Corporate Strategic Plan (CSP) Key Performance Indicators (KPIs)” be received.</p>	<p>Receive</p>
<p>GOV-2013.13 CITIZEN APPOINTMENT POLICY AND ADVISORY COMMITTEE MEETING PROCEDURES</p> <p>1. That the Citizen Appointment Policy and the Advisory Committee Meeting Procedures attached hereto be approved and circulated to the Liaisons for all City Advisory Committees and Agencies, Boards, Commissions/Committees.</p>	<p>Approve</p>
<p>GOV-2013.14 DOCUMENT EXECUTION BY-LAW</p> <p>That the Document Execution By-law attached hereto be approved.</p>	<p>Approve</p>
<p>GOV-2013.15 DOWNTOWN GUELPH BUSINESS ASSOCIATION</p> <p>1. That the by-law amending By-laws Number (1981)-10773, (1995)-14281 and (2011)-19143 relating to the Downtown Business Improvement Area is enacted in the form attached to the Legal & Realty Services Report Number CHR-2013-43 dated September 16, 2013.</p>	<p>Approve</p>

**GOV-2013.16 FINAL PROPOSED TERMS OF REFERENCE FOR
CITY COUNCIL AND STANDING COMMITTEES**

Approve

1. That the Terms of Reference for City Council attached hereto as ATT-1, be approved.
2. That the Terms of Reference for City Council's Standing Committees attached hereto as ATT-2, be approved.
3. That the necessary amendments to the Procedural By-law provided for in the Amending By-law attached hereto as Att-3, be approved.

GOV-2013.17 INFORMATION FLOW PROTOCOL

Approve

1. That CAO-C-1305 Information Flow Protocol report be received.
2. That the Information Flow Protocol as attached to Report #CAO-C-1305 be approved by Guelph City Council.

GOV-2013.18 ORGANIZATIONAL ASSESSMENT

Report will be distributed separately.

attach.

STAFF REPORT



TO Governance Committee

SERVICE AREA Strategic Planning and Corporate Initiatives

DATE September, 16, 2013

SUBJECT Driving Performance & Results: Implementing the Corporate Strategic Plan (CSP) Key Performance Indicators (KPIs)

REPORT NUMBER CAO-S-1303

EXECUTIVE SUMMARY

PURPOSE OF REPORT

In response to the challenge of implementing innovative KPIs in a municipal setting that drive performance and results in alignment with the CSP directions, staff have made significant progress. The purpose of this report is to update Council members on how the stage is now being set for greater corporate understanding of CSP KPIs and a broader employee focus on achieving CSP desired outcomes.

KEY FINDINGS

1. Guelph is a municipal thought leader with respect to having several 'lead' indicators geared towards changing culture and behaviour. This finding is part of a completed independent review of the CSP KPIs that also included the following recommendations:
 - a) set more aggressive targets for achieving the transformational CSP directions;
 - b) consider revisions and new options for tracking progress; and
 - c) clarify language so desired performance results are well understood.

To that end, the consideration of new indicators and targets is recommended and revisions to five indicators have been put forward. A new scorecard framework is also in place that removes confusion between 'indicators', 'measures' and 'results'. Attachment 1 summarizes the proposed improvements.

2. A robust Staff Engagement Action Plan will support two-way information sharing on results. Unprecedented, this interaction will help drive transformation at the front line and better engage all staff in reaching targets.

STAFF REPORT

3. The simplified and improved CSP communications platform and toolkit, currently being validated with employees, will better explain desired results, promote understanding of the CSP and resonate more with employees and target markets.
4. Staff continue to work with private, public, not for profit and cooperative sectors to leverage experience and practices that drive continuous improvement.

FINANCIAL IMPLICATIONS

- There are no financial implications at this time. Resource requirements are included in the 2013 Council approved budget.

ACTION REQUIRED

- Governance Committee receipt.

RECOMMENDATION

1. That the September 16, 2013 report entitled "Driving Performance and Results: Implementing the Corporate Strategic Plan (CSP) Key Performance Indicators (KPIs)" be received.

BACKGROUND

At the City of Guelph, we maximize our ability to achieve Guelph's community driven vision by transforming Guelph's municipal government. This transformation is driven by the CSP Key Performance Indicators: a measurement framework designed to track management progress in achieving Council's Strategic Directions.

It is understood that the success of the system is dependent on embedding related employee awareness, understanding and involvement across the corporation. Implementation success also relies on having the right measures and targets in place – those that will not only demonstrate effects and outcomes, but those 'lead' indicators that will make change happen.

After a professional, independent review, it is clear that Guelph is in the forefront of municipalities in terms of having a number of 'lead' indicators under development that create the capacity and focus for positive change. Plans to engage all employees with corporate results data, rather than simply status reporting, for improved engagement and continuous improvement is also a new approach for Guelph. Recent corporate commitments to Open Government and Strengthened Engagement both support and inform ongoing implementation efforts.

REPORT

1. EXCEPTIONAL RESULTS WITH LEADING INDICATORS, TOUGHER TARGETS, PRECISE MEASURES & CLEAR LANGUAGE

We asked, "Do we have the right indicators for the results we want"?

Guelph is a recognized thought leader on many fronts. Now, how we collectively drive performance and organizational transformation through CSP KPIs can be added to the list. A recent independent review of the CSP indicators by Performance Concepts Consulting highlights the fact that Guelph has developed a powerful mix of both 'lead' and 'lag' indicators not commonly used in other municipal strategic planning efforts. Most municipalities currently focus on results, outputs and outcomes at the strategic plan level because the data is accessible and many comparators exist. These are still essential for charting progress but not useful when attempting to influence the future and change behaviour in a way that is consistent with the transformational CSP. For that, a different type of 'predictive and influence-able' indicator is valuable. It does not always guarantee success and requires investment. These lead indicators do, however, create both the capacity and focus for change.

Sample CSP 'Lead' Indicators – Levers for Culture and Behaviour Change

Desired Performance Result	Indicators of Performance
Cultivate Creative Capacity	% of City Management and targeted knowledge workers receiving speciality training in fostering individual and team creativity.
Promote & Recognize Innovation	# and dollar value of employee innovation proposals endorsed and implemented by the City as well as the annual % growth in the associated dollar value.
Produce Value For Money	% auditable entities, based on budget and risk factors, that have been comprehensively reviewed/refined (value for \$) within a five year cycle.

STAFF REPORT

We asked, "Do we have the right targets"?

Well set targets for chosen indicators have the power to energize.

The independent review of CSP KPIs not only recommended new ways of measuring and options to refine existing indicators, but also encouraged us to push past incremental targets and embrace more aggressive ones – especially on the indicators that foster culture and behaviour change and demonstrate progress i.e. employee engagement.

There is a longstanding debate in management science over the merits of incremental versus stretch goals. Some argue that targets set too high can create risky behaviour or de-motivate employees. Others believe that targets set to low provide little reason to make improvements that lead to positive and lasting change. Both arguments point to the need for thorough consideration of established targets.

"We found that by reaching for what appears to be the impossible, we often actually do the impossible; and even when we don't quite make it, we inevitably wind up doing much better than we would have done". Jack Welch.

The following dashboard, still under consideration, shows proposed progress over the next four years:

Proposed Four Year Target Results

CSP SCORECARD	2013	2014	2015	2016
ORGANIZATIONAL EXCELLENCE				
Improve Employee Engagement				
Cultivate Creative Capacity				
Maximize Effective Work Processes				
INNOVATION IN LOCAL GOVERNMENT				
Promote and Recognize Innovation				
Foster Enterprise Agility				
Maximize Service Satisfaction				
Maintain Service Affordability				
Drive Value for Money				
CITY BUILDING				
Improve Quality of Life				
Maintain Public Safety				
Contribute to Economic Vitality				

STAFF REPORT

We asked, "Are there better ways to measure CSP progress for our stakeholders"?

The answer was yes and to that end, the CSP indicators are now improved:

- new indicators are recommended and refinements to existing ones are suggested;
- some indicators are removed; and
- the scorecard framework terminology is clarified.

Sample new indicators

- ✓ Improving Employee Engagement - **% change in total City work force illness/absenteeism (# of employee days lost)**: a 'check in progress' indicator. Decreases in absenteeism are consistent with improving engagement.
- ✓ Fostering Enterprise Agility - **net financial position per capita (versus average of BMA study comparators)**: If agile equates to flexible, lean and adaptive to change then an agile Guelph enterprise will be unencumbered by debt, have a sustainable tax base, strong \$ reserve position, and be able to respond to changing economic circumstances.
- ✓ Maximizing Service Satisfaction - **five year rolling average of City economic activity ratio consisting of population growth /jobs growth**: a proxy measure for business sector service delivery quality and cost satisfaction to complement the existing residential survey indicator.

All new indicators, recommended refinements to existing work and comments on those previously deemed 'under consideration' are included in Attachment 1.

We asked, "Does our framework terminology need to change"?

There is a price for unclear terminology. Without clarity, staff may become disengaged or confused about precise meaning. With our improved scorecard framework we eliminate existing confusion about 'indicators' and 'measures'.

Indicators = indicative of how a process is performing; used for decision making - the 'check engine' light

Measures = how much there is of something that can be quantified

Scorecard Framework - NOW Example

Indicator	Measure	Current Performance	Target	Strategic Initiative/ Strategic Work
Employee Engagement	Level of Engagement from Biannual Survey	41% Engaged	47% Engaged by 2016	Employee Engagement Action Plan Implementation

Scorecard Framework - PROPOSED Example

<u>Desired Performance Result</u>	<u>Key Performance Indicator</u>	<u>Current Performance Result</u>	<u>Improvement Target</u>	<u>Performance Improvement Action Item</u>
<u>Improved Employee Engagement</u>	Level of Engagement from Biannual Survey	41% Engaged	47% Engaged by 2016	<u>Execute</u> Employee Engagement Action Plans

2. DATA DRIVEN PERFORMANCE

Never before has the City moved beyond reporting strategic plan progress to using the data deliberately as a tool to engage staff on corporate performance and push transformation throughout all levels of the organization.

A Staff Engagement Action Plan, developed with newly endorsed engagement strategies, will support two way communication and strive to connect with staff across the corporation on ways and means to best improve on service delivery efforts. This practice is common in private sector firms that are set apart from the rest with respect to long standing success.

3. A 'GREEN LIGHT' FOR CSP CLARITY

Clarity, simplicity and brevity are the hallmarks of the new overall CSP communications platform. Staff need to be able to understand what our new directions mean for the corporation, the services they deliver and for themselves. It includes:

- ✓ Strategic principles to guide communications
- ✓ Definitions and expectations for the three focus areas
- ✓ Broad messages
- ✓ Action Statements
- ✓ Communication Tactics and a Message Toolkit for Council and Staff

Sample Action Statements to let employees know how to best support the CSP

- Learn everyday
- Reduce waste in time and resources
- Connect your ideas to the work of others
- Measure and evaluate your efforts
- Be proud of your work

It is within this new framework that the CSP KPIs will be positioned. The communications platform is currently being discussed with employees and integrated into speeches, presentations and CSP implementation materials. A full draft is available upon request.

4. ONGOING LEARNING FROM OTHERS

It is well recognized that the private, cooperative, public, and not for profit sectors have much to share with respect to driving continuous improvement and heightened levels of performance. Conversations and research with our multiplicity of partners and stakeholders will continue to inform efforts.

Summary

Achievements will continue with respect to CSP KPI implementation.

Specifically,

- The new CSP communications platform will be leveraged to support ongoing and effective KPI implementation efforts. As an immediate next step, a new CSP booklet, web page and communications toolkit will be available in October 2013;
- KPI targets will be further assessed by Staff and the Executive Team. As well, the measurement systems for promoting and recognizing innovation and cultivating creative capacity will continue to be developed. The first semi-annual report with KPI data is due to Council in February 2014;
- The formal staff engagement action plan will be finalized to support improved two-way information sharing with multiple audiences and be used to drive better results and corporate wide transformation consistent with CSP goals and objectives.

CORPORATE STRATEGIC PLAN

This effort relates comprehensively to the Corporate Strategic Plan directions.

STAFF REPORT



DEPARTMENTAL CONSULTATION

The Executive Team was consulted in the development of this progress report along with Organizational Development, Corporate Communications, Finance, Planning, Community Engagement and Service Performance and Development Staff.

FINANCIAL IMPLICATIONS

The costs related to this review effort have been included in the 2013 Council approved budget.

COMMUNICATIONS

Approaches to open government and stakeholder engagement will continue to inform CSP KPI monitoring, tracking, progress reporting and improvement efforts.

ATTACHMENTS

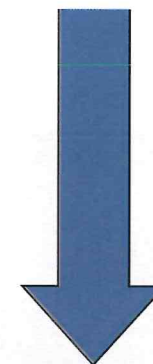
ATT 1 – CSP Scorecard and Dashboard Under Consideration

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Approved By
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**TARGETS TO
BE
CONFIRMED**



THIS ATTACHMENT CONTAINS:

- A. DRAFT CSP SCORECARD WITH ADDITIONS & REFINEMENTS
- B. LIST OF KPIS CONSIDERED, REMOVED AND IMPROVED
- C. SAMPLE KPI GRAPHICS

A. Proposed CSP Scorecard

1. Organizational Excellence: Run an Exceptional Business				
Desired Performance Result	Key Performance Indicator	Current Performance Result	Improvement Target	Performance Improvement Action Item (s): CSP Strategic Initiatives
<i>Improve</i> Employee Engagement	Overall level of engagement from biyearly survey	41%	47% by 2016	Execute employee action planning and implementation Conduct the Organizational Assessment Ensure Decision Making Excellence – complete Accountability and Delegated Authority Framework/Matrix
	% change in total City workforce illness/absenteeism (# of employee days lost)	12.2% 21,241 in 2012	9% by 2013	Execute employee action planning and implementation
	% of employees who report being motivated towards achieving above and beyond what is expected from biyearly survey	36% in 2012	42% by 2016	Ensure employee action planning and implementation

1. Organizational Excellence: <i>Run an Exceptional Business</i>				
Desired Performance Result	Key Performance Indicator	Current Performance Result	Improvement Target	Performance Improvement Action Item (s): CSP Strategic Initiatives
<i>Cultivate</i> Creative Capacity	% City management and targeted knowledge workers receiving specialty training in fostering individual and team creativity.	Development phase	TBD	Implement Leadership Development initiatives
	\$ value estimate of reduced costs OR quality benefits associated with innovation pilot projects that include whole system task force solutions.	Development phase	TBD	Initiate CSP innovation pilot projects
<i>Maximize</i> Effective Work Processes	% City employees who agree work processes are in place to enable high levels of productivity (as measured through the biannual engagement survey)	35%	41% by 2016	Activate Integrated Operational Review Implementation Plan Implement Corporate Technology Strategic Plan
	% auditable entities that have been comprehensively and independently reviewed/refined within a five year continuous improvement cycle.	Development phase	TBD	Carry out Annual Audit and Evaluation Work Plan Implement the Corporate Technology Strategy Engage in the development of Business Case Tools and Capacity Building Support completion and implementation of the Integrated Operational Review Investigate the development of a Service Based Budgeting Framework

2. Innovation in Local Government: <i>Deliver an Exceptional Product</i>				
Desired Performance Result	Key Performance Indicator	Current Performance Result	Improvement Target	Performance Improvement Action Item (s)
<i>Promote</i> and Recognize Innovation	# and dollar value of employee innovation proposals endorsed/implemented by City; annual % growth in the dollar value.	Development phase	TBD	Develop and implement an innovation recognition system
<i>Foster</i> Enterprise Agility	Targeted learning and training versus actual for identified employees - fostering innovation and change management skills.	Development phase	100% targeted training of 'change champions' by 2014	Implement Leadership Development model – Council and Employees
	# of innovation pilot teams implemented versus targeted to unleash change management.	3 in 2012	3 in 2014	Advance Open Government Action Plan Development, City WiFi Business Case and Records and Information Management Program
	Net financial position per capita indicator versus average of approved BMA study comparators.	TBD	At or above the annual comparator average	Implement Project Management, Framing and Management Leverage and improve performance measurement and tracking scorecards
<i>Maximize</i> Service Satisfaction	Public perception of service delivery satisfaction (overall as per 4 year service satisfaction survey)	83%	Sustain or exceed 83% in 2015	Pursue Citizen First Service Strategy Guelph Identity and Image
	Five year rolling average of City economic activity ratio consisting of population growth/jobs growth.	TBD	At or above annual comparator average	Continue Prosperity 2020 implementation

2. Innovation in Local Government: <i>Deliver an Exceptional Product</i>				
Desired Performance Result	Key Performance Indicator	Current Performance Result	Improvement Target	Performance Improvement Action Item (s)
<i>Maximize</i> Service Affordability	Net financial position per capita versus average of BMA study comparators.	TBD	At or above the annual comparator average.	Carry out Annual Audit Work Plan Prosperity 2020
<i>Produce</i> Value for Money	% auditable value for money (VFM) entities that been comprehensively and independently reviewed/refined within a five year continuous improvement cycle. (Value for \$)	Development phase	TBD	Carry out Annual Audit Work Plan

3. City Building: <i>Create An Exceptional City</i>				
Desired Performance Result	Key Performance Indicator	Current Performance Result	Improvement Target	Performance Improvement Action Item (s)
<i>Improve</i> Quality of Life	Quality of life public perception - % residents citing positive change over preceding three years	22% in 2011	>25% in 2015	Conduct Community Investment Strategy Implementation Activate Older Adult Strategy Implementation Develop South Community Centre Business Plan and South End Secondary Plan Ensure ongoing implementation of the Community Energy Initiative Pursue Public Health Strategy Focus on Development of the Parks Model Ensure excellence in Financial Reporting and Communications Implement the Corporate Communications Plan Undertake the Community Wellbeing Initiative (Phases 1-4)
	Residential/non-residential (industrial) taxable assessment ratio	2.1659/2.63 in 2011	1.99/2.2048 in 2016	Implement Community Improvement Plan – Downtown Guelph Pursue Guelph Innovation District
<i>Maintain</i> Public Safety	Relative reduction in annual Guelph Crime Severity Index versus selected Ontario comparator peer group	TBD	At or above the municipal comparator average	

3. City Building: Create An Exceptional City				
Desired Performance Result	Key Performance Indicator	Current Performance Result	Improvement Target	Performance Improvement Action Item (s)
	Emergency Response Times to critical public safety calls Fire: 90 th percentile response time to fires, rescues , medical, hazardous materials EMS: 90 th percentile response times to CTAS 1 (cardiac arrest) life threatening calls	70%	90%	Excel in Emergency Management preparation and response
		63%	65%	
<i>Contribute</i> to Economic Vitality	Credit rating	AA positive in 2012	Maintain or exceed AA positive rating in 2013	Conduct Development Charges Background Study Activate Corporate Reputation Management Ensure excellence in Financial Reporting and Communications Conduct a Review of Storm Water Funding Focus on Intergovernmental Relations Strategy Development and Implementation
	Total Construction Values for all non-Residential permits issued	\$109,827,680.00	Year over year increase	Complete and implement the Integrated Operational Review Continue with Downtown Secondary Plan Implementation and Baker Street Redevelopment efforts

3. City Building: Create An Exceptional City				
Desired Performance Result	Key Performance Indicator	Current Performance Result	Improvement Target	Performance Improvement Action Item (s)
	% of building permits processed by City "on time" according to legislated targets	98.7%	100%	Complete and implement the Integrated Operational Review

B. LIST OF KPIS CONSIDERED, REMOVED OR IMPROVED

<i>KPI Considerations</i>	<i>Rationale for Removal or Improvement</i>
<i>ORGANIZATIONAL EXCELLENCE</i>	
<i>Leadership Development</i>	Included in creative capacity and enterprise agility indicators; HR Annual Report.
<i>Collaboration Results</i>	Difficult to fully track – can be linked to enterprise agility indicators and innovation pilots.
<i>Integrated Management Systems</i>	Degree of alignment is continuously improved - linked to the maximizing effective work processes indicator.
<i>Number and success rate of task forces achieving whole systems solutions</i>	Number and success rate alone does not capture impact.
<i>INNOVATION IN LOCAL GOVERNMENT</i>	
<i>Strategic Partnership and Outreach</i>	Number of partnerships does not indicate quality or outcomes; intergovernmental affairs work plan is addressing this item.
<i>Service Responsiveness</i>	Possible to track corporately over time with Information Technology Strategic plan implementation.
<i>Open Government</i>	Will be addressed through the Open Government Action Plan.

<i>KPI Considerations</i>	<i>Rationale for Removal or Improvement</i>
<i>Agility: Achievement of JOR performance indicators</i>	Premature given measurement framework status at this time.
<i>Service affordability: water +waste water and taxes as a % of average household income</i>	Does not address unfunded capital or other liabilities. Municipal financial position per capital is recommended by BMA.
<i>CITY BUILDING</i>	
<i>Image and Quality Recognition</i>	Improvements in this area will be addressed through the corporate identity project within the public affairs portfolio.
<i>Engagement Innovations</i>	Separate metrics under development through the Community Engagement portfolio and reflected in Wellbeing project effectiveness evaluation.
<i>Guelph Job Rate</i>	Too subject to unavoidable economic factors.
<i>Economic vitality: % country-wide immigrants settling Guelph</i>	Empirical link to economic vitality is difficult to isolate; link strengthens over time.
<i>Community Wellbeing index</i>	Measurement system still in development.

Strategic Pillar	Improve Employee Engagement					Cultivate Creative Capacity					Maximize Effective Work Processes					
	Measure	Current Performance	Target	Trend	Performance Improvement Actions	Measure	Current Performance	Target	Trend	Performance Improvement Actions	Measure	Current Performance	Target	Trend	Performance Improvement Actions	
Organizational Excellence: Run an Exceptional Business	Overall Engagement Level (biyearly)	41%	47% (2016)	Single data point	Org Assessment, Delegated Authority Matrix	% Receiving Team Creativity Specialty Training	Development phase	X (2014)		Implement leadership development initiatives	% Employees agree productivity processes are in place	35%	41% (2016)	Single data point	Activate Integrated Operational Review Implementation Plan	
	% Workforce Lost Days	12.2%	9%		Employee action plan implementation	% Benefit due to Whole System Solutions	Development phase	X (2014)		Initiate CSP innovation pilot projects	% Auditable Entities Reviewed within 5 year Cycle	Development phase	X (2014)		Conduct annual audit and evaluation work plan	
	% Employees motivated to go above & beyond	36%	42% (2016)	Single data point	Employee action plan implementation											
Innovation in Local Government: Deliver an Exceptional Product	Promote and Recognize Innovation and Foster Enterprise Agility					Maximize Service Satisfaction					Maximize Service Affordability and Produce Value for Money					
	Measure	Current Performance	Target	Trend	Performance Improvement Actions	Measure	Current Performance	Target	Trend	Performance Improvement Actions	Measure	Current Performance	Target	Trend	Performance Improvement Actions	
	# and \$ value of employee innovation proposals endorsed/implemented	Development phase	X (2014)		Develop and implement an Innovation Recognition System	Public Perception of Service Satisfaction	83%	83% (2015)		Pursue Citizen First Strategy, Guelph Identity and Image	Net Financial Position per Capita vs. Comparator Avg	Development phase	X (2014)		Carry out Annual Audit work plan and continue Prosperity 2020	
	Targeted Learning and Training vs. Plan	Development phase	100%		Implement Leadership Development model	Economic Activity Ratio (5 year rolling average)	Development phase	X (2014)		Continue Prosperity 2020 Implementation	% Value for Money (VFM) Entities Reviewed within 5 year Cycle	Development phase	X (2017)		Carry out Annual Audit Work Plan	
# of Innovation Pilot Teams Implemented vs. Target	3 (2012)	3 (2014)		Open Government Plan Development												
Net Financial Position per Capita vs. Comparator Avg	Development phase	X (2014)		Project Management and Improve Performance Measurement												
City Building: Create an Exceptional City	Improve Quality of Life					Maintain Public Safety					Contribute to Economic Vitality					
	Measure	Current Performance	Target	Trend	Performance Improvement Actions	Measure	Current Performance	Target	Trend	Performance Improvement Actions	Measure	Current Performance	Target	Trend	Performance Improvement Actions	
	Quality of Life (public perception)	22% (2011)	>25% (2015)		Implementation of Community Improvement activities	Guelph Crime Index	Development phase	X (2014)			Credit Rating	AA+	AA+			
	Residential/Non-Residential Taxable Assessment	2.16/2.63 (2011)	1.99/2.2 (2016)%		Implement Community Improvement Plan - Downtown Pursue Guelph Innovation District	Fire Department Response Time (% responses within 390 second)	70%	90%			\$ Value Non-Residential Building Permits Issued (millions \$)	\$109	% increase (2014)		Implement Integrated Operational Review, Downtown Secondary Plan, Baker Street Redevelopment	
					CTAS 1 Emergency Medical Response Time (% responses within 8 minutes)	63%	65%	1st year CTAS 1 Specific		% of Building Permits Processed On-Time	98.70%	100%		Implement Integrated Operational Review.		

STAFF REPORT



TO Governance Committee

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

DATE September 16, 2013

**SUBJECT Citizen Appointment Policy and
Advisory Committee Meeting Procedures**

REPORT NUMBER CHR-2013-41

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To simplify the Advisory Committee(AC) and Agency, Boards, Commissions/Committees (ABC's) citizen appointment procedures by merging the current three documents to one less prescriptive document; and, to introduce procedures to streamline the timelines and requirements of the appointment procedure for better public service. To provide meeting procedures as a guideline to assist in efficient and effective decision making processes that are accountable and transparent.

KEY FINDINGS

Since the policies relating to AC's and ABC's were adopted in 2009, Clerks has received a great deal of input from both members of Council and staff liaisons regarding streamlining and simplifying the process and allowing for more flexibility in the administration of these bodies and the appointment of citizen members to them. In addition, staff has been asking for guidelines to facilitate the management of the meeting process. This report responds to those requests, to the extent that it provides better service internally to those staff involved in the process, to the members of Council, who make the decision regarding appointments, and the public we serve.

FINANCIAL IMPLICATIONS

As this is an administrative/operational matter, there are no financial implications.

ACTION REQUIRED

Governance Committee to approve and recommend to Council and City Council to approve the new Citizen Appointment Policy and Advisory Committee Meeting Procedures.

STAFF REPORT



RECOMMENDATION

1. That the Citizen Appointment Policy and the Advisory Committee Meeting procedures attached hereto be approved and circulated to the Liaisons for all City Advisory committees and Agencies, Boards, Commissions/Committees.

BACKGROUND

On September 28, 2009, Council approved the recommendations in the report entitled Guiding principles for Resident Appointments to Special Purpose Bodies which included a Citizen advisory committee policy, Guiding principles for advisory committees, and guiding principles for agencies, boards and commissions/committees. Prior to this time, the City did not have comprehensive documents regarding guidelines for the management of committees, or the appointment of members to them. These documents have been referenced by staff in creating, dissolving and merging committees, as well as in the appointment process for citizen members to AC's and ABC's from consultation of the staff liaisons, to placement of ads in the paper and recommendation of appointment by Committee and Council.

REPORT

Although the three original AC and ABC documents have proven to be useful, they are overly prescriptive and there is a great deal of redundancy in them. These documents also did not provide the latitude which may be needed to distinguish the operational needs of some committees from others.

The proposed changes also reflect that the vacancies for advertisement will be for the true number of vacancies to the public so the ad for vacancies will not include the number of incumbents who will be recommended for reappointment. In addition, the changes propose to address the lengthy timelines for reappointment which are between 3 and 4 months, in order to reduce the timeline by one month to 2 to 3 months which will include the placement of the advertisement in a local paper, a recommendation to Standing Committee and Council in closed meeting and the ultimate approval of appointments by Council in open session.

As a result the three documents were reviewed with an eye to simplifying the process and allowing some flexibility. The main proposed changes are as follows:

- a. Consolidate the current 3 documents (advisory committees policy, Advisory Committee Citizen Appointments- Guiding Principles and, Agencies/Boards Commissions/Committees (ABC's) Citizen Appointments-Guiding principles) into one document and include procedures to assist staff and members of the AC's/ABC's in preparing for and facilitating the conduct of meetings.
- b. Advertise for those vacancies that do not include the recommended reappointment of incumbents. Incumbents eligible for reappointment will be contacted in advance of notice for vacancies being placed in the newspaper and shall have an opportunity to allow their names to stand for

STAFF REPORT

reappointment without formal re-application. In addition, the advertised positions would only be for the vacancies not including the incumbents recommended for appointment by the staff liaison. *This process does not apply to recommendation for appointments by AC/ABC where they have the authority to review applications and nominate appointees.

- c. No duplication of recommendations for individuals to more than one AC/ABC. Where applicants have shown interest in applying for more than one AC/ABC and more than one staff liaison is recommending their appointment, the staff liaisons shall meet and concur with one AC/ABC to which the individual will be recommended for appointment.
- d. All recommendations for appointment to AC'S/ABC'S shall go to standing Committee for consideration. The recommendations of Nominating AC's/ABC's shall come forward to the standing committee under whose jurisdiction that area of responsibility lies, and the Standing Committee, shall in turn recommend its appointees to Council.
- e. Appointments to be recommended from closed session and made on the same night at open Council. Council to rise and report from closed session to appoint individuals to AC's/ABC's on the same date in open session.
- f. The Link to the minutes of meetings shall be forwarded to the Clerks Office, for inclusion in the Weekly items for information to Council.
- g. AC's/ABC's shall report to Council no less than one time each term of Council.
- h. Although the policy states that members of AC's are subject to removal if they are absent from three consecutive meetings, AC's shall now have the discretion to recommend their own conditions for removal in their terms of reference related to attendance. An acknowledgment that lack of attendance may lead to removal of a member from the AC has also been included in the application.

CORPORATE STRATEGIC PLAN

This report supports the following strategic directions:

- 1.3 Build robust systems, structures and frameworks aligned to strategy.
- 2.3 Ensure, accountability, transparency and engagement.
- 3.3 Strengthen citizen and stakeholder engagement and communications.

DEPARTMENTAL CONSULTATION

Staff Liaisons in all city service areas as well as the Liaisons of all ABC's to which Council makes citizen appointments received draft copies of the Citizen Appointment Policy and Advisory Committee Meeting Procedures for comment and were invited to a focus group meeting to provide feedback on the proposed policy and any other comments or suggestions to enhance the process. The draft documents in this report reflect changes as a result of the consultation.

COMMUNICATIONS

The new revised policy and procedures will be forwarded to the staff liaisons for the AC's and ABC's, as proposed changes will be administrative and operational and will not directly affect the City interface with the public.

STAFF REPORT



ATTACHMENTS

Attachment 1 Citizen Appointment Policy

Attachment 2 Advisory Committee Meeting Procedures

Report Author

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"original signed by Blair Labelle"

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Approved By

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Recommended By

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Executive Director,
Corporate and Human Resources
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CORPORATE POLICY AND PROCEDURE



POLICY	Citizen Appointment Policy
CATEGORY	Corporate
AUTHORITY	City Clerks Office, Corporate and Human Resources
RELATED PROCEDURE	Advisory Committee Meeting Procedures
APPROVED BY	City Council
EFFECTIVE DATE	
REVISION DATE	

PURPOSE

To provide Advisory Committees (AC's) and Agency, Boards, Commissions/ Committees (ABC's) guidelines for establishing committees and appointing citizen members in an equitable, accountable and transparent manner.

A. ADVISORY COMMITTEES: GENERAL

An Advisory Committee (AC) is struck by Council to provide advice pursuant to a defined mandate. They report through a specific Standing Committee and generally have a direct relationship with one City service area.

A-1. Establishing a New Advisory Committee

The originating department shall prepare a staff report to the appropriate Standing Committee for consideration. Final approval requires Council support. The report shall include a proposed **Terms of Reference** (*Appendix A*) to include:

- A link to the City's Strategic Plan
- Financial considerations
- Availability of staff resources
- Impact on other departments and/or participant areas

In addition to the above, the following shall be considered prior to proposing a new AC:

- Is the AC required by legislation/regulation?

- Is the AC's mandate relevant, achievable and/or unique?
- Is there an existing AC, other body or alternative practice that could deal with the associated objectives and/or proposed mandate?
- Is the issue of sufficient public interest and will there be support to merit the AC?

A-2. Changing the Terms of Reference

Amendments to the Terms of Reference of an AC requires the approval of Standing Committee and Council and shall be initiated by a staff report to address the following:

- a) The rationale for the amendment including any supporting information
- b) Any additional resources required due to the amendment
- c) A cost benefit analysis (if deemed necessary)

A-3. Dissolving an Advisory Committee

Dissolution of an AC shall be initiated by a staff report to the appropriate Standing Committee and Council, which should address whether:

- a) The AC's term has expired (if applicable)
- b) The principle objectives or mandate of the AC have been met
- c) An alternative arrangement has been found to continue the work of the AC (ex. consolidation/merger with another AC)
- d) The issues involved with respect to the mandate or the legislative requirement to maintain the AC no longer exist

All Advisory committees struck by Council must be dissolved by Council resolution. Following dissolution, the AC will be designated as "inactive" and all participants will be formally thanked for their service.

The City Service Area providing support to an AC is also responsible to ensure that there is merit in continuation of the work of the AC pursuant to the Council approved mandate and Terms of Reference.

B. ADVISORY COMMITTEES: APPOINTMENT PROCESS

B-1. Appointing Members to Advisory Committees

Recommendations with respect to AC appointments are to be managed by the Staff Liaison. Council shall appoint each member to an AC by resolution stating the name of the appointee, the name of the AC and the term of the appointment. To encourage the broadest degree of resident involvement, Council shall consider not appointing any individual to serve concurrently on more than one AC or ABC.

B-2. Eligibility and Qualifications

Applicants must be residents or owners of property in the City and at least 18 years of age or older (unless otherwise specified in the AC's Terms of Reference). To remain an active member, appointees are required to maintain their eligibility and qualifications throughout their term. City staff are not permitted to serve as members on an AC.

In addition to general eligibility requirements, the specific skills and experience for membership on each AC shall be established by way of the Terms of Reference. The following guidelines may be considered in establishing any such qualifications:

- a) Ability to perform the duties of the AC, including any complementary skills, and/or competencies
- b) Areas of specialization where required, experience, or community service

Applicants should consider whether they have a real or perceived conflict of interest in relation to the mandate of the AC prior to application, including any direct or indirect pecuniary interest with the City. Disclosure of such potential conflicts does not mean that an applicant is automatically ineligible for an appointment, but the Nominating Panel may assess potential conflicts in its determination of whether the applicant should be considered further. Disclosure (or non-disclosure) of any such conflicts is the full responsibility of the applicant.

B-3. Term of Appointment

Unless otherwise legislated, the term of appointment is generally one year for the initial appointment and a time defined thereafter in order to coincide with the existing term of Council. Acknowledging the value of experience and the need for continuity in certain environments, incumbents who are eligible and willing to seek reappointment may signify their intent to serve a subsequent term. Unless otherwise provided for by legislation, the limit on length of service for any resident is eight consecutive years. Exceptions to this are as follows:

- a) When an insufficient number of applications have been received for an AC
- b) If a particular area of expertise is required and there are no other eligible/qualified candidates
- c) If the AC would suffer from a lack of continuity if all or the majority of members are replaced at once
- d) If to allow an appointee to serve out their term on the board of a municipal association
- e) If directly related to the Terms of Reference or mandate of the AC

Any recommendation to reappoint an incumbent who has reached eight consecutive years of service shall identify the special circumstances and recommend a waiver of the limit on length of service.

B-4. Standing Committee as Nominating Panel

Each Standing Committee will serve as the Nominating Panel to Council with respect to all ACs under their jurisdiction. The Staff Liaison is responsible to manage the appointment process and will provide the Standing Committee with a briefing note and/or presentation (if necessary) related to the recommended appointments. This information will be delivered as part of a

regular Standing Committee closed meeting agenda coordinated by the City Clerk's Office pursuant to the regular agenda production processes. Recommendations from the Standing Committee with respect to proposed appointments will then be coordinated by the Clerk's Office as part of Council's regular agenda process. In most cases, Council will convene into a closed meeting in order to consider the proposed appointments then approve the final recommendations as part of the open meeting agenda.

The Standing Committee may select the successful candidates from amongst the applications or, meet to identify a short-list and determine if interviews are required or, under special circumstances, invite others to assist in supporting their consideration of applicants. If and when conducting interviews, the Nominating Panel is encouraged to use the ***Interview Guide*** (*Appendix B*). The decision to recommend appointments to Council shall be made by members of the Standing Committee only. Council will consider the recommendations and appoint members.

B-5. Stakeholders as Nominating Panels

Where the terms of reference indicate that the interests of stakeholders are to be represented on a committee or to obtain special expertise from a professional or technical organization one or more positions may be nominated by specific interest groups. In that case, the designated special interest/stakeholder group, or professional/technical organization is invited to nominate members. The nominations shall be forwarded to the respective Standing Committee and Council for approval.

B-6. Notice of Vacancy

There are three specific occasions when recruitment occurs.

- a) Immediately after a Municipal Election
- b) Annually in the last quarter of each year
- c) As vacancies occur throughout the year

As best as practicable, the following communications measures will be used to provide public notice around AC vacancies:

- Publishing two notices of the vacancies, one week apart, in the City pages of the local newspaper
- Publishing the vacancies on the City's website as soon as practicable
- Making hard copy forms available at City facilities
- Providing announcements at Council and Standing Committee Meetings (timelines permitting)
- Communicating vacancies to the Volunteer Centre of Guelph
- Publishing as part of regularly scheduled City mail outs or newsletters (timelines permitting)
- Publishing by way of email distribution lists to any individuals or groups requested to be notified
- Publishing vacancies by way of the City's social media channels

For vacancies that occur throughout the year the vacancy will be filled in the last quarter of each year. In the event of urgency (e.g. lack of quorum) the appointment may be made from the list of previous candidates.

All notices of vacancy should describe the position broadly enough to elicit a wide response from qualified applicants as well as outline the eligibility criteria and key qualifications for the position. The notice shall also contain the name of the Committee, approximate number of meetings per year, usual meeting date/time and a brief description of the AC. It shall also specify the process for submitting applications, a deadline for receipt of applications. Where applicable, the notice should direct potential applicants to the City's web site for more detailed information on the AC.

B-7. Application Process

Application forms are available at ServiceGuelph, in City Hall and in electronic form on the City's web site, along with the notice of vacancy. Applications are to be made available in large print format upon request. Applicants may submit their completed application forms via regular mail, electronically or in person to the attention of the City Clerk.

With the exception of those applying to be members of the Accessibility Advisory Committee, all applicants must fully complete the **Advisory Committee and Local Board Application Form** (*Appendix C1*) which may be downloaded from the City website or obtained from ServiceGuelph. As there are legislative requirements regarding the membership composition of the Accessibility Advisory Committee (AAC), those applying must complete the **AAC Advisory Committee Application Form** (*Appendix C2*)

Applicants wishing to apply for more than one AC may submit their intention to do so on one application form.

B-8. Incumbents

Incumbents meeting the eligibility requirements for appointment may indicate their intention to apply for reappointment by advising the Staff Liaison and the City Clerk's Office, in writing or by way of email. In all such cases, the incumbent's initial application will be considered along with any supplemental information provided. Applications for reappointment shall be considered by the Staff Liaison prior to the solicitation of additional applications from the public at large. Following the Staff Liaison's consideration for recommendations to Committee and Council, with respect to reappointing incumbents, all remaining vacancies shall be advertised for recruitment pursuant to the above noted process. Incumbents are not guaranteed to be reappointed.

B-9. Communication of Appointments

When Council approves appointments, the City Clerk shall advise all applicants in writing of the status of their applications, thanking every applicant for their interest. All applications shall be acknowledged after

Council has approved the appointments recommended by the Standing Committee.

The applications of those not appointed will be kept on file for one year. Applications from those who have been appointed will be kept for 8 years or for the time period in which they continue to be a member of an AC, whichever is the greater.

C. ADVISORY COMMITTEES: ADMINISTRATION

C-1. Meeting Procedures

Please refer to the ***Advisory Committee Meeting Procedures*** (separate document) to reference the approved procedures to the governance and administrative practices relating to ACs. If matters are not provided for as part of these procedures, then the Council Procedural By-law is to serve as the guiding document as best as practicable.

C-2. Removal of AC Members

Despite the approved term, all residents are appointed at the pleasure of Council and Council retains the right to replace any appointed member at any time and for any reason.

Unless otherwise specified in the Terms of Reference, if a member misses three consecutive meetings without a resolution of the Advisory committee allowing such, the appointee will be deemed to have forfeited their Advisory committee position subject to an opportunity for the member to address the Advisory committee in writing regarding their absenteeism. The staff liaison will prepare a report to the standing committee with the recommendation of the AC. Council reserves the right to make the final decision regarding ending appointments.

C-3. Remuneration of AC Members

Generally, the members of the AC's serve on a voluntary basis and as such do not receive any form of remuneration. There are cases of Committees (usually those which are quasi judicial) that offer remuneration to its citizen members. In these cases the fact that they are to be remunerated, should be included in the terms of reference for the committee.

C-3. Roles and Responsibilities

Standing Committees:

- To recommend appointments to Council
- To review applications and conduct interviews (as required)
- To receive advice and information from the AC either through regular annual reports or through information contained in staff reports

- To recommend striking a new AC, amending the terms of reference for an existing AC or dissolving an existing AC

AC Members:

- To elect a chair and vice chair
- To attend meetings and provide needed skill/knowledge
- To represent interests in the community
- To create working groups as required to report back to them on specific matters
- To work within their Budget (if applicable). AC's do not have the authority to commit City resources or direct the work of staff.

AC Chair:

- To facilitate and chair the AC meetings
- To work with the Staff Liaison to build and coordinate the AC's work plan
- To serve as a spokesperson for the AC in respect of interfacing with Standing Committee's, Council and/or the public at large

Staff Liaison (appointed by respective Executive Director):

- To provide orientation to new members
- To work with the chair and vice chair in order to build a work plan for the AC and develop a regular reporting process to the respective Standing Committee with respect to the performance and progress of the AC. The parameters of this should be detailed in the Advisory Committee's terms of reference (eg. annual presentation, written report etc.)
- To prepare and submit the annual schedule of meetings to the City Clerk
- To review the mandate and terms of reference of the AC prior to the end of each term of Council and be prepared to propose changes at the onset of a new term of Council if required
- To develop the content for vacancy notices
- To manage the interview and selection process and prepare necessary documentation with respect to the proposed appointment of members
- To provide administrative, secretariat and technical support to the AC including the preparation, publication and distribution of minutes and agendas
- To provide procedural and technical advice (staff liaisons do not have voting privileges)
- To incorporate input from the AC into staff reports where appropriate

City Clerk's Office:

- To facilitate and support the recruitment and appointment process
- Provide training, advice and support to the Staff Liaisons

D. AGENICES, BOARDS, CORPORATIONS AND COMMISSIONS:

Agencies, Boards, Corporations and Commissions (ABC's) are commonly established through legislation that mandates the composition whether it is elected members or resident members or both. Most ABC's have responsibility for the management and administration of certain public services, are appointed in whole or in part by Council and have such authority as is delegated to them by the relevant by-laws of Council or by a provincial or federal statute.

Except as otherwise provided for by legislation, the above noted conditions with respect to AC's also apply to the ABC's with the following exceptions:

Dissolving ABC's and Amending Terms of Reference

The City has no authority to dissolve an ABC which is mandated by way of provincial or federal statute, nor amend the terms of reference of same. In all such cases, any such action shall be managed pursuant to the relevant legislation as amended from time to time.

ABC's as Nominating Panels

In some instances, nominations for appointments are made by the ABC itself, although in most cases, Standing Committees and Council must approve the proposed appointments as well as the conditions associated thereto. All such information shall be coordinated by the City Clerk's Office pursuant to regular agenda production processes.

Appendix A

Advisory Committee Terms of Reference



Advisory Committee Name:	
Parent Standing Committee:	
Number of Members: <i>(assumed to be citizens, indicate otherwise)</i>	
Date of Formation:	Expiration Date <i>(if applicable)</i> :
Staff Liaison Support Position:	Service Area/Department:
Meeting Frequency:	
Applicable Legislation/By-Law:	
Link to Corporate Strategic Plan:	
Frequency of Reporting to Council:	
Mandate:	
Goals/Objectives:	
Special Skills required for members:	
Budget:	

Staff Liaison Name:

Signature:

Executive Director Name: _____

Signature:

Appendix B

**Advisory Committee
Nominating Panel
Interview Guide**



Candidate:	
Position:	
Interviewer:	
Date:	

Opening Criteria:

- Provide Committee mandate/goals/objectives
- Provide Committee time commitments i.e., date and time of meetings, number of meetings
- Provide introduction and outline format of interview(s)

Potential Questions:

1. Interest

- What about this committee (or Agency/Board/Commission) most interests you?

2. Experience

- What in your past experience and education relates to the work of this committee?

3. Skills (General) Liaison, Communication, Negotiation, Decision Making

- Give examples of strategies you use to communicate effectively with others who have different points of view
- Please give us an example of when you have thought outside the box, what were the associated challenges?
- How do you go about making important decisions?

4. Skills Specific to this Position

- What skills do you bring to the table?
 - Please explain your skills related to (details to be provided by staff liaison)
-
-
-
-

5. Problem Solving & Conflict

- Give an example of a difficult interaction or conflict you have had and how you dealt with it.
 - Describe a creative solution that you have developed to solve a problem.
 - How would you define a good working atmosphere?
-
-
-
-

6. Potential conflict of interest

- Are you, your partner or children:
 - currently doing business with, or working as a consultant for the agency or the City?
 - have any conflict of interest direct or indirect, in outstanding litigation involving the City?
-
-
-
-

7. Meeting commitment

- Are you able to attend meetings on(state the time dates and locations as per the Notice of vacancy)
-
-
-
-

Closing:

- Solicit questions or additional comments from the candidate
- Ask any follow up questions
- Provide candidate with a timeline to conclude interviews and make a selection decision

Interview Synopsis:

**Appendix C1 Advisory
Committee
and Local Board
Application Form**



Name:
Address:
*Home Tel: Fax:
*Business Tel: Email:
Advisory Committee(s) or Board(s) To Which You Are Seeking Appointment Please list order of preference: 1. 2. 3.
Are you currently a member of any other city committee/board? If so, please list the name and the date of term expiry.
Please list the reasons for seeking appointment to this (these) Committee(s) and other Information you feel may be helpful in considering your application.

Please list the skills/qualifications/knowledge you would bring to the committee position.

Please list prior or current community involvement or experience with the City or otherwise: (past experience is not necessarily a pre-requisite for appointment)

City Council's Policy Limits Membership on A Board Or Committee To A Maximum Of Eight (8) Years. Indicate Below If You Have Served On The Committee Before And If So, For How Many Years.

Have You Served On This Committee Before? Yes_____ No_____ No. Of Years_____

Please attach any additional information such as a resume or reference letter which would assist in considering your application.

Signature: _____

Date: _____

By signing this form I confirm that I am 18 years of age and a resident or owner of land in the City of Guelph; and, if selected to be a member of a committee/board as the case may be, I agree to abide by the rules of the Committee/board and attend meetings to the best of my ability and understand that absence from meetings pursuant to the policy or the terms of reference is grounds for my removal as a member of the Committee.

Please return your completed application to the attention of:

**City Clerk's Office
City Of Guelph
1 Carden Street
Guelph, ON N1H 3A1**

or: fax to 519-837-5603
or: email to clerks@guelph.ca

If you would require assistance to complete this form or would like additional information, please contact the City Clerk's Office at (519) 837-5603.

Personal information, as defined by Section 2(i) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Personal information on this form will be used to assess the candidates qualifications for appointment to one of the City's various committees or boards. Personal information may form part of meeting agendas and minutes, and therefore may be made available to members of the public at the meetings, through requests, and through the website of the Corporation of the City of Guelph. Questions regarding the collection, use, and disclosure of this personal information may be directed to the Information, Privacy and Records Coordinator, City Clerk's Office, 1 Carden Street, Guelph, Ontario, N1H 3A1. The Nominating Panel reserves the right to check references and verify information contained on these forms.

APPLICATION TO CITY COUNCIL FOR APPOINTMENT TO GUELPH ACCESSIBILITY ADVISORY COMMITTEE (AAC)

Name:
Address:
*Home Tel: Fax:
*Business Tel: Email:
<i>*Please note if the Phone Numbers are TTY</i>
Note: The Ontarians with Disabilities Act requires that at least 50% of an Accessibility Advisory Committee be persons with disabilities. This information will be kept confidential.
<input type="checkbox"/> I am a person with a disability <input type="checkbox"/> I am a care-giver for a person with a disability <input type="checkbox"/> I am familiar with issues facing persons with disabilities <input type="checkbox"/> None of the above, but I am interested in being a member of the committee
Are you currently a member of any other City committee/board? If so, please list the name and the date of term expiry.
Please list the reasons for seeking appointment to this Committee and other Information you feel may be helpful in considering your application.

Please list the skills/qualifications/knowledge that you would bring to the committee position.

COMMITTEE & COMMUNITY EXPERIENCE

(past experience is not necessarily a pre-requisite for appointment)
List any past or current involvement with Community Advisory Committees and/or Boards beginning with the most recent first.

COMMITTEE/ORGANIZATION	FROM	TO
-------------------------------	-------------	-----------

A.

B.

C.

May we contact any of the above named organizations for reference purposes?

Yes ____ No _____

Comment:

Committee To A Maximum Of Eight (8) Years.

Have Served On The Committee Before? Yes_____ No_____

If yes, Number of Years _____

Please attach any additional information such as a resume or reference letter which would assist in considering your application.

Signature:_____

Date:_____

By signing this form I confirm that I am 18 years of age and a resident or owner of land in the City of Guelph; and, if selected to be a member of this committee I agree to abide by the rules of the committee and attend meetings to the best of my ability and understand that absence from 3 consecutive meetings is grounds for my removal as a member of the Committee

Please return your completed application to the attention of:

**City Clerk's Office, City Of Guelph
1 Carden Street, Guelph, ON N1H 3A1**

or: fax to: 519-837-5603

or: email to clerks@guelph.ca

If you would like help to complete this form or would like additional information please contact the City Clerk's Office at (519) 837-5603.

Personal information, as defined by Section 2(i) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. Personal information on this form will be used to assess the candidates qualifications for appointment to one of the City's various committees or boards. Personal information may form part of meeting agendas and minutes, and therefore may be made available to members of the public at the meetings, through requests, and through the website of the Corporation of the City of Guelph. Questions regarding the collection, use, and disclosure of this personal information may be directed to the Information, Privacy and Records Coordinator, City Clerk's Office, 1 Carden Street, Guelph, Ontario, N1H 3A1. The Nominating Panel reserves the right to check references and verify information contained on these forms.

CORPORATE POLICY AND PROCEDURE



PROCEDURE	Advisory Committee Meeting Procedures
CATEGORY	Corporate
AUTHORITY	City Clerks Office, Corporate and Human Resources
RELATED POLICIES	Citizen Appointment Policy to Advisory Committees and Agency, Boards, Commissions/Committees
APPROVED BY	City Council
EFFECTIVE DATE	
REVISION DATE	

PURPOSE

To provide Advisory Committees (AC's) guidelines for meeting procedures to facilitate efficient and effective decision making processes that are accountable and transparent.

Prior to the Meeting

Terms of Reference: Advisory committees must have a council approved Terms of Reference to clearly establish the mandate and objectives of the committee as well as address composition, responsibilities and operating principles. Advisory Committee Terms of Reference shall be reviewed once each term of council. If the mandate of the committee is no longer relevant or the objectives of the committee have been realized, staff are to recommend to council that the committee be dissolved.

Annual Meeting Schedule: An annual meeting schedule must be published.

Public Notice: Notice of all meetings shall be communicated by way of an agenda published at least 72 hours prior to the meeting. Best practice would be to ensure that an agenda is published a full week in advance of the meeting.

Agendas: Meeting agendas shall include the meeting date and place as well as a list of matters to be discussed at the meeting. It is best practice to include related materials with the agenda (in advance of the meeting) in

order to afford members an opportunity to be fully prepared. It is also best practice to include any recommendations on the agenda which may need to be considered by the committee. An addendum agenda may be published to capture any correspondence received or delegations registered with respect to a matter already appearing on an agenda.

Correspondence: Individuals may submit written materials with respect to a matter already appearing on an agenda by the noted addendum submission deadline.

Delegations: An individual may register as a delegate in order to speak to a matter already appearing on an agenda. Delegates shall be given 5 minutes to speak and must pre-register with the staff liaison by the addendum submission deadline. Potential delegates must disclose some context with respect to the matter they intend to address as well as submit their name and contact information.

Addendum Submission Deadlines: An addendum submission deadline will be made publicly available in order to manage the submission of correspondence and the registration of delegations with respect to a matter already appearing on an agenda.

Recruitment and Appointment of Members: The staff liaison is responsible for ensuring a complement of members in relation to a committee's Terms of Reference which allows for a consistent quorum to be met. The Clerk's Office will support recruitment efforts by publishing recruitment ads and facilitating council's approval of the appointment recommendations provided by staff liaisons.

At the Meeting

Conflict of Interest: Members shall consider declaring a conflict at the onset of a meeting with respect to any matter in which they may stand to financially benefit, either directly or indirectly. If disclosed, that member shall also consider refraining from participating in any related discussion and voting on the matter.

Role of the Chair: It is the Chair's responsibility to move the committee through the business appearing on the agenda and to call a vote when required. Questions from members and meeting attendees should be directed through the Chair who shall manage a speaker's list. When a motion is under debate, discussion should be restricted to the members of the committee and City Staff, however, the Chair may use his or her discretion to allow questions to be posed to others in attendance. It is the responsibility of the Chair to preserve order at the meeting. The Chair's ruling is final.

Quorum: A quorum of the advisory committee (as defined in its Terms of Reverence or legislated) should be present in order to conduct the business of the committee. Generally, a quorum is a majority of all members on the committee. For example, if there are 8 members on the committee a quorum is 5 and if there are 9 members on the committee the quorum is also 5.

Motions: Any member may introduce a motion for the committee's consideration as long as it pertains to the matter being discussed and relates to the approved mandate and objectives of the committee. A determination as to whether a motion is in order will be made by the Chair in consultation with the staff liaison. Motions must first be moved and then seconded prior to debate. The following motions are listed in priority order:

- **Point of Order:** Debate of any motion may be interrupted if a member puts forward a point of order (a procedural question or concern). A point of order does not require a seconder and must be dealt with prior to reengaging debate on a prior motion. The Chair shall respond to a point of order and may call upon the staff liaison in order to assist.
- **Deferral Motion:** A request to defer the matter to another meeting. A motion to defer shall end the debate of a matter, and if approved, would forward a main motion (as well as any amendments which were on the table) to a subsequent meeting.
- **Amendments:** An amendment to a motion can be moved and seconded, once a main motion is introduced, and shall be voted on prior to consideration of the main motion.
- **Main Motions:** Typically, these are based on recommendations appearing as part of the meeting agenda but may also be introduced by a member in relation to a matter appearing on an agenda. If amendments are approved to a main motion, then there must also be a vote to ratify the main motion as amended.

Voting: Voting shall be conducted by a show of hands from those members present including the Chair. Abstentions are not permitted. If a member is present and fails to vote the vote shall be deemed to be a vote in the negative. An affirmative vote shall be carried by a majority of those in attendance (50% + 1). A tied vote is deemed to have been defeated. Motions shall only be voted on once.

Conduct: In order to preserve the integrity of the committee and its members, all meeting attendees shall govern themselves so as not to disrespect, offend or limit the ability to discharge the business of the committee in an orderly and effective manner.

After the Meeting

Minutes: Draft minutes are to be completed for each meeting and confirmed by the committee at their subsequent meeting. Minutes are not to be verbatim transcripts, they shall be high level summaries which serve to capture the spirit and intent of the conversations and debate held at each meeting. All motions as well as the members who moved and seconded them, shall be included as part of the minutes. Draft minutes can be posted to the web prior to confirmation. Council will be made aware of advisory committee minutes through publication of their Weekly Items for Information.

Reports to Council: Advisory Committees shall report to Council not less than once per term of Council. The report is to include key actions and a summary of items which were addressed through the committee.

STAFF REPORT



TO Governance Committee

SERVICE AREA Corporate and Human Resources
Legal Services & Clerks

DATE September 16, 2013

SUBJECT Document Execution By-law

REPORT NUMBER CHR-2013-15

EXECUTIVE SUMMARY

PURPOSE OF REPORT

Council to approve and pass a by-law authorizing designated City staff to execute documents and bind the City for matters approved either by Council or through delegations of authority.

KEY FINDINGS

The current practice is for the Clerk and Mayor to execute all documents unless there is a specific authorization otherwise. The volume of documents required to be signed by the Mayor and Clerk is significant. It is more appropriate to put in place a system which allows certain senior staff, including the Mayor and Clerk, to sign all documents and provides for other staff who are responsible for implementation of approved actions to sign the documents required.

FINANCIAL IMPLICATIONS

There are no financial implications.

ACTION REQUIRED

Council to approve the Document Execution By-law

RECOMMENDATION

That the Document Execution By-law attached hereto be approved.

BACKGROUND

The current practice, by tradition, is for the Clerk and Mayor to execute all documents unless there is a specific authorization otherwise. There are a significant number of documents which must be signed. The Clerk and Mayor do not review the documents and have no responsibility for their contents.

STAFF REPORT



The City does not currently have a by-law stating who is authorized to execute documents and bind the City. Most other municipalities have by-laws which provide for execution of documents by the City Staff responsible for the subject matter of the document.

REPORT

The Document Execution By-law provides authority for certain City Staff to execute documents for the implementation of approved actions. The By-law does not delegate any decision making authority to staff and is purely an administrative matter to remove the responsibility for executing City documents from the Mayor and Clerk and place it on the person responsible for implementing approved actions.

The highlights of the By-law are as follows:

- The signing officers for the Corporation will be the Mayor, the CAO, the City Solicitor, the City Clerk and Executive Directors, who will be able to execute all documents.
- In addition, Schedule 1 to the By-law sets out other City Staff who can be signing officers for the limited purposes of the documents listed in the Schedule.
- Signing officers cannot execute any document unless its execution is authorized by a By-law, for example, a specific decision of Council or the Purchasing By-law.
- Every document that is executed, with some limited exceptions, must have a Document Execution Record completed.
- The City Clerk will receive the original executed document along with the Document Execution Record and will maintain a registry of executed documents.

CORPORATE STRATEGIC PLAN

Organizational Excellence 1.3 Build robust systems, structures
and frameworks aligned to strategy

DEPARTMENTAL CONSULTATION

Direct Report Leadership Team
Executive Team

STAFF REPORT



COMMUNICATIONS

None Required

ATTACHMENTS

Attachment 1 – Document Execution By-law

“original signed by Donna Jaques”

Prepared By:

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General Manager, Legal & Realty
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“original signed by Blair Labelle”

Prepared By

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Recommended By

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Executive Director, Corporate & Human
Resources
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THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2013) – xxxxx

A by-law governing the execution of documents on behalf of the Corporation of the City of Guelph

WHEREAS:

Pursuant to paragraph 224(d) of the *Municipal Act, 2001*, the role of a council of a municipality includes ensuring that administrative policies, practices and procedures are in place to implement the decisions of Council; and

The Council of The Corporation of the City of Guelph wishes to ensure that administrative policies, practices and procedures regarding the execution of documents on behalf of The Corporation of the City of Guelph are in place to implement the decisions of the Council;

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

**PART 1
DEFINITIONS**

1. In this By-law:

1.1 "Document" means any written instrument whether in paper or electronic form including, without limiting the foregoing any contract, deed, purchase order, memorandum, letter of intent, application, release, waiver or acknowledgement which, when executed, will have or is intended to have the effect of causing the City of Guelph to be bound in a legally enforceable relationship with any other person; and shall not include :

(a) Any cheques, bank drafts, orders for payment of money, promissory notes, acceptances, bills of exchange, debentures and any similar instruments; and

(b) correspondence, whether by letter or in electronic form, intended to convey information or confirm a position on a matter, but not intended to create a contract or agreement between the City of Guelph and any other person, whether or not a legally enforceable right or remedy is created thereby.

1.2 "Execute" means to complete the formalities intended to give effect to a document and may include any one or more of the following formalities as may be required in the circumstances:

(a) signing the document, whether by written signature or in electronic form;

(b) causing the seal of the City of Guelph to be affixed to the document; and

(c) causing delivery of the document to be made to the other parties thereto.

1.3 "Document Execution Record" means the Document Execution Record required under section 4.

1.4 "Approval Authority" means CAO or any other Executive Director of the City of Guelph, or any other employee designated by the CAO or Executive Director in writing to approve documents for execution or the signing officer who is authorized to execute the document.

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1.5 "Initiator" means the employee responsible for initiating the Document Execution Record and distributing executed documents as required under clause 4.

PART 2 APPOINTMENT OF SIGNING OFFICERS

2.1 Subject to the requirements of this by-law and any statute regarding the execution of any particular kind of document, an employee or officer of the City of Guelph, who at the time of execution of any document holds any of the following offices or positions, is a signing officer of the City of Guelph and has the authority to execute the document on its behalf:

- (a) the Mayor;
- (b) the Chief Administrative Officer;
- (c) the City Solicitor;
- (d) the City Clerk; and
- (e) an Executive Director.

2.2 In addition to the signing officers designated in 2.1, a document listed in Column 1 of Schedule 1 of this by-law (routine documents) may be executed by an employee or officer of the City of Guelph who at the time of execution of the particular documents holds any one of the offices or positions set out opposite in Column 2 of Schedule 1, and they shall be considered to be signing officers but only for the limited purposes of the documents set out in Schedule 1, that they are authorized to sign provided that all other provisions of this by-law are complied with.

2.3 When any signing officer designated under 2.1 or 2.2 is absent for any reason or the office or the position is vacant:

- (a) if there is a by-law which designates a deputy, associate or other acting person as having the authority of the person holding the position or office of the signing officer, such deputy, associate or acting person is authorized to exercise the authority of the signing officer under this By-law; and
- (b) unless contrary to a by-law as described in clause (a), any employee or officer of the City of Guelph appointed in writing by the signing officer identified in 2.1 or 2.2, as acting in the position or office of such signing officer during his or her temporary absence, is authorized to exercise the authority of the signing officer under this By-law.

PART 3 AUTHORITY AND MANNER OF EXECUTION

3.1 Subject to any statutory requirement to the contrary, signing officers shall not execute any document unless its execution is authorized by by-law enacted by City Council and the administrative requirements of Part 4 of this by-law have been complied with in respect thereof. For greater certainty and without limiting the foregoing a by-law authorizing execution of a document includes:

- (a) a by-law expressly or by implication authorizing the execution of the document and, without limiting the foregoing, includes by-laws referred to in sections 3.3 and 3.4 of this by-law;
- (b) a by-law confirming the proceedings of Council that confirms a resolution, including a resolution adopting a Committee recommendation, which expressly or by implication authorizes the execution of the document;

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(c) the Purchasing By-law to the extent that it authorizes the making of purchase orders, contracts and agreements for the purchase of goods and services;

(d) any by-law to define and determine the authority, duties and responsibilities of the Chief Administrative Officer of the City of Guelph under which the Chief Administrative Officer is given authority to enter into contracts or agreements or to exercise any other authority on behalf of the City of Guelph in respect of the documents that must be executed to give effect to such authority; and

(e) this by-law as it relates to documents listed in Schedule 1 of this by-law (routine documents) and documents executed under section 3.5.

3.2 The following rules shall apply to the execution of documents:

(a) Unless otherwise required by statute or this by-law, a document may be executed by the signature of one or more signing officers and when so executed the document may be endorsed with the words, "I /We have authority to bind the Corporation", or any similar words indicating the authority of the signing officer.

(b) Every signing officer shall ensure that his or her name and title is legibly printed beneath his or her signature.

(c) The seal of the City of Guelph shall not be applied to a document upon execution unless it is executed by the signatures of two signing officers, one of whom shall be the City Clerk;

(d) A signing officer may cause a document to be executed electronically in accordance with any legal requirements in that connection, provided that the provisions of this by-law are otherwise complied with, subject to any necessary modifications. Without limiting the foregoing, where the signature of a signing officer or the electronic equivalent thereof is to be affixed to a document electronically, the signing officer may authorize another person to do so with respect to that particular document and not as a general delegation of the signing officer's authority.

3.3 The authority to execute documents shall include the following:

(a) Where a by-law authorizes the acceptance or execution of a contract or the making of an offer that upon acceptance becomes a contract, in addition to the execution of such acceptance, contract or offer, the signing officers are hereby authorized to execute all documents required by the terms of the contract that are necessary to perform the contract or carry out the City's obligations under it and any such by-law shall be deemed to include such authority;

(b) Where a by-law, including the Purchasing By-law, authorizes the making of any purchase or procurement of goods and services including without limitation, the acceptance of a tender or a submission under a request for proposals, the signing officers are hereby authorized to execute the contract documents and all other documents necessary to effect the purchase, procurement or award, and any such by-law shall be deemed to include such authority;

(c) Where a by-law authorizes the making of any application, or the commencement of any work, undertaking or project which requires any approval, the signing officers are hereby authorized to execute all application documents and supporting documents necessary for the making of the application or to apply for the required approval and any such by-law shall be deemed to include such authority; and

(d) Where Council has authorized the settlement of any legal action or other proceeding involving a claim made by or against the City of Guelph, the signing officers are hereby authorized to execute such receipts, releases, indemnities, acknowledgments or similar documents necessary to effect the settlement provided that they have been approved by the City Solicitor or his or her designate and any such by-law shall be deemed to include such authority.

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(e) Where a document on its face is subject to or is conditional upon approval, adoption or ratification by Council, the signing officers may execute the document before the document is so approved, adopted or ratified, provided that the document and its execution shall not be legally binding on the City of Guelph until the by-law approving, adopting or ratifying the document or execution is enacted.

3.4 Where under a by-law a document is to be signed, or signed and sealed, but delivery is conditional, the signing officers are hereby authorized to sign, or sign and seal the document and deliver it when the conditions are fulfilled, or deliver it in escrow upon conditions.

**PART 4
ADMINISTRATION**

4.1 A Document Execution Record shall be completed in respect of each document executed in accordance with this By-law, except for the following documents:

(a) purchase orders;

(b) undertakings, certificates, declarations and similar documents, required for the completion of any transaction involving the purchase, sale or exchange of any interest in land other than agreements of purchase and sale, deeds, transfers, leases and agreements to lease; and

(c) forms under the Land Registration Reform Act, R.S.O. 1990, c.L.4, as amended, consolidated or replaced from time to time, for the registration of any documents that have already been executed on behalf of the City of Guelph, in accordance with this by-law.

4.2 The Clerk's Office shall maintain a register of the Document Executions Records.

4.3 All documents to be executed shall be prepared in a sufficient number of identical originals to permit at least one executed original, which may be executed in counterparts, to be retained by the City of Guelph, except that if the document provides that electronic signatures or execution in counterparts with exchange by PDF and email are sufficient, an executed original is not required.

4.4 The initiator shall arrange for the execution of such documents by the appropriate signing officers.

4.5 Following execution, the fully executed document shall be forwarded to the City Clerk and a copy of the document shall be kept by the initiating department.

4.6 The initiator shall be responsible for distribution of the executed document.

4.7 The City Clerk shall approve the form of the Document Execution Record, prepare and circulate procedures, and ensure that a registry of documents executed is kept for the purposes of this by-law.

4.8 This By-law shall come into force and effect on the day it is passed.

PASSED this day of September, 2013.

Original Signed by:

Karen Farbridge - Mayor

Blair Labelle - City Clerk

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Schedule 1 to By-law Number (2013) – xxxxx

Being a By-law Governing the Execution of Documents

on behalf of The Corporation of the City of Guelph
(Routine documents)

In addition to the signing officers designated under section 2.1 of this by-law, the documents listed in Column 1 may also be executed by the officers or employees of the City of Guelph holding the office or position shown opposite in Column 2.

In this Schedule 1, the term “The City Solicitor” includes authorized Legal Counsel employed by the City of Guelph.

- 1.0 Funding
- 2.0 Works
- 3.0 Real Property
- 4.0 Planning
- 5.0 Human Resources
- 6.0 General Government

Section	Column 1 Document	Column 2 Signing Officers
1.0 Funding		
1.1	Applications to any government, agency, or fund for compensation, funding or any form of subsidy related to any Regional programs, operations or capital projects, and subsequent submissions, declarations or representations required for processing the application or the receipt of funds or any Agreements required for the receipt of the funds.	The Executive Director or General Manager /Direct Report Manager responsible for the program, operation or capital project to which the compensation, funding or subsidy relates.
1.2	Purchase of Service Agreements with all agencies receiving grants from the City.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
2.0 Works		
2.1	Agreements relating to the supply of water or sewer services within the City.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
2.2	Agreements providing for the control of access, ingress and egress to and from City roads.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
2.3	Agreements regarding road construction and/or road maintenance pursuant to projects or programs approved by City Council.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
2.4	Agreements and other documents permitting underground pipe crossings of lands used for gas lines or railway purposes, limited access highways, or hydro corridors, provided that the total consideration to be paid or a reasonable estimate of the cost of the obligations to be incurred by the City, excluding applicable taxes, legal fees and fees of an administrative nature, does not exceed	The Executive Director or General Manager /Direct Report Manager responsible for the program.

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	\$100,000.	
2.5	Contracts or agreements for the design, construction, contract administration or the installation of any works or buildings provided that the procurement of the goods and services in question has been approved in accordance with the Purchasing By-law.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
2.6	Agreements, applications for permits and other documents for the installation of fibre optics telecommunications lines associated with the Public Sector Network either over or under provincial highways or railways in Ontario.	The General Manager of Information and Technology Services.
3.0 Real Property		
3.1.	Any of the following documents in subsections 3.1(1) to 3.1(5) inclusive provided that the total consideration to be paid or a reasonable estimate of the cost of the obligations to be incurred by the City, excluding applicable taxes, legal fees and fees of an administrative nature does not exceed \$100,000 or where a leasehold or land use license is involved \$100,000 per annum:	The Executive Director or General Manager /Direct Report Manager responsible for the program.
3.1(1)	Agreements of purchase and sale and all deeds, transfers and other documents required, for the acquisition, purchase, sale or exchange of any interest in land including, without limitation, easements, rights of first refusal, option agreements and re-purchase agreements.	The Executive Director or General Manager /Direct Report Manager responsible for the program, or the City Solicitor
3.1(2)	Agreements and other documents permitting the City or its contractors or agents to enter upon land for any of the purposes of the City or agreements and other documents permitting others or their contractors or agents to enter upon lands of the City.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
3.1(3)	Documents permitting encroachment on easements and other lands vested in the City of Guelph which are not part of a public highway, including encroachment agreements and the assignment, release or termination or encroachment agreements and the release and abandonment of easements.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
3.1(4)	Agreements to lease or license, and leases or licenses of premises required for City purposes and agreements to lease or license and leases or licenses of premises to be temporarily disposed and any notice of lease.	The Executive Director or General Manager /Direct Report Manager responsible for the program
3.1(5)	Facility licence or rental agreements for occupancy of space on a short term basis for the purposes of the City of Guelph, such as staff meetings, public meetings and open houses and for the occupancy of City lands or premises on a short term basis by others, such as the use of meeting rooms, the council chambers, motion picture and television locations.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
3.2	Acknowledgements of the status, term and conditions of any lease under which the City is a tenant and Notices pursuant to the Tenant Protection Act or the Residential Tenancies Act, as amended or replaced from time to time, where the City is the landlord.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
3.3	Undertakings, certificates, statements, declarations, notices of election under the Expropriations Act and other documents, required for the completion of any transaction involving the acquisition, purchase, sale or exchange of any interest in land, but not including agreements of purchase and sale, deeds and transfers, leases and agreements to lease except to effect registration where the transaction is otherwise authorized.	The Executive Director or General Manager /Direct Report Manager responsible for the program, the City Solicitor or Law Clerk authorized by the City Solicitor.
3.4	Consents and Waivers of Notice relating to an application for registration under the Land Titles Act.	The Executive Director or General Manager

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		/Direct Report Manager responsible for the program
3.5	Forms under the Land Registration Reform Act for the registration of any documents that have already been executed on behalf of the City.	The City Solicitor or Law Clerk authorized by the City Solicitor.
3.6	Applications on behalf of the City for entry or removal of a notice or caution of any kind, an inhibiting order, reference plan or similar registration of any kind in the Land Registry Office.	The City Solicitor.
4.0 Planning		
4.1	Agreements imposed or required in satisfaction of any condition of approval under the Planning Act in connection with the development of land including, without limitation, subdivisions, site plans and rezoning where the City is not the applicant and Releases and Acknowledgements of Compliance pursuant to any such Agreements.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
4.2	Applications, submissions, declarations, representations, and agreements imposed or required in satisfaction of any condition of the approval under the <i>Planning Act</i> or the <i>Building Code Act</i> or regulations thereto in connection with the development or redevelopment of City lands or buildings where the City is the applicant, provided the project has been approved by Council.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
5.0 Human Resources		
5.1	Contracts of employment (whether by letter or other formal document) but not including collective agreements and amendments thereto and contracts of employment for the position of Chief Administrative Officer.	The Executive Director or General Manager /Direct Report Manager or supervisor or employee of the City to whom the new employee will report.
5.2	Personnel and student placement agreements, secondment agreements and related documents in respect of persons being placed with the City or employees of the City being placed with other organizations, including educational institutions, government or other agencies, where the agreement is approved by the City Solicitor.	The Executive Director or General Manager/Direct Report Manager or employee of the City to whom the person or employee being placed will report.
6.0 General Government		
6.1	Documents for the distribution and delivery of energy.	The Executive Director or General Manager/Direct Report Manager responsible for the program.
6.2	Documents (including, but not limited to purchase and sale confirmations) required by the terms of any Agreement between the City and an Energy Commodity Supplier that are necessary to perform such Agreement or carry out the obligations of the City under such Agreement.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
6.3	Connection agreements with local electrical utilities.	The Executive Director or General Manager/Direct Report Manager responsible for the program.
6.4	Documents required for the use or acquisition of intellectual property from third parties required for the delivery of projects or programs approved by Council.	The Executive Director or General Manager/Direct Report Manager responsible for

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		the program or the City Solicitor.
6.5	Applications to Federal, Provincial or Municipal governments, Agencies, Boards, Commissions, Authorities for licences, or certificates, (including but not limited to certificates/licenses for liquor, vehicles, elevators, and radio) required for the delivery of projects or programs approved by Council.	The Executive Director or General Manager /Direct Report Manager responsible for the program.
6.6	Agreements accepting the transfer, to the City, of artistic works, records or other items having significance to Guelph's heritage, permanently or on loan, where there is nominal or no financial consideration paid by the City for the transfer and any insurance provisions in the agreement have been approved by the Manager of Risk Management.	The Executive Director or General Manager/Direct Report Manager responsible for the program.
6.7	An authorization for the issuance of a purchase order by the Manager of Purchasing in the form prescribed by purchasing procedures established under the Purchasing By-law.	The Executive Director or General Manager/Direct Report Manager , or Manager or other person authorized to make the purchase.
6.8	Agreements with banking and financial institutions that are necessary and incidental to Agreements and thereby authorized pursuant to clause 3.3(a) of the Execution of Documents By-law herein.	The Executive Director of Finance and Enterprise.
6.9	Proofs of Loss (interim and final) submitted to the insurer of the City	The Executive Director of Finance and Enterprise or the Executive Director or General Manager/Direct Report Manager responsible for the department in respect of which the claim arose.
6.10	Receipts, releases, indemnities, minutes of settlement and other documents required for the settlement or compromise of any existing or anticipated claim, demand, action or other proceeding brought or made by or against the City, or those local boards or other persons for whom the City is responsible, where the value of the proceeds or settlement or of the City's contribution of the settlement does not exceed \$100,000 and the documents have been approved by the City Solicitor.	The Executive Director or General Manager /Direct Report Manager responsible for the program in respect of which the claim, demand, action or other proceeding arose or the City Solicitor.
6.11	Receipts, releases, indemnities, minutes of settlement and other documents required for the settlement or compromise of any existing or anticipated claim, demand, action or other proceeding brought or made by or against the City, or those local boards or other persons for whom the City is responsible, where the matter or cause of action is covered by an insurance policy that indemnifies the City, its officers, employees, agents, contractors or volunteers, the value of the City's contribution to the settlement is not greater than the deductible amount set out in the subject policy, and the documents have been approved by the City Solicitor.	The Executive Director or General Manager/Direct Report Manager responsible for the program or the Manager of Risk Management or the City Solicitor.
6.12	Agreements for the acquisition, sale, exchange, release or non-disclosure of information or data provided that the requirements of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> ("MFIPPA"), the <i>Personal Health Information Protection Act</i> and the Purchasing By-law have been complied with.	The City Solicitor or the "Head" of the City for the purposes of MFIPPA or the Executive Director or General Manager/Direct Report Manager responsible for the program, operation

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		or project to which the agreement relates
6.13	Software License Agreements for software acquired in accordance with the Purchasing By-law	The General Manager of Information Technology
6.14	Agreements for the loan of equipment or other goods, where there is nominal or no financial consideration paid by the City for the loan and provided that any insurance provisions in the Agreement have been approved by the Manager of Risk Management.	The Executive Director or General Manager/Direct Report Manager responsible for the program to which the equipment or goods are being loaned.
6.15	Agreements to provide goods or services to the City, other than those in section 2.5 of this Schedule, provided that the procurement of the goods and services in question has been approved in accordance with the Purchasing By-law.	The Executive Director or General Manager/Direct Report Manager responsible for the program, operation or project to which the agreement relates

STAFF REPORT



TO Governance Committee

SERVICE AREA Legal & Realty Services
Corporate and Human Resources

DATE September 16, 2013

SUBJECT Downtown Guelph Business Association

REPORT NUMBER CHR-2013-43

EXECUTIVE SUMMARY

PURPOSE OF REPORT

The report provides an overview of changes being proposed to the by-law creating the Board of Management of the Downtown Business Improvement Area and requests Council to pass the new By-law.

KEY FINDINGS

The Board of Management of the Downtown Business Improvement Area was created in 1981 by a City By-law. The by-law needed to be updated.

The proposed new by-law brings the Board of Management into compliance with existing requirements for local boards under the Municipal Act as well as best practices in municipal governance.

Following the passing of the by-law, a new organizational/procedural by-law will be presented to the Members of the Downtown Guelph Business Association for consideration. This by-law implements the changes made in the new City by-law.

FINANCIAL IMPLICATIONS

There are no financial implications.

ACTION REQUIRED

Governance Committee to recommend to Council that the by-law amending the existing Downtown Business Improvement Area By-law be passed.

STAFF REPORT



RECOMMENDATION

That the by-law amending By-laws number (1981) - 10773, (1995) – 14281 and (2011) – 19143 relating to the Downtown Business Improvement Area is enacted in the form attached to the Legal & Realty Services Report number CHR-2013-43 dated September 16, 2013.

BACKGROUND

In 1981, the City, by by-law, designated an area as an improvement area and created a board of management for the Downtown Business Improvement Area. There were two minor amendments to the by-law passed in 1995 and 2011, one of which was to change the name of the corporation to the Downtown Guelph Business Association (DGBA).

REPORT

In 2012, the Executive Director of the DGBA met with City Staff to initiate discussions about amending the by-law to ensure compliance with the Municipal Act and best practices in municipal governance. Following extensive consultation between the DGBA Chair and Executive Director and City Staff, amendments to the existing by-laws were drafted.

Initially, it was believed that the new Ontario Not-For-Profit Corporations Act would apply to the DGBA, however recent amendments to the Municipal Act proposed in Bill 85 will, if passed, provide that local boards are not subject to ONCA. Despite this, the by-law has been drafted using ONCA as a best practice template. In the event Bill 85 is not passed, only minor amendments would be required to the by-law to ensure compliance with ONCA.

The major changes made by the new by-law are:

- Clarification that the DGBA is a local board and subject to the relevant sections of the Municipal Act, including records management, closed meeting requirements, mandated policies and the Code of Conduct.
- Clarification that the DGBA is subject to the *Municipal Conflict of Interest Act* and the *Municipal Freedom of Information and Protection of Privacy Act*.
- Updating the language to refer to members of the DGBA and directors of DGBA.
- Modifying the process for appointment of directors to comply with the Municipal Act.

STAFF REPORT



- Adding a provision that two of the 12 directors shall be a representative of each of the two members of the DGBA who are assessed the highest levy on the rateable property in the Downtown Business Improvement Area.
- Adding provisions for a process for removal of directors and filling of vacancies to comply with the Municipal Act and governance best practices.
- Providing for representatives from the City, the University of Guelph and the Chamber to attend meetings of the directors, the members and committees and to participate in the deliberations, but not vote.
- Updating provisions relating to Board procedures.
- Updating provisions regarding reporting to the City and financial information to be provided.
- Introducing a Standard of Care for directors.
- Adding provisions relating to meetings of members to comply with the Municipal Act.

City staff and the DGBA have also drafted a new organizational by-law for the DGBA based on the ONCA precedent by-law which incorporates best practices in governance of not-for-profit corporations. The new organizational by-law implements the changes made in the proposed City by-law and will be presented to members at the annual meeting of the DGBA in October, 2013.

CORPORATE STRATEGIC PLAN

1.3 Organizational Excellence – Build robust systems, structures and frameworks aligned to strategy.

2.3 Innovation in Local Government – Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

Clerks has been consulted regarding the provisions of the new by-law.

Downtown Renewal was actively engaged in the consultations with the DGBA.

STAFF REPORT



COMMUNICATIONS

N/A

ATTACHMENTS

1. Downtown Guelph Business Association Amending By-law.

"original signed by Donna Jaques"

Prepared and Recommended by

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General Manager, Legal & Realty
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"original signed by Mark Amorosi"

Submitted By

Mark Amorosi
Executive Director, Corporate & Human
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THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2013) -

A by-law to amend By-laws number (1981) – 10773 and (1995) – 14281 and (2011) – 19143, being a by-law to establish a Board of Management for the Downtown Business Improvement Area and amendments thereto.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that 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 subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 1, Governance structure of the municipality and its local boards; in paragraph 2, Accountability and transparency of the municipality and its operations and of its local boards and their operations; in paragraph 3, Financial Management of the municipality and its local boards; and in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1);

AND WHEREAS subsection 204(1) of the *Municipal Act, 2001* provides that a local municipality may designate an area as an improvement area and may establish a board of management,

- (a) To oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and
- (b) To promote the area as a business or shopping area.

AND WHEREAS the Council of the City of Guelph passed by-law number (1981) – 10773 designating an area as an improvement area and creating a board of management for the Downtown Business Improvement Area, now called the Downtown Guelph Business Association, which by-law needs to be amended.

NOW THEREFORE the Council of The Corporation of the City of Guelph enacts as follows:

1.0 Amendment of By-Laws

- 1.1 By-law number (1981) – 10773 is hereby amended by deleting sections 2 to 14 and inserting sections 2 to 10 below.
- 1.2 By-law number (2008) – 18645 is hereby amended by deleting the reference to “Downtown Guelph Business Association” and replacing it with “the Board of Management for the Downtown Guelph Business Association.”

2.0 Definitions

2.1 For the purpose of this by-law,

“**Board of Management**” means the corporation established under by-law (1981) – 10773 under the name the Board of Management for the Downtown Business Improvement Area, which name was amended to Downtown Guelph Business Association by by-law (2008) - 18645;

“**Downtown Business Improvement Area**” means the area as described in section 3.1;

“**City**” means The Corporation of the City of Guelph;

“**Council**” means the Council of the City;

“**Member**” means a person who meets the criteria in subsection 5.1.

3.0 Designation of the Downtown Business Improvement Area

3.1 The area comprising those lands in the City of Guelph shown on Schedule A to this by-law continues to be designated as an improvement area known as the Downtown Business Improvement Area.

4.0 Board of Management Established

4.1 The Board of Management established under by-law (1981) – 10773 as the Board of Management for the Downtown Business Improvement Area is continued.

4.2 The Board of Management is a corporation, governed by the *Municipal Act, 2001*.

4.3 The Board of Management is a local board of the City for all purposes.

4.4 The objectives of the Board of Management are:

- (a) to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the Downtown Business Improvement Area beyond that provided at the expense of the municipality generally; and
- (b) to promote the Downtown Business Improvement Area as a business or shopping area.

4.5 The Board of Management is not authorized to:

- (a) acquire or hold an interest in real property, other than a leasehold interest, except with the approval of Council; or
- (b) to incur obligations or spend money except in accordance with section 8.2.

4.6 The head office for the Board of Management shall be located in the City of Guelph.

4.7 The Board of Management shall comply with the requirements of the Municipal Act and City by-laws relating to local boards, including:

- (a) Records;
- (b) Closed meetings and investigations relating thereto;
- (c) Policies relating to the sale and disposition of land, hiring of employees, procurement, manner of giving notice, manner in which it will be accountable to the public and ensuring transparency, and delegation of powers and duties; and,
- (d) Code of conduct and investigations relating thereto.

5.0 Membership

5.1 The Members of the corporation are the persons who are assessed, on the last returned assessment roll, with respect to rateable property in the Downtown Business Improvement Area that is in a prescribed business property class and tenants of such property.

5.2 A corporation may be a Member and may nominate in writing one individual to represent and vote on behalf of the corporation.

5.3 A person ceases to be a Member immediately upon ceasing to meet the criteria in subsection 5.1.

6.0 Directors of the Board of Management

6.1 The following persons are disqualified from being a director of the Board of Management:

- (a) A person who is not an individual;
- (b) A person who is under 18 years old;
- (c) A person who has been found under the *Substitute Decisions Act*, 1992 or under the *Mental Health Act* to be incapable of managing property;
- (d) A person who has been found to be incapable by any court in Canada or elsewhere; and,
- (e) A person who has the status of bankrupt.

6.2 The Board of Management shall consist of twelve (12) directors as follows:

- (a) four directors appointed by Council, as follows:
 - (i) Two members of Council, one of which represents Ward 1 and the other representing a Ward other than Ward 1; and,
 - (ii) A representative of each of the two Members of the Downtown Business Improvement Area who are the property owners assessed the highest levy on an individual rateable property in the Downtown Business Improvement Area; and,
- (b) the remaining eight directors selected by a vote of the Members and appointed by Council with a minimum of 6 of such directors to be Members or a representative of a corporate Member nominated in accordance with subsection 5.2.

6.3 Council may refuse to appoint a person selected under section 6.2(b), in which case Council may:

- (a) leave the position vacant; or,
- (b) direct that a meeting of the Members be held to select another candidate for Council's consideration.

6.4 An individual who is appointed to hold office as a director is not a director, and is deemed not to have been appointed to hold office as a director, unless the individual consented to hold office as a director before or within 10 days after the appointment.

6.5 Despite subsection 6.4, if an individual appointed consents in writing after the period mentioned in that subsection, the appointment is valid.

6.6 Directors shall serve for a term that is the same as the term of the Council that appoints them or until their successors are appointed.

6.7 If the seat of a director becomes vacant for any reason, Council may appoint a person to fill the vacancy for the remainder of the vacant director's term. The Board shall make a recommendation to Council regarding the person or persons to be appointed.

6.8 A director may be reappointed to the Board of Management and subsection 6.4 does not apply to such a director provided there is no break in his or her term of office.

6.9 Council may remove a director at any time, and,

- (a) the Members may, by ordinary resolution, recommend to Council that any director or directors be removed from office; and,

(b) the directors of the Board of Management may make a recommendation to Council that a director be removed if the director is absent from three consecutive meetings of the directors.

- 6.10 A director ceases to hold office when the director dies, resigns, is removed in accordance with subsection 6.9 or becomes disqualified under subsection 6.1.
- 6.11 Directors shall serve without remuneration.
- 6.12 A director is not required to be a Member, except as set out in 6.2(b).

7.0 Board Procedures

- 7.1 Council may pass by-laws governing the Board of Management and the affairs of the Board of Management and the Board of Management shall comply with such by-laws, and all applicable provisions of the *Municipal Act, 2001*.
- 7.2 The directors of the Board of Management shall pass by-laws governing its proceedings, the calling and conduct of meetings, and the keeping of its minutes, records and decisions consistent with any requirements set out in a by-law of the City.
- 7.3 By-laws of the Board of Management must not conflict with City by-laws passed under section 7.1.
- 7.4 A Member entitled to vote at an annual meeting of the Members may make a proposal to make, amend or repeal a by-law of the Board of Management in accordance with the procedure in the by-laws of the Board of Management.
- 7.5 A majority of the appointed directors or four directors, whichever is greater, constitute a quorum at any meeting of the directors.
- 7.6 Resolutions of the directors shall be passed by a simple majority.
- 7.7 The meetings of the directors and the meetings of the Members shall be open to the public.
- 7.8 The directors may close a meeting, or a part of a meeting, to the public only in accordance with section 239 of the *Municipal Act, 2001* and the City's Closed Meeting Protocol.
- 7.9 The directors shall comply with the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 as amended.
- 7.10 The directors may appoint such committees as it determines necessary to conduct the business of the Board of Management.
- 7.11 Council may designate an appointed official of the City who shall have the right to attend meetings of the directors and Members of the Board of Management and its committees and to participate in their deliberations but is not entitled to vote, be the chair or vice-chair nor act as the presiding officer at a meeting.
- 7.12 The University of Guelph and the Guelph Chamber of Commerce may each designate a person to represent them, who shall have the right to attend meetings of the directors and Members of the Board of Management and its committees and to participate in their deliberations but is not entitled to vote, be the chair or vice-chair nor act as the presiding officer at a meeting.

8.0 Financial

- 8.1 (1) The Board of Management shall prepare and submit to Council annually a budget of its estimated revenues and expenditures by the date and in such form and detail as required by the City Treasurer.
- (2) Prior to presentation of the budget to Council, the Board of Management shall hold a meeting of the Members for discussion of the budget.

- (3) Council may approve the budget in whole or in part but Council may not add expenditures to it.
- 8.2 The Board of Management shall not:
- (a) spend any money unless it is included in the budget approved by the Council or in a reserve fund established by the Council under section 417 of the *Municipal Act, 2001*;
 - (b) incur any indebtedness extending beyond the current year without the prior approval of the Council; or
 - (c) borrow money.
- 8.3 The fiscal year of the Board of Management is the same as the fiscal year of the City.
- 8.4 The City auditor shall be the auditor of the Board of Management and may inspect all records of the Board.
- 8.5 The Board of Management shall prepare and submit to the City Clerk, not later than March 31st in each year, an annual report for the preceding year.
- 8.6 (1) The Board of Management shall provide the City Treasurer with such financial information as the City Treasurer may require.
- (2) The Board of Management shall keep or cause to be kept and maintained all such books of accounts and accounting records as the City Treasurer may require.
- (3) The Board of Management shall make all of its books and records available at all times to such persons as the City Treasurer or Council may require.
- 8.7 Council may require the Board of Management to make a report on any matter relating to the carrying out of the purposes and objects of the Board of Management.
- 8.8 (1) Upon dissolution of the Board of Management, the assets and liabilities of the Board of Management become the assets and liabilities of the City.
- (2) If the liabilities assumed under subsection (1) exceed the assets assumed, the City may recover the difference by imposing a charge on all rateable property in the former improvement area that is in a prescribed business property class.
- 9.0 Directors' Standard of Care**
- 9.1 Every director in exercising his or her powers and discharging his or her duties to the Board of Management shall,
- (a) act honestly and in good faith with a view to the best interests of the corporation; and
 - (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
- 9.2 Every director and officer shall comply with,
- (a) this By-law and any other City by-laws relating to the Board of Management;
 - (b) the *Municipal Act* and regulations; and,
 - (c) the by-laws of the Board of Management.
- 9.3 No provision in a contract, the by-laws of the Board of Management or a resolution of the Board of Management relieves a director or officer from the duty to act in accordance with this section.

10.0 Indemnification & Insurance

- 10.1 The Board of Management may indemnify a director or officer, a former director or officer or an individual who acts or acted at the Board of Management's request as a director or officer, or in a similar capacity, of another entity, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred by the individual in respect of any civil, criminal, administrative, investigative or other action or proceeding in which the individual is involved because of his or her association with the Board of Management.
- 10.2 The Board of Management may advance money to a director, officer or other individual referred to in subsection 9.1 for the costs, charges and expenses of an action or proceeding referred to in that subsection, but the individual shall repay the money if the individual does not fulfil the conditions set out in subsection 9.3.
- 10.3 The Board of Management shall not indemnify an individual under subsection 9.1 unless,
- (a) the individual acted honestly and in good faith with a view to the best interests of the corporation or other entity, as the case may be; and,
 - (b) if the matter is a criminal or administrative proceeding that is enforced by a monetary penalty, the individual had reasonable grounds for believing that his or her conduct was lawful.
- 10.4 The Board of Management may purchase and maintain insurance for the benefit of a director or officer, except insurance against a liability, cost, charge or expense of the director or officer incurred as a result of his or her failure to exercise the powers and discharge the duties of his or her office honestly, in good faith and in the best interests of the Board of Management, with the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

11. Meetings of Members

- 11.1 The Board of Management shall call at least one (1) meeting of the Members in each calendar year, which meeting shall not be later than 15 months after holding the preceding annual meeting.
- 11.2 The Board of Management may call a special meeting of the Members at any time.
- 11.3 Each Member has one vote regardless of the number of properties that the Member may own or lease.

12.0 General

- 12.1 This by-law may be referred to as the "Downtown Business Improvement Area Board of Management By-law".
- 12.2 This by-law comes into force and effect on the day it is passed.

PASSED this day of , 2013.

KAREN FARBRIDGE
Mayor

BLAIR LABELLE
City Clerk

STAFF REPORT



TO Governance Committee

SERVICE AREA Mayor's Office & Corporate Administration

DATE September 16, 2013

SUBJECT Final Proposed Terms of Reference for City Council and Standing Committees

REPORT NUMBER CAO-C-1303

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To report back on the findings of a pilot conducted in March, April and May, 2013 in relation to a new Terms of Reference for City Council and its Standing Committees which were approved in principle and to make further recommendations related thereto.

KEY FINDINGS

The proposed Terms of Reference serve to more clearly articulate the mandate and responsibilities of City Council and the Standing Committees. They also better align governance practices to the existing Standing Committee structure which is designed to enhance the overall efficiency of conducting City business through to Council.

FINANCIAL IMPLICATIONS

None

ACTION REQUIRED

Council approval of the proposed Terms of Reference for City Council and its Standing Committees.

RECOMMENDATION

1. That the Terms of Reference for City Council attached hereto as ATT-1, be approved.
2. That the Terms of Reference for City Council's Standing Committees attached hereto as ATT-2, be approved.
3. That the necessary amendments to the Procedural By-law provided for in the Amending By-law attached hereto as ATT-3, be approved.

STAFF REPORT



BACKGROUND

A joint February 11, 2013 report from the CAO and Mayor proposed a new Terms of Reference for City Council and its Standing Committees.

The new Terms of Reference serve to:

1. Consolidate and more clearly articulate the existing mandate and charter documents for Council and its Committees; and
2. Improve alignment between Council's sanctioned Governance Framework and governance practices which support the City's current legislative structure.

Standing Committees operated under the inherent principles of the proposed Terms of Reference as a pilot during their March, April and May 2013 meetings. Feedback in relation to this pilot was collected after each meeting and compiled by the Clerk's Office.

REPORT

The February 11, 2013 staff report enumerated several "key changes" in order to highlight modifications which would need to occur as a result of the approval of the proposed Terms of Reference.

The following is a summary of these changes along with the proposed requirement to implement each:

Key Change #1

Streamline the reporting of Local Boards and Agencies to now come through the Standing Committees rather than coming directly to City Council on matters throughout the year.

This adjustment better represents the principles of a Standing Committee structure and provides a direct linkage between the businesses of the City's various Local Boards and Agencies and the mandate of Council's Standing Committees.

Although the focus will primarily be on annual reporting, when necessary, the appointment of individuals to these bodies is also suggested to be coordinated through their respective Standing Committee prior to ratification at Council.

The following is the proposed reporting format for each of the Local Boards and Agencies:

Community and Social Services Standing Committee:

- Board of Trustees of the Elliott
- Guelph Police Services Board
- Guelph Public Library Board
- MacDonald Stewart Art Centre Board
- Guelph Cemetery Commission

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- Wellington-Dufferin-Guelph Public Health Board
- Guelph Sports Hall of Fame

Planning, Building, Engineering and Environment Standing Committee:

- Grand River Conservation Authority

Corporate Administration, Finance and Enterprise Services Standing Committee:

- Downtown Guelph Business Association

Requirement to Enact New Reporting Model for Local Boards and Agencies:

There are no formal requirements to enact this change.

Upon approval of the Standing Committee Terms of Reference, the new reporting model will be communicated by the Clerk's Office to the various Local Boards and Agencies.

Key Change #2

Standing Committees: Add Deputy Chair & Extend Terms to Two (2) Years.

Due to the expanded role of Standing Committee Chairs and to ensure there are adequate learning and development opportunities for Councillors willing to serve in this capacity, the proposed Terms of Reference for Standing Committees seeks to extend the terms for Chairs to two years and appoint Vice (Deputy) Chairs to Standing Committees.

These changes allow for:

1. greater continuity with respect to representation,
2. establish better support for the expanded role of the Chairs, and
3. present improved opportunities for interested Members of Council to participate in this capacity and potentially assume the role.

Requirement to Enact Two Year Terms:

Sections 20.1 and 20.6 of the Procedural By-law currently provide the *option* of a two year term for Standing Committee membership; however, there is currently no requirement for such a term.

Although there is no possibility to appoint members for a two year term within the existing term of Council, if the proposed Terms of Reference are approved, then it is *recommended that the Procedural By-law should be amended to reflect this requirement (ATT-3) in order to give effect to this change for the 2014-2018 term of Council.*

Requirement to Enact Vice Chairs:

The Procedural By-law does not speak to the appointment of Vice Chairs.

If Council wishes to enact this change in relation to the 2014 appointments there is no prohibition on doing so. The appointment of Vice Chairs can be managed as part

STAFF REPORT

of the existing nomination process, meaning that Councillors could apply through an application and either the Striking Committee (i.e. Council as nominating body to appoint Committee Chairs) or the Nominating Committee (i.e. Mayor and Committee Chairs) would meet to consider and make the appointments.

Currently, these appointments are made annually; however, if the membership term is extended to two years as proposed, then the process would be undertaken twice each term of Council. The other model for appointing Vice Chairs is to conduct a simple majority vote at the first meeting of the Standing Committee where the Members are first seated. This is a “less formal” model often used when there is no prescribed nomination procedure.

The recommended approach to enact Vice Chairs is to revise the Procedural By-law (ATT-3) in order to specify the requirement for the Striking Committee to appoint both Chairs and Vice Chairs at the onset of a term of Council as well as mid-way through the term (subject to approval of a two year term). Following this process the Nominating Committee would then meet to consider the remaining three Member appointments to each Standing Committee. This recommended approach is most consistent with the existing nomination process.

Key Change #3

To increase the value that visiting Councillors can bring to the Committee’s work, they are afforded two new opportunities in the Terms of Reference.

This proposed changes related to meeting flow were comprised of two components:

1. The submission of written input and questions from Members of Council to Standing Committee Chairs prior to the meeting.
 - The intent of this change is to better equip Members of Council and staff with information to support a more focused conversation at the Committee leading to greater efficiency with respect to the Committee’s ability to consider the business before them and effectively discharge their duties.
2. The manner in which visiting Councillors interface with Standing Committees during a meeting.
 - Proposed changes respect the role of the Standing Committee members. Visiting Councillors present their questions and comments directly to the Standing Committee as a delegation through the Chair. This approach mirrors a common model employed by many municipal jurisdictions operating on a Standing Committee structure.
 - To assist the Chair in directing the proceedings in this regard a Committee Chair’s Guide (ATT-4) was developed by the Mayor, Committee Chairs and the Executive Team as a support tool.

STAFF REPORT

In order to recommend an approach to implement these new practices based on the feedback received, the Clerk's Office developed a Q&A document (ATT-5). The answers have been provided on the basis of best practice in relation to meeting management and parliamentary procedure.

Requirement to Enact Changes Related to Meeting Flow:

There is no formal approval necessary to enact these changes.

It is recommended that the Meeting Flow: Committee Chair's Guide (ATT-4) be distributed as part of the Council orientation process and documented as a standardized approach to meeting flow with respect to Standing Committee meetings.

CORPORATE STRATEGIC PLAN

- Organizational Excellence
 - 1.1 Engage employees through excellence in leadership.
 - 1.2 Develop collaborative work teams and apply whole system thinking to deliver creative solutions.
 - 1.3 Build robust systems, structures and frameworks aligned to strategy
- Innovation in Local Government
 - 2.2 Deliver public services better.
 - 2.3 Ensure accountability, transparency and engagement
- City Building
 - 3.3 Strengthen citizen and stakeholder engagement and communications.

DEPARTMENTAL CONSULTATION

This report along with the associated materials and recommendations were supported through a review by the City Clerk's Office.

FINANCIAL IMPLICATIONS

None

COMMUNICATIONS

Subject to approval, the City Clerk's Office will communicate all necessary changes to stakeholders as well as the affected Local Boards and Agencies.

FINANCIAL IMPLICATIONS

None

ATTACHMENTS

- | | |
|-------|---|
| ATT-1 | Proposed Terms of Reference for Council |
| ATT-2 | Proposed Terms of Reference for Council's Standing Committees |
| ATT-3 | Amending By-law to the Procedural By-law |

STAFF REPORT



ATT-4 Meeting Flow: Committee Chair's Guide
ATT-5 Standing Committee TOR Feedback Q&A

Report Author:

Blair Labelle
City Clerk
Corporate and Human Resources

"original signed by Mark Amorosi for"

Approved & Recommended By

Ann Pappert
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Attachment 1

Guelph City Council Terms of Reference

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

Introduction

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

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

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

Guiding Principles

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

Attachment 1

Mandate

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

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

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

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

Specific Principle-Based Responsibilities:

Principle #1: Leadership & Stewardship

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

Principle #2: Empowerment & Accountability

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

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Principle #3: Communication, Engagement & Transparency

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

Principle #4: Service & Fairness

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

Principle #5: Accomplishment & Measurement

16. Establish annual objectives and evaluate performance of the CAO. Monitor progress against the strategic plan.
17. Oversee performance measures process of Standing Committees and create additional measures if gaps exist.
18. Receive for information annual reports from Boards, Agencies and Corporations reporting to Council.
19. Evaluate Council's performance.

Principle #6: Continuous Learning & Growth

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

Committees Reporting Directly to Council

Ad Hoc Committees

1. Striking Committee – Council
2. Nominating Committee – Standing Committee Chairs & Mayor

Attachment 1

Standing Committees

Governance

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

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

Operating

1. Community & Social Services Committee
2. Corporate Administration, Finance & Enterprise Committee
3. Governance Committee
4. Operations, Transit & Emergency Services Committee
5. Planning & Building, Engineering & Environment Committee

Quasi-Judicial/Adjudicative Committees

1. Municipal Election Compliance Audit Committee

Corporations

1. Guelph Municipal Holding Company (GMHI)
2. Guelph Junction Railway

Committees with Delegated Authority

1. Committee of Adjustment
2. Appeals Committee
3. Property Standards/Fence Viewers Committee

Composition and Term

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

Attachment 1

Resources

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

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

Operating Procedures

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

Roles of Stakeholders With Respect to Council Meetings

Chair's Role (Mayor)

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

Preparation

1. Call the meetings.

In Council Meetings

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

After Council Meetings

13. Serve as the primary spokesperson for Council.

Attachment 1

14. Provide any clarification or follow up on matters related to the decisions of Council to the CAO.
15. Model the behavior expected of members.

Committee Chair's Role

Specific roles and responsibilities for the Committee Chairs include:

In Council Meetings

1. Present their Committee Report to Council.
2. Respond to questions regarding Committee deliberations and recommendations.
3. Refer questions to the Executive Director(s) as required.

Councillors' Role

Specific roles and responsibilities for the Councillors include:

Preparation

1. Read all agenda material and seek clarification of the Executive Directors or designates on any matters prior to meetings in order to make effective use of Council's time.
2. Access presentations made by staff or public delegations which occurred during Standing Committee meetings to become more knowledgeable about the issues and various points of view.
3. Have a broad awareness of the interrelationship of the City's strategic initiatives and its operations.
4. Understand the difference between the role of Council and the role of management.

In Council Meetings

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

Chief Administrative Officer's Role

Specific roles and responsibilities for the CAO include:

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Preparation

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

In Council Meetings

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

After Council Meetings

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

Executive Directors' Role

Specific roles and responsibilities for the Executive Directors include:

Preparation:

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

In Council Meetings

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

Attachment 1

After Council Meetings

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

City Clerk's Role

Preparation

1. Manage the City's overall legislative agenda and processes; ensure that all statutory responsibilities of the City pertaining to the City Clerk as prescribed in Provincial Legislation are executed accordingly on behalf of the Municipality (Municipal Act, Municipal Elections Act, Municipal Freedom of Information and Protection of Privacy Act, Planning Act, the Vital Statistics Act, etc).
2. Maintains Council's annual meeting calendar
3. Coordinates the registration of delegates and presentations to Council.
4. Lead the development of policies and appropriate training on relevant municipal legislation and governance issues with the Executive Team, City Councillors and the Mayor's office.
5. Provide strategic advice with respect to the governance and legislative considerations that surround the implementation of other City policies.
6. In conjunction with the Mayor as Chair of Council and, in consultation with Executive Directors and the CAO, produce each City Council Agenda and ensure the collection, publication and circulation of all applicable materials required for meetings of City Council.
7. Supervise staff in the preparation and distribution of all agendas and agenda materials.
8. Supervise the issuance of notices pursuant to statutory requirements.

In Council Meetings

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

Attachment 1

After Council Meetings

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

Public/Delegations Role

Preparation

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

In Council Meetings

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

Attachment 2

Standing Committee Terms of Reference

Introduction

Standing Committees of Council are created to enable Council's work. Committees work on behalf of Council to provide advice and make recommendations to Council. They are an important forum for policy debate and public input on issues within Council's area of responsibility. To capture the efficiency afforded by working in smaller groups, Council does not repeat the detailed discussion and analysis conducted by the Committee during Council sessions.

The Standing Committee structure was chosen by Council because it serves to gain efficiencies for Councillors as they work collaboratively to successfully manage and equally share workload. A key advantage of the Standing Committee is the practical benefit of sharing the total workload of Council across a smaller group of Councillors appointed by the whole of Council to serve in the role of Committee Members. Further, Standing Committees of Council provide an opportunity for a smaller group of Councillors to engage with staff and the public in in-depth discussion and analysis of policy issues and options in the Committees area of responsibility. It is implicit to this model of governance that all trust that those appointed Committee Members are diligent in fulfilling their roles.

The primary disadvantage is the lost opportunity for all Councillors to have the same deep level of understanding of the discussions that resulted in a Committee's final recommendation to Council. A second disadvantage is that some Councillors do not have an opportunity to influence Committee work during their discussions.

These two disadvantages can be mitigated by the sharing of comprehensive Committee minutes and by offering all Councillors an opportunity to provide written input (prior to the meeting) and/or verbal input (at the meeting) to the Standing Committee Chair for a Committee's consideration on any of the agenda items scheduled in the Committee's annual work plan.

Guiding Principles

1. All Committee work will be carried out in accordance with provisions of the Municipal Act and other governing legislation.
2. The Council's Code of Conduct, transparency and accountability will guide Committee efforts, promoting the highest ethical standards and professionalism while ensuring that the best interests of the community are met.

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3. The Council endorsed corporate values of wellness, integrity and excellence will also be observed.
4. The Council endorsed Principle Based Governance model is reflected in the Responsibilities and Duties defined below.
5. Committees will engage the public in their work through receiving public delegations at Committee and/or ensuring the Management has appropriately engaged the community and stakeholders in the development of their recommendation to Committee.

Mandate

The Committee's mandate defines its core areas of management and responsibility. Established by the City's Procedural By-law, it is the mandate of the Committee to ensure that appropriate policies, principles, procedures and roles are established for the functional areas that comprise the scope of the Committee's responsibility.

Scope of Standing Committee Responsibilities

Council has established six Standing Committees.

The scope of responsibilities for each Standing Committee is found in the following schedules:

Operating

Schedule 1 – Community and Social Services

Schedule 2 – Corporate Administration, Finance and Enterprise

Schedule 3 – Operations, Transit and Emergency Services

Schedule 4 – Planning, Building, Engineering and Environment Services

Governance

Schedule 5 – Audit

Schedule 6 – Governance

Schedule 7 – Emergency Governance (*Schedule 7 to be developed*)

Specific Committee Responsibilities

The following specific responsibilities apply to all Standing Committees. Refer to Schedules for additional responsibilities for specific Standing Committees.

Leadership & Stewardship

1. Establish priorities for Committee work scheduled annually.

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2. Track outstanding Committee items.
3. Consider risk management issues when debating options and recommendations.

Empowerment & Accountability

4. Review Annual Reports on delegated authority for each service area.
5. Recommend to Council opportunities for delegation of authority.

Communication, Engagement & Transparency

6. Recommend improvements to information flows for each service area.
7. Maintain a rolling calendar of regular performance and accountability reports.

Service & Fairness

8. Ensure the Committee conducts its business consistent with Council's policies.
9. Consider Guelph's' commitment to sustainability in the areas of social, economic, cultural and environmental stewardship when developing recommendations.

Continuous Learning & Growth

10. Ensure members receive orientation on their service areas.
11. Recommend service reviews for the consideration of the Internal Auditor.

Composition and Term

1. The Committees will be comprised of four members of Guelph City Council and the Mayor.
2. The Governance Committee is comprised of the Chairs of CSS, CAFE, OTES, and PBEE. The Mayor is the Chair of Governance.
3. A Chair and a Deputy Chair will be appointed by City Council for the Standing Committees of Audit, CSS, CAFE, OTES and PBEE.
4. Chairs, Deputy Chairs and all committee members shall be appointed by Council for a two year term.

Resources

The Chief Administrative Officer (CAO), the Service Area Executive Director and other specialists may be called upon to conduct research, communications or any other Committee identified requirements.

As Council has delegated responsibility to the CAO for the administration of the affairs of the City, in accordance with decisions adopted by Council, under the direction of the CAO staff has the responsibility and the authority to provide consultation, advice and direction to Council, and by inference to Council Standing Committees.

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Operating Procedures

Meetings

- The frequency of Committee meetings shall be established at the beginning of the year, with the authority to convene additional meetings as may be necessary to exercise its responsibilities.

Meeting Agenda

- Committee meeting agendas shall be the responsibility of the Executive Director of the Committee working in collaboration with the Chair.

Notice of Meetings

1. Public notice of all committee meetings will be provided on the City's electronic general calendar at least 72 hours prior to a 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. It is recognized that some items consistent with Section 239 in the Municipal Act may permit a meeting to be closed to the public. The holding of any closed meetings and the general nature of the matter to be considered will be made public to ensure full transparency.

Meeting Minutes

- Meeting minutes will be recorded and distributed to Committee members with each meeting agenda. Minutes will capture a summary of discussions and debate without attribution.

Committee Working Process

- All decisions that lead to the formulation of recommendations for Council consideration will take place at the Committee meetings only and not through electronic or other outside exchanges. All pertinent information will be shared with all Committee members in advance of meetings. This can include, but not be limited to, meeting minutes, any supplemental information, public input, media requests, etc.

Quorum

- A quorum shall be a majority of the whole committee (3).

Chair Votes

- The Chair shall vote on all motions.

Attendance at Meetings

- Committee members are expected to attend all Committee meetings to which they have been appointed. They are expected to advise the Chair and City Clerk, in a timely manner, if they are unable to attend a meeting. Committee members are expected to be punctual.

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Reporting to Council

- The Committee will report to Council with recommendations for approval.

Procedural Rules

- Any rule not stated herein is deemed to be provided in the current Procedural By-law, as amended from time to time.

Roles of Stakeholders With Respect to Committee Meetings/Business

The following key stakeholders are recognized:

1. Committee Chair (applies to the Deputy Chair when serving as Chair)
2. Committee Members
3. Visiting Councillors
4. Chief Administrative Officer
5. Executive Director
6. City Clerk
7. Public/Delegations

1. Committee Chair Role

Specific roles and responsibilities for the Committee Chair include:

Preparation

1. Call the meetings.
2. Work in collaboration with the Executive Director on the development of the agenda; including delegations; sequence; flow and timing; and to be apprised of any changes to the agenda prior to the meeting. The final Committee meeting agendas shall be the responsibility of the Executive Director.
3. Seek out the opinions of Ward Councillors relevant to specific Committee work.
4. In reviewing materials, ensure clarity on the discussion parameters for each report appearing on the agenda.

In Committee Meetings

5. Ensure Committee works within the assigned mandate.
6. Collaborate with the Service Area Executive Director, CAO (as required), Mayor and City Clerk to encourage efficient and effective conduct of Committee business and accomplish the work of each meeting agenda.
7. Model the behavior expected of all Committee members.

Specific to agenda items:

8. Define discussion parameters and remind members of decision options that include *approve, reject, amend, refer or defer a staff recommendation.*

Attachment 2

9. Frame the issues, focus discussion and set the tone for the Committee's discussions: fostering a constructive culture for respectful dialogue between Councillors, community and staff.

Specific to decision-making:

10. Maintain order and decorum during meetings, decide questions of procedure, and generally ensure that the Committee work proceeds smoothly according to the Committee's work plan.
11. Engage all Committee members in the decision-making process.
12. Ensure the Committee has sufficient information to make a decision.
13. Ensure that the Executive Director has been provided with the opportunity to clarify any matters of fact or seek professional advice.
14. Build consensus where possible.
15. Ensure the will of the Committee prevails.

Specific to engaging the public and stakeholders:

16. Ensure adequate and appropriate opportunities are provided for input by the public and other key stakeholders at meetings.
17. Ensure delegations understand the process and are treated with respect.
18. Guarding responsibilities and boundaries of all stakeholders.

After Committee Meetings

19. Speak on behalf of the Committee at the Council level.
20. Act as the primary spokesperson for any Committee-related inquiries in concert with the Executive Director or delegate, as per a communications plan.
21. Work closely with the Service Area Executive Director and the Executive Team, as required.
22. Maintain strong communications with committee members between meetings.

Deputy Chairs

23. Deputy Chairs will assume the role and responsibilities of the Chair when the Chair is unable to fulfill their role. For Operating Standing Committee Deputy Chairs, this includes serving on the Governance Committee and the CAO Performance Appraisal Committee.
24. The Chair will provide the Deputy Chair a minimum of two opportunities during a year to chair a Committee meeting.

2. Committee Member Role

Specific roles and responsibilities for the Committee Members include:

Preparation

1. Read all agenda material and seek clarification from staff on any matters prior to meetings in order to make the most effective use of the Committee's time.

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2. Have a broad awareness of the interrelationship of the City's strategic initiatives and its operations.
3. Understand the difference between the role of the Committee and the role of management.

In Committee Meetings

4. Attend meetings and participate fully in all Committee work.
5. Debate the issues in an open, honest and informed manner to assist the decision-making process.
6. Actively contribute to reaching Committee recommendations and directions.
7. Represent and advocate on behalf of constituents, keeping in mind the entire municipality when considering and addressing issues.
8. Respect the role of Committee Chair.
9. Respect the role of staff.
10. Have a willingness to respectfully challenge management when necessary.

3. Visiting Councillor Role

Specific roles and responsibilities for Visiting Councillors include:

Preparation

1. Contact staff prior to Committee and Council meetings with questions.
2. Provide written input to the Chair in advance of the meeting on any committee agenda item. All members of Council, whether attending a Committee meeting or not, may provide written comment through the Chair.

In Committee Meetings

3. Add value to Committee work by offering verbally, to the Committee Chair, items of new information, reinforcing the interests of constituents or offering opinions or questions.
4. Make specific requests of the Committee Chair for additional information or analysis prior to recommendations coming before Council.
5. Respect the intent of the Standing Committee structure.
6. Do not directly participate in the meeting with delegations or City Staff or in Committee debates, or vote on motions.

4. Chief Administrative Officer

The Chief Administrative Officer (CAO) may attend a meeting of any Standing Committees on an as needed basis, with the right to speak.

5. Executive Directors' Role

Specific roles and responsibilities for the Executive Directors include:

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Preparation

1. Collaborate with the Committee Chair and City Clerk to develop the Committee mandate and charter. Review once a term or as required.
2. Ensure the timely submission of all agenda related materials to the City Clerk's Office by the prescribed submission deadlines.
3. At the request of the Committee Chair, draft an annual report from the Committee to Council
4. Maintain, in consultation with the Chair, a rolling planning calendar for the Committee.
5. In conjunction with the City Clerk, plan Committee agendas, collaborate with the Committee Chair in the finalization of all agendas and attend all preview meetings. Final committee meeting agendas shall be the responsibility of the Executive Director of the Committee working in collaboration with the Chair.
6. Approve staff reports for presentation to Committee.
7. Answer questions posed by Council members prior to Committee meetings.

In Committee Meetings

8. Attend open Committee meetings and closed meetings.
9. Engage in Committee discussion and deliberation.
10. Engage in decision making at the direction of the Chair.
11. Offer opinion to Committee members in advance of, and during, Committee meetings.
12. Review written input from the public and listen to public delegations.
13. Ensure any correction of fact is provided to Committee.

After Committee Meetings

14. Ensure follow up on all matters related to the discussion and decisions of the Standing Committee and on all time specific requests for additional information required by Council prior to their final deliberation of reports.
15. Serve as the primary spokesperson for the Service Area unless responsibility has been delegated as per communication plans.
16. Bring to the attention of the CAO any matters of conflict or breach arising that impact the relevant and applicable by-laws, resolutions, policies or guidelines of City Council.

6. City Clerk's Role

Specific roles and responsibilities for the City Clerk include:

Preparation

1. In consultation with Committee Chair and Executive Director, develop Committee mandate and charter and review once a term or as required.
2. Oversee the process of appointing Committee Chair and members.

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3. Manage the legislative agenda and process for Council Committees, ensure that meetings are held in accordance with Council approved protocol and applicable legislation.
4. In conjunction with the Executive Director, plan committee agendas and support preview meetings.
5. Supervise staff in the preparation and distribution of agendas and agenda materials.

In Committee Meetings

6. Attend, or designate staff to attend, all meetings of Council Committees.
7. Provide advice on legislative protocol and meeting procedures as requested by the Chair.
8. Supervise the issuance of notices, recording of minutes and resolutions and other meeting and documentary processes.

After Committee Meetings

9. Evaluate effectiveness of Committee meetings and offer suggestion for improvement to the Chair and Executive Director.
10. Lead the development of policies and appropriate training on relevant municipal legislation and governance issues with the Executive Team, City Councillors and the Mayor's office.
11. Provide strategic advice with respect to the governance and legislative considerations that surround the implementation of other City policies.

7. Public/Delegations Role

Preparation

1. Register as a delegation to speak to the Committee with respect to a matter appearing on a meeting agenda.
2. Access Committee agendas and minutes from the City website.
3. Communicate with Councillors to make perspectives known and discuss issues and options.
4. Participate in community engagement processes related to their issue of interest.

In Committee Meetings

5. Attend Committee meetings
6. Adhere to procedural rules for delegations to Committees
7. Respect the role of the Committee Chair with responsibility for timely conduct of business and retaining meeting decorum

Attachment 2

Additional Detail to Assist Stakeholders with Role and Responsibilities

The following two tables provide additional detail to assist stakeholders to understand how they should participate in Committee work and during Committee meetings.

Standing Committee RACI Chart

Activity	Responsible	Accountable	Consult	Inform
<i>Mandate and Charter</i>				
Develop	Clerk	Chair	ED/Chair	
Review and recommend	Cttee	Clerk		IS/ES
Approve	Council	Cttee		IS/ES
Review once a term or as required	Cttee	Chair	Clerk/ED	
Report to Council (annual)	ED	Chair		IS/ES
<i>Planning</i>				
Maintain rolling calendar	ED	Chair	Clerk	Cttee/IS/ES
Manage meeting forecast	Clerk	ED	Chair/ED	
Manage outstanding list of actions/motions	Chair/ED	Council	ET/CAO	
Agenda planning and preview	ED	Clerk	Chair	
<i>Meetings</i>				
Call meetings	Clerk	Chair	Cttee/ IS	IS/ES
Submit agenda material	ED	ED	Clerk	
Distribute agenda packages	DS	Clerk		IS/ES
Chair meetings	Chair	Council		
Participate in meetings	See Separate Document Guideline			
Draft minutes	DS	Clerk		
Approve minutes	Cttee	Clerk		IS/ES
Present committee consent report to Council	Chair	Cttee		IS/ES
Evaluate meeting effectiveness	Clerk	Chair	Cttee/ED	
<i>Leadership</i>				
Appoint Chair	Striking Cttee	Clerk		
Recommend committee members	Nominating	Mayor	Council	
Approve committee members	Council	Nominating		IS/ES
Provide leadership to the committee	Chair	Council		
Ensure mandate is fulfilled	Chair	Cttee	ED	
Annual report to Council	ED	Chair	Cttee	

DS - Designated staff

IS - Internal stakeholders as appropriate

ES - External stakeholders as appropriate

Attachment 2

ED - Executive Director

CAO – Chief Administrative Officer

Cttee - Committee

Attachment 2

Standing Committee Participation of Stakeholders during Meetings

City of Guelph Council Standing Committee Guidelines on Participation During Committee Meetings					
	Obligations and Expectations of Stakeholders Participating in Standing Committee Meetings				
<p>Principles:</p> <ol style="list-style-type: none"> 1. Committees publish their annual work plan to encourage input from the public and Council colleagues. 2. Input is received in writing or in person during scheduled times in Committee meetings. 3. Committee meeting minutes capture the essence of discussions and analysis without attributing specific comments. 4. Commitment to fair, effective and efficient decision making practices. 					
Activity	Chair	Committee Members	Visiting Councillors	Staff	Delegations/ Public
Receive background material, staff report	All Councillors receive Standing Committee agendas, staff reports and public correspondence			Create staff reports	May download from City website
Contact staff to ask questions prior to Committee meeting	Yes	Yes	Yes		Yes
Attend entire Committee meeting:					
Open session	Yes	Yes	Yes	Yes	Yes in open session
Closed session	Yes	Yes	Yes	as required	No in closed
Engage in Committee discussion and deliberation. Engage in decision making.	Leads the Committee to stay focused on task and conclude	Yes Yes	No No	Yes. Yes as requested.	No No
Offer opinion to Committee through the Chair: in advance	Yes	Yes	Yes All Councillors	Yes	Yes
At meeting	Yes	Yes	Yes	Yes	Yes
Review written input	Yes	Yes	Yes	Yes	Yes
Listen to public delegations	Yes	Yes	Yes	Yes	Yes
Ask questions of delegations	Yes	Yes	No	No	No
Ask questions of visiting Councillors	Yes	Yes	No	No	No
Ask questions directly to staff	Yes	Yes	No	No	No
Pose questions and/or provide input to the Chair for the Committee's consideration	N/A	N/A	Yes	Yes	Yes
Request of the Chair for additional information prior to Council meeting	Not Applicable	Yes	Yes	Not Applicable	Yes

Attachment 2

Schedule 1 – Community and Social Services

Scope of Community & Social Services Committee’s Responsibilities

The Community & Social Services Committee’s scope of responsibilities includes the following functional areas:

- Culture & Tourism
- Community Engagement
- Parks & Recreation
- Business Services
- Corporate Building Maintenance

The Community & Social Services Committee has the following Advisory Committees and Boards reporting to it:

1. Accessibility Advisory Committee
2. Cultural Advisory Committee
3. Guelph Museums Advisory Committee
4. Youth Council
5. Locomotive 6167 Restoration Committee

The Community & Social Services Committee has the following Local Boards reporting to it:

1. Police Services Board
2. Sports Hall of Fame
3. Guelph Public Library Board
4. Wellington-Dufferin-Guelph Public Health Board
5. Board of Trustees of the Elliott
6. Macdonald Stewart Art Centre Board of Directors
7. Guelph Cemetery Commission

Attachment 2

Schedule 2 – Corporate Administration, Finance and Enterprise

Scope of Corporate Administration, Finance & Enterprise Committee’s Responsibilities

The Corporate Administration, Finance & Enterprise Committee’s scope of responsibilities includes:

- Corporate Administration
- Finance & Enterprise
 - Community Energy
 - Downtown Renewal
 - Economic Development
 - Finance
- Corporate & Human Resources
 - Human Resources
 - City Clerk’s Office
 - Corporate Communications
 - Information Technology
 - Legal & Realty Services
 - Court Services

In addition, Members from the Committee are appointed by Council to hear appeals under the City’s Business Licensing By-law as the Appeals Committee.

The Corporate Administration, Finance & Enterprise Committee has the following Advisory Committees reporting to it:

1. Downtown Advisory Committee
2. Economic Development Advisory Committee

The Corporate Administration, Finance & Enterprise Committee has the following Local Boards reporting to it:

1. Downtown Guelph Business Association

The Corporate Administration, Finance & Enterprise Committee has the following Quasi-Judicial/Adjudicative Committees Agency reporting to it:

1. Appeals Committee

Specific Governance Committee Responsibilities:

Leadership & Stewardship

1. Review financial management policies and make recommendations to Council.
2. Monitor variance reporting for Enterprise, Operating and Capital Budgets.
3. Make recommendations regarding the annual budget cycle.

Attachment 2

Schedule 3 – Operations, Transit & Emergency Services

Scope of Operations, Transit & Emergency Services Committee’s Responsibilities

The Operations, Transit & Emergency Services Committee’s scope of responsibilities includes:

- Community Connectivity & Transit (Guelph Transit)
- Public Works
- By-law Compliance, Security & Licensing
- Emergency Services

The Operations, Transit & Emergency Services Committee has the following Advisory Committees reporting to it:

1. Transit Advisory Committee

Attachment 2

Schedule 4 – Planning & Building, Engineering & Environment

Scope of Planning & Building, Engineering & Environment Committee’s Responsibilities

The Planning & Building, Engineering & Environment Committee’s scope of responsibilities includes:

- Engineering Services
- Planning
- Building Services
- Solid Waste Resources
- Wastewater Services
- Water Services

The Planning & Building, Engineering and Environment Committee has the following Advisory Committees reporting to it:

1. Environmental Advisory Committee
2. Guelph Cycling Advisory Committee
3. Heritage Guelph
4. Organic Waste Processing Facility Public Liaison Committee
5. River Systems Advisory Committee
6. Water Conservation and Efficiency Public Advisory Committee
7. Municipal Property and Building Commemorative Naming Policy Committee

The Planning & Building, Engineering and Environment Committee has the following Agency reporting to it:

1. Grand River Conservation Authority

The Planning & Building, Engineering and Environment Committee has the following Quasi-Judicial/Adjudicative Committees Agency reporting to it:

1. Committee Of Adjustment
2. Property Standards/Fence Viewers Committee

Attachment 2

Schedule 5: Audit Committee

Scope of Audit Committee's Responsibilities

The Audit Committee's scope of responsibilities includes:

- External Audit (Annual Audit)
- Annual Financial Statements
- Auditor Performance and Review
- Adequacy of the City's Resources
- City Financial and Control Systems
- Financial Literacy
- Internal Audit
- Compliance
- Risk Management and Internal Control
- Reporting Responsibilities

Specific Committee Responsibilities:

Leadership & Stewardship

External Audit

1. Review the external auditor's proposed audit scope and approach, including coordination of audit effort with City staff.
2. Review with management and the external auditors the result of the audit, including any difficulties encountered and all other matters required to be communicated to the Committee under Generally Accepted Auditing Standards.
3. Resolve any disagreements between management and the external auditors regarding financial reporting.
4. At the conclusion of the audit, consult with the external auditors, without the presence of management, regarding internal financial controls, compliance and the fullness and accuracy of the City's financial statements.
5. Ensure the timely presentation of the external auditor's annual audit report to Council.

Risk Management and Internal Control

6. Understand the scope of the external auditor's review of internal financial control over financial reporting and obtain reports on significant findings and recommendations, together with management's responses and the timing of the disposition of significant findings.
7. Through the use of a risk management framework, assess the financial risks to be managed by the City and any change in significant financial risks.
8. Consider the effectiveness of the City's internal control system for the safeguarding of assets, including information technology security and control, and the adequacy of policies and procedures.

Attachment 2

9. Review management and program performance regarding efficiency, effectiveness and economy in the use of resources.
10. Reviewing the effectiveness of management reporting systems regarding administrative and program performance.

Other

11. Recommend to Council special investigations and funding as required. Institute and oversee special investigations as authorized by Council.
12. With Council approval, retain independent counsel, accountants, or others to advise the Committee or assist in the conduct of a review.

Empowerment & Accountability

Compliance

13. Obtain regular updates from management and others (legal counsel, external auditors) regarding compliance with laws and regulations having a material impact on the financial statements including:
 - a. Tax and financial reporting laws and regulations.
 - b. Legal withholding requirements.
 - c. Environmental protection laws and regulations.
14. Review by-laws and policies specifically regulating the conduct of members of council, staff and suppliers.
15. Review the findings of any examinations by regulatory agencies, and any auditor observations.
16. Discuss with the City Solicitor, any significant legal, compliance or regulatory matters that may have a material effect on the financial statements or the business of the City, or on the compliance policies of the City.
17. Review the results of management's investigation and follow-up for any instances of non-compliance.
18. Review the effectiveness of the systems established to ensure compliance.

Adequacy of the City's Resources

19. Review the nature of evolving businesses managed by the City, including those changes occasioned by business or process redesign or through updated legislated requirements.
20. As new businesses and ventures are embarked on by the City, gain comfort that all appropriate processes have been put in place to evaluate feasibility of the new business and to ensure proper resources, both human and financial, have been provided.

Communication, Engagement & Transparency

Reporting Responsibilities

21. Ensure the creation of an annual report to Council on progress achieved by the Committee and any concerns or issues that have been identified.
22. The report shall be prepared by the Committee Chair with input from staff and approved by the Committee.

Attachment 2

23. Provide an open avenue of communication between the external auditor and City Council.

Accomplishment & Measurement

Financial Statements

24. Review significant accounting and reporting issues, including complex or unusual transactions, highly judgmental areas and recent professional and regulatory pronouncements, and understand their impact on the financial statements.
25. Review the representation letter provided by management to the external auditor.
26. Prior to the presentation of the annual financial statements to Council, review the financial statements and consider whether they are complete, consistent with information known to Committee members and reflect appropriate accounting principles.
27. Recommend to Council the approval and distribution of the annual financial statements.

Auditor Performance and Review

28. Review and confirm the independence of the external auditor by obtaining statements from the auditor on relationships between the auditor and the City, including non-audit services, and discussing the relationships with the auditor.
29. Direct and review the performance evaluation process for the external auditor.
30. Recommend changes to the external auditor's compensation for Council approval.
31. Periodically determine whether a Request for Proposal should be issued to select an external auditing firm. As per the Ontario Municipal Act 2001 section 296 (3), the external auditor shall not be appointed for a term exceeding five (5) years.
32. Participate in the selection of an external auditing firm by reviewing the Request for Proposals and bids received, interviewing potential auditing firms and recommending the external auditor for final approval to Council.

Continuous Learning & Growth

Financial Literacy

33. Ongoing training and development is provided to enhance the financial literacy of the Committee members.

Attachment 2

Schedule 6: Governance Committee

Scope of Governance Committee's Responsibilities

The Governance Committee's scope of responsibilities includes ensuring that appropriate policies, principles, procedures and roles are established to guide and enhance:

- Effective Corporate Governance
- Accountability and Transparency
- Strategic Planning Processes
- Committee and Council Effectiveness
- CAO Performance and Review
- Oversight of Governance Policies
- Succession Planning
- Council Compensation
- Council Performance Reporting

Specific Governance Committee Responsibilities:

Leadership & Stewardship

Strategic Planning

1. Review and recommend governance principles, policies and guidelines with respect to strategic planning for Council approval.
2. Ensure an effective strategic planning and priority setting process is implemented during each new term of Council and advise on necessary improvements.
3. Review and recommend an annual strategic planning work plan for Council approval.
4. Receive regular update reports on the status of priority initiatives to ensure appropriate progress.
5. Receive regular updates on Key Performance Indicators related to the Strategic Plan.

Enterprise Risk Management

6. Understand and address risks that threaten the achievement of the organization's objectives.
7. Assess risks in terms of likelihood and magnitude of impact.
8. Oversee the development of policies and appropriate response strategies to identify, prioritize, and respond to the risks (or opportunities).
9. Monitor progress on the effectiveness of policies and response strategies.

Attachment 2

Empowerment & Accountability

Accountability and Transparency

10. Receive and review recommendations for the development of strategic communications material to support community understanding of the City's financial standing and strategic directions.
11. Review and confirm the delegation of authority protocols.
12. Assess the need for discretionary positions as defined by the Municipal Act and make appropriate recommendations to Council (e.g. Auditor General, Integrity Commissioner, Lobbyist Registrar and Ombudsman).

Communication, Engagement & Transparency

Committee Performance Reporting

13. Review annual information reports for Council on progress achieved by the Committee.
14. Regularly evaluate meeting effectiveness and incorporate improvements as appropriate.

Accomplishment & Measurement

Effective Corporate Governance

15. Regularly review Council's governance principles, policies and procedures and make recommendations for improvements.
16. Ensure review of the Council Code of Conduct during new Council orientation; ensure Council signs confirming receipt at the Inaugural Meeting.
17. Receive an annual report from the Integrity Commissioner reviewing the effectiveness of the implementation of the Code of Conduct.
18. Review the completion of a sustainability audit for the corporation as well as a plan for ongoing assessment and reporting to the community.
19. Ensure a succession management plan is in place.
20. Review annual service review approach and ongoing results.
21. Ensure strengthened performance governance including performance metrics and reporting practices.

CAO Performance and Review

22. Review and recommend governance principles, policies and procedures with respect to the recruitment, delegation of authority, compensation, succession planning and evaluation of the CAO.
23. Direct and discuss CAO succession planning efforts consistent with policy guidelines.
24. Oversee the recruitment process for a new CAO consistent with policy guidelines.
25. Oversee the performance evaluation process for the CAO consistent with policy guidelines.
26. Oversee the development of annual performance objectives for the CAO consistent with policy guidelines.

Attachment 2

27. Direct and discuss CAO succession planning efforts consistent with policy guidelines.
28. Recommend changes to the CAO compensation for Council approval.

Council Compensation

29. Regularly review and assess ongoing work requirements of Council.
30. Direct the development of recommendations regarding principles of compensation for Council approval.
31. Recommend an appropriate compensation review process involving citizens and stakeholders.
32. Review and recommend required updates to existing compensation policies.

Continuous Learning & Growth

Committee and Council Effectiveness

33. Regularly assess Council effectiveness and solicit input on governance concerns to be addressed.
34. Provide input on changes to the Citizen Advisory Committee appointment process.
35. Recommend core elements of an orientation program for the following term of Council to address learning and knowledge requirements in a timely manner.
36. Recommend a Council Professional Development Program.
37. Review the Procedural By-law and recommend any changes to Council.
38. Review and recommend changes to the Committee Mandate and Charter of each Standing Committee of Council once a term and as needed and/or when substantive changes are proposed.
39. Annually review and recommend the Council budget.

Attachment 3

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2013) - xxxx

A by-law to amend By-law (2012)-19375, being a by-law to provide rules for governing the order and procedures of the Council of the City of Guelph, and to adopt Municipal Code Amendment #xxx which amends Chapter 20 of the Corporation of the City of Guelph's Municipal Code.

WHEREAS section 238(2) of The Municipal Act, S.O. 2001, c. 25, as amended requires Council and every local board to adopt a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Council of The Corporation of the City of Guelph has deemed it desirable to amend its rules of order and procedure;

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

1. By-law (2012)-19375 is hereby amended by including the following in Definitions:

"Vice Chair" means a member of the Committee appointed by Council who shall have all the power and duties of the Chair in their absence; and consequently the words "Vice Chair" are interchangeable with the work "Chair" in all sections of this by-law where the term applies to a Standing Committee Chair.
2. By-law (2012)-19375 is here by further amended by deleting Section 20.1 and replacing it with the following:

20.1(a) Council as a whole shall appoint Chairs and Vice Chairs to all Standing Committees.

20.1(b) Council as whole shall select the Chairs and Vice Chairs of the Standing Committees following a municipal election and two years thereafter, prior to the selection of the Standing Committee Members. The Council shall consider rotating the Standing Committee Chair and Vice Chair position every two years when selecting a Standing Committee Chair and Vice Chair. In appointing the Standing Committee Chair, consideration shall be given to workload balance, individual interests and Councillor development.
3. By-law (2012)-19375 is hereby further amended by amending Section 20.8 by deleting the words "one year term" and replacing it with "two year terms".
4. Municipal Code Amendment #xxx is hereby adopted which amends Chapter 20 of the Corporation of the City of Guelph's Municipal Code.

PASSED this THIRTIETH day of SEPTEMBER, 2013.

KAREN FARBRIDGE – MAYOR

BLAIR LABELLE - CITY CLERK

Attachment 4: Meeting Flow: Committee Chair's Guide

STEP	NOTES
1. Agenda Item Extracted	Committee Members and Visiting Councillors can extract an agenda item
2. Executive Director (ED) Introduction <i>(optional)</i>	<p><u>If required</u>, Chair requests ED to:</p> <ul style="list-style-type: none"> • provide introductory comments • introduce the staff person who is present to speak to the report and/or answer questions
3. Staff Presentation	Staff have 10 minutes to present (unless a longer time is prearranged with the Chair)
<i>Questions of Staff</i>	<i>Committee Members only</i>
4. Public Delegations	Delegates have 5 minutes to pose questions, request information, propose changes to the staff recommendation, provide additional information, express their opinion
<i>Questions of Delegates</i>	<i>Committee Members only</i>
5. Visiting Councillor Delegations	Visiting Councillors have 5 minutes to pose questions, request information, propose changes to the staff recommendation, provide additional information, express their opinion
<i>Questions of Visiting Councillors</i>	<i>Committee Members only</i>
6. Final Comments by ED <i>(optional)</i>	Chair provides opportunity for ED to make final comments or provide clarification on matters raised by delegates
<i>Questions of ED</i>	<i>Committee Members only</i>
CHAIR TO SIGNAL TRANSITION TO COMMITTEE DELIBERATION	
7. Introduction of Motion	<ul style="list-style-type: none"> • Chair requests that the staff recommendation be placed on the floor (the procedural by-law does not prohibit a Member from introducing a different motion). • If there is no one willing to place the motion on the floor, the Chair can test for a referral, deferral or a motion of no action (ie. receipt for information). • Only Committee Members should participate in deliberation, however, clarification can be sought through staff or a Visiting Councillor at the Chair's discretion.
8. Voting	Approve, reject, amend, defer, refer

Attachment 5: Questions & Answers

The following Q&A's were developed based on feedback received from participants at the March, April and May, 2013 Standing Committee meetings in relation to a Standing Committee Terms of Reference proposed by the Mayor and CAO at the February 11, 2013 Governance Committee meeting. Most of the feedback received was in relation to a document entitled Meeting Flow: Committee Chair's Guide which was developed as a reference guide to better support Chair's in their ability to manage Committee proceedings. The questions were consolidated to group similar information and the suggested answers have been provided on the basis of best practice in relation to meeting management and parliamentary procedure.

1. **Q.** How much advance time will staff be given to respond to questions submitted by Councillors in advance of meetings?

A. Staff would endeavor to respond to questions posed by Councillors within 48 hours and at the latest, at least one day prior to the meeting.

2. **Q.** Can a Member of Council submit a question to the Chair or the ED without copying it to the Committee Members or Council?

A. Yes, but the ED should copy all of Council when answering a question, so that Council as a whole is made aware of the information.

3. **Q.** If questions are submitted to an ED ahead of a meeting, do they still need to be asked at the Committee meeting?

A. No. If the question is answered by the ED in advance of the meeting and copied to Council, there is no need to pull the item from the consent agenda at the meeting in order to pose the question.

4. **Q.** Does staff always have to do an introduction before an item?

A. Not really. Once the Chair notes the extraction of an item, the ED has an option to provide an introduction. If the matter is self explanatory, a simple one sentence statement may suffice or the ED may simply indicate that there is no related introduction.

5. **Q.** Do questions from Committee Members need to be posed prior to the final comments from the ED?

A. No, Committee Members have an opportunity to posed questions to the ED immediately following their final comments. In some rare circumstances, and as a result of deliberation, it may also be necessary for the Chair to use discretion in order to pose a question of clarification to the ED during the deliberation phase.

Attachment 5: Questions & Answers

6. **Q.** There needs to be a clear distinction between receiving input from visiting Councillors and the Committee deliberation phase. Once the Committee begins to deliberate, can visiting Councillors provide further input?

A. In all but very rare circumstances, deliberation and debate should be reserved for Committee Members only. There may be exceptional instances when clarification is sought through the Chair in order to better support the deliberation process but this should be a limited occurrence at the leave of Committee.

7. **Q.** Some Councillors would like the visiting Councillors to be provided an opportunity to speak to amendments when they are put on the floor by Committee Members. There should be clear guidelines whether visiting Councillors can or cannot speak to amendments – there is hesitancy to rely on the “discretion of the Chair”.

A. According to the principles of parliamentary procedure, this should not be allowed. Once a motion is introduced it is then within the purview of the Committee who must dispose of it in some way (approve, reject, amend, refer, defer etc.). An allowance for a non-Member to provide input in relation to amendments would be both inefficient and counter-productive to the purpose of a Standing Committee system.

8. **Q.** There was a request to clarify the intent of Item 5 of the Meeting Flow Guide regarding Visiting Councillor Delegations – how would they “pose” questions and to whom?

A. Visiting Councillors should direct their questions to the Chair as part of their 5 minutes delegation. These questions can be based on information contained in the report or agenda materials, provided by way of the staff (or consultant) presentation delivered earlier in the meeting or comments made by public delegates. The ED has an opportunity to follow up on these questions as part of his/her final comments (Item 6). This would be a similar process used to provide responses to questions posed by public delegates.

9. **Q.** Are visiting Councillors able to extract items from the consent agenda?

A. Yes. Visiting Councillors are able to extract items from the consent agenda as this would provide them with an opportunity to ask questions or make comments by way of their 5 minute delegation. This is consistent with the process for public delegations. Where possible, and to avoid an unnecessary extraction, it is always recommended to request information from staff in advance of the meeting.

STAFF REPORT



TO Governance Committee

SERVICE AREA Office of the Chief Administrative Officer

DATE September 16, 2013

SUBJECT Information Flow Protocol

REPORT NUMBER CAO-C-1305

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To formalize our practice related to the flow of information between the Administration and Council of the City of Guelph.

KEY FINDINGS

A formal professional relationship exists between Members of Council and City Staff. Therefore, how information flows between Council and Administration should be done in a way that respects Councillors' rights to access information while ensuring shared respect for the principles of transparency, accountability and obligations to confidentiality.

Councils' existing Governance Manual informs this protocol (*Section E.8 Council/Staff Protocol and E.9 New Projects/Initiatives*) along with its' Code of Conduct for Members of Council.

The success of this protocol is a shared responsibility between Council and Administration.

In the future as Guelph develops its approach towards Open Government it is likely that this Information Flow Protocol will be revisited.

FINANCIAL IMPLICATIONS

There are no financial implications anticipated in the adoption of this protocol.

ACTION REQUIRED

Approval of the 'Information Flow Protocol' by Guelph City Council.

RECOMMENDATION

1. That CAO-C-1305 Information Flow Protocol report be received; and
2. That the *Information Flow Protocol* as attached to Report # CAO-C-1305 be approved by Guelph City Council.

STAFF REPORT



BACKGROUND

In late 2012 Council requested a formalization of our practices in the form of a protocol. Council and the Executive Team consulted twice on the development of this protocol. In November 2012 a working group comprised of 2 City Councillors, 2 Executive Directors, the Chief Administrative Officer and the Mayor met to review a draft protocol. Subsequently, in March 2013 Members of City Council and the Executive Team reviewed and provided input on the final draft of this protocol.

REPORT

An Information Flow Protocol for Guelph serves two purposes:

- 1) It formalizes our current professional practice with respect to sharing information and knowledge between Council and staff; and
- 2) It serves as a foundational document from which we will examine how Guelph will further evolve with Open Government.

Formal Professional Relationship

Councils' Governance Manual establishes the expectation of a formal professional relationship between Councillors and City Staff. In particular, *Section E.8 Council/Staff Protocol and E.9 New Projects/Initiatives* assert that all members of staff and Council should be treated equitably and without favouritism.

Staff works for the City as a body corporate and report through the Chief Administrative Officer and on to Council. Only Council as a whole has the authority to direct administration.

Therefore, how information is shared between Council and Administration should be done in a way that respects Council's rights to access information while ensuring the principles of transparency and accountability and obligations to confidentiality.

Consideration of Ontario's *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and Guelph's *Code of Conduct for Members of Council* have also been considered in the development of this protocol.

Future impact of Open Government

Open Government is all about "how" government will share and leverage information and technology to further empower our community, elected officials and staff to involve each other in the generation of ideas and decisions that are innovative and meaningful. As Guelph develops its Open Government Action Plan (one of the first in Canada) we will undoubtedly challenge ourselves to examine our

STAFF REPORT



approach and attitude towards how public information and data is governed, controlled and shared.

It is therefore timely that Guelph City Council and its Administration worked together to document how information and knowledge currently flows between Council and staff; it serves as a foundational document.

The success of this protocol is a shared responsibility between Council and Administration.

As Open Government continues to evolve in the City of Guelph, the Information Flow Protocol will be revisited. Any proposed amendments will be brought to City Council for consideration.

CORPORATE STRATEGIC PLAN

- 1.1 Engage employees through excellence in leadership.
- 2.3 Ensure accountability, transparency and engagement.
- 3.3 Strengthen citizen and stakeholder engagement and communications.

DEPARTMENTAL CONSULTATION

Clerks
Executive Team
Members of City Council

COMMUNICATIONS

Upon approval by Guelph City Council the Information Flow Protocol will be available to the public on the City website and will be shared with all employees of the Corporation through their Service Areas.

ATTACHMENTS

ATT-1 Information Flow Protocol

"original signed by Mark Amorosi for"

Approved & Recommended By

Ann Pappert
Chief Administrative Officer
519 822 1260 ext 2220
ann.pappert@guelph.ca

Information Flow Protocol

The following is a protocol to guide the flow of information between the Administration and Council. The success of this protocol is a shared responsibility between Council and the Administration.

The Governance Manual informs this protocol, in particular **Section E.8 Council/Staff Protocol** and **E.9 New Projects/Initiatives**.

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Attachment #1: **Information Flow Protocol**

(September 16, 2013 Report to Governance Committee)

Principles

A formal relationship exists between City staff and members of Council. This ensures all members of staff and Council are treated equitably without favouritism.

Staff should feel comfortable speaking with individual members of Council about their work. However, a chain of command exists to deal with issues of significance and should be respected by individual Councillors.

Only Council as a whole has the authority to direct members of staff. Individual Councillors 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 Council or group of Councillors.

Council's Code of Conduct notes: "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".

Members of Council have the same rights of access to information as members of the community. However, their role may, under certain circumstances, be perceived as a conflict of interest. Members of Council should exercise caution under these circumstances and clearly disclose their dual role.

The flow of information between the Administration and Council and the expectations of Council and the Administration should promote the principles of transparency, accountability and confidentiality protocols within the organization. Open lines of communication are essential.

It is expected that Council members will:

- Request Executive Director input prior to making important policy decisions and convey feedback to staff;
- Discuss issues with Executive Directors/General Managers and advise them of questions prior to committee and Council meetings, whenever possible;
- Understand their discussions with staff may be communicated and that a member of Council cannot compel a member of staff to confidentiality
- Request advice from the City Clerk about the appropriate wording of motions, amendments, and formal directions to staff in accordance with the procedural by-law; and
- Consult with Executive Directors/General Managers prior to responding to constituents concerns or requests to ensure accurate information regarding city polices, service levels, budgets and work plans.

Attachment #1: **Information Flow Protocol**

(September 16, 2013 Report to Governance Committee)

- Copy correspondence sent to a General Manager to the Service Area's Executive Administrative (responsible for tracking follow up on information requests).

It is expected that senior staff (CAO, Executive Directors, General Managers) will:

- Ensure that Council is apprised of any known issues that may impact upon their decision making process in a timely manner;
- Present a departmental or corporate perspective, in writing, at Council or in person verbally at committee;
- In answer to questions, where a Service Area position may not be available, clarify that their comments reflect their own professional opinion, and are not necessarily representative of a departmental or corporate position;
- Notify Council in a timely fashion of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports or presentations;
- Convey feedback to Council members who may not be aware of existing policy;
- Provide Committee and/or Council with the implications of recommendations which may impact on Service Area or Corporate wide work plans and related capacity issues.
- Inform their immediate supervisor of the requests and information shared.

Access and Privacy

The City is currently developing an access and privacy program designed to support the principles of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), *Personal Health Information Protection Act* (PHIPA) and the *Personal Information Protection and Electronic Documents Act* (PIPEDA). This program will also serve to foster a climate of comprehension and awareness with respect to privacy matters and provide a foundation to support various Open Government initiatives.

MFIPPA establishes a general right of access to records held by the Corporation. Guiding principles of MFIPPA include:

- The public has the right to information held by the Corporation
- Any member of the public can submit a request for information held by the Corporation
- Individuals have a right of protection of personal information held by the Corporation
- Decisions to refuse information are reviewed independently by the Information and Privacy Commissioner of Ontario

Personal information held by the Corporation must be protected from unauthorized collection, use, disclosure and eventual disposal. The Corporation cannot collect personal

Attachment #1: **Information Flow Protocol**

(September 16, 2013 Report to Governance Committee)

information about an individual unless it is authorized to do so, and must provide notice to the public regarding:

- The collection of personal information,
- How the information will be used,
- If the information will be shared within the corporation or with an outside agency
- Record keeping policies, including the City's retention policy and destruction schedule

Personal Information is defined by MFIPPA as recorded information about an identifiable, including:

- information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- any identifying number, symbol or other particular assigned to the individual,
- the address, telephone number, fingerprints or blood type of the individual,
- the personal opinions or views of the individual except if they relate to another individual,
- correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- the views or opinions of another individual about the individual, and
- the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

Freedom of Information (FOI) Requests

FOI requests are processed by the City Clerk's Office with the assistance from staff throughout the corporation who are charged to collect and deliver the requested information within the prescribed timelines. All requests are kept confidential, including the name of the requestor. The City Clerk has delegated authority to manage the FOI process on behalf of the City. Every attempt is made to respond to FOI requests within the legislated 30 day timeline, however, incremental 30 day extensions can be sought if a request is too complex or voluminous, if there is a need to consult with other persons outside of the institution or if a request would otherwise significantly interfere with the operations of the institution at large.

Records and Information Management

As the City record keeper, the Clerk's Office has initiated a Records Inventory project to begin the development of a centralized Records and Information Management (RIM) Program that will create a standardized framework to govern how records and information are managed across all Service Areas. While records will still be controlled within each department, this framework will provide standard policies, practices, retention and destruction processes that will make access to information more consistent for Council and the public.

Access to City information is currently subject to the City's Retention Schedule where the routine destruction of City records is coordinated annually. This purge is carried out based on legislated requirements and internal business needs. The Retention Schedule has been developed in relation to The Ontario Municipal Records Management System (TOMRMS), a municipal standard which is updated every year.

For clarification, the following terminology will apply:

Active records/files - documents which are needed to perform current operations that are being actively used by staff and that have frequent changes or updates.

Inactive records/files - documents which are no longer needed to conduct current business but preserved until the end of the applicable retention period. This document is usually final and complete with no future changes anticipated.

Expectations of Information Flow outside of Regular Business Hours

With the exception of emergencies, it is not expected that requests for information from members of Council shall be returned outside of regular administrative business hours.

Information Associated with Active Files

The majority of information needs for members of Council are associated with active files as they generate the most public and stakeholder interest as well as inform Council decision-making.

Open Meeting Agendas, Reports and Minutes

Attachment #1: **Information Flow Protocol**

(September 16, 2013 Report to Governance Committee)

The largest flow of information to Council from the Administration is related to Active Files that are working through the legislative process (e.g. Committee and Council meetings) process.

Open Committee and Council meeting Agendas and Minutes are circulated to members of Council in advance of the meeting and are available on the City's website. Agenda packages are distributed to members of Council in advance of the media and the public.

Questions regarding:

- The Council Agenda are to be directed to Mayor, CAO, Executive Director, or staff in the Office of the Clerk
- A Committee Agenda are to be directed to the Chair, Executive Director or staff in the Clerk's Office
- The Minutes are to be directed to the Clerk or designate

Council's **Procedural By-law** and **Accountability and Transparency Policy** provide further guidance

Addendums

The receipt of material at meetings is to be kept to a minimum to ensure members of Council can be prepared for their meeting. Addendums are prepared and distributed on Fridays, the week prior to a meeting. The deadline for the Clerk's Office to receive addendum materials for meetings occurring the subsequent week is Friday at 9:00am.

Public Reports

Public reports, either internally or externally authored, associated with active files, are often found on the City's website as well as part of a meeting agenda package.

If a member of Council is seeking a public report associated with an active file but is unable to locate the report on the City's website or in an agenda package, they can ask the:

- General Manager for the Department with a copy of the request to the Service Area Executive Assistant.

Members of Council should expect to receive a response in 1 working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Weekly Items for Information

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(September 16, 2013 Report to Governance Committee)

Council receives “Weekly Items for Information” via email which includes *Information Reports* from staff, *Correspondence* received and a listing of other information that has been received by the City Clerk’s Office that might be of interest to members of Council.

Memos and E-mail Updates from the Administration

Council will receive memos and/or email updates to apprise them of current activities or issues related to active files.

Any memo or e-mail that is confidential and/or is deemed by the author as not suitable for distribution through social media etc will be clearly identified in the subject line.

Enquiries related to Active Files and Reports

If an individual Councillor has questions of clarification regarding an existing or upcoming report related to an Active File, they can ask the:

- General Manager of the Department (copy Service Area Executive Assistant)

If an individual Councillor wants to pursue an issue related to the content of a report, to ensure an appropriate corporate and/or departmental response, they should speak to:

- General Manager of the Department (copy Service Area Executive Assistant)

Requests for Additional Information on Active Files

If an individual Councillor has an information request regarding an Active File, they can ask the:

- General Manager for the Department (copy Service Area Executive Assistant)

If the information (data) is readily available, the staff response to a request for information from a member of Council between Committee deliberations and the Council meeting at which a decision is to be made on a specific issue, will be answered in writing and circulated to all Council members. A timeline for the response will be provided.

See below for the protocol regarding **Information/Data not collected**.

Budget

This section will be updated upon completion of the 2013 Budget Process.

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Information Associated with Archived Files

If a member of Council is seeking an archived file (i.e. the file is not currently active) they should ask one of the following:

- City Clerk
- General Manager for the Department (copy Service Area Executive Assistant)

Members of Council should expect to receive a response in 1 working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Non-electronic reports may take longer to be retrieved.

Council and Committee Minutes, Resolutions and By-laws

Council and committee resolutions and by-laws are recorded in the meeting minutes. Council approved minutes are posted on the City's Website.

Members of Council and staff are able to review draft minutes prior to their formal circulation, on an as needed basis.

If a member of Council requires a resolution or by-law, they should contact the Clerk.

Members of Council should expect to receive a response in 1 working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Reports deemed not yet public or available to Council

Draft internal reports are generally not circulated to members of Council. There may be external stakeholders involved in the review of a draft report.

Externally-authored reports may be the subject of a staff review process prior to the release to members of Council to consider:

- Completeness
- Technical accuracy
- Standard of care
- Risk
- Recommendations for Council

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- Determination of distribution (public, confidential)

An external stakeholder in the community may have access to an externally-authored report prior to its availability to a member of Council.

Requests for this type of information must be made to the Executive Director and not the General Manager.

Executive Directors have the authority to refuse the release and/or access to this type of information to a member of Council (see Dispute Resolution Mechanism below) until the staff review is complete.

Information/Data not collected

If a member of Council requests information that has not been collected, the size, scope and availability of the data needs to be considered by the CAO and/or Executive Director prior to granting the request. This practice is consistent with the protocol for New Projects and Initiatives (Section 9 - Governance Manual).

It is expected that the CAO and/or Executive Director will advise the individual member of Council as to whether the request would cause the re-allocation of staff resources away from existing priorities. If this is the case, the individual Councillor will need to seek the support through Committee and/or Council.

This protocol recognizes:

- Individual members of Council do not have the authority to direct the work of staff
- Requests of this nature should be vetted by the whole of Council and Administration in an open forum to understand the intention of the request and to ensure it is in the interest of the Corporation and Community
- The formal relationship between individual Councillors and the Administration

It is expected that members of staff will refer individual Councillors to the CAO and/or their Executive Director when they receive requests of this nature.

Access to Consultants

Consultants are engaged by the Administration not Council. If a member of Council is interested in accessing a consultant working for the City (to ask questions or seek their expertise on a matter), they should take their request to the Chair and Executive Director of the relevant Standing Committee or through Notice of Motion to Council.

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Intergovernmental Communications

The Mayor is the spokesperson for Council regarding communications with other governments or agencies. If a member of Council is interested in formally communicating with another government or agency, they should take their request to the Mayor and/or the CAO or through Notice of Motion to Council.

Members of Council should not directly contact any regulatory bodies regarding any regulatory compliance concerns.

Specific protocols will be established to inform members of Council of any potential or experienced compliance issue.

Confidential Material ready to be circulated

It is the responsibility of individual members of Council to ensure confidential material that has been provided to them is kept secure at all times and disposed of appropriately.

Council's **Code of Conduct** provides additional guidance on Confidential Material.

Closed Meeting Agendas, Reports and Minutes

Closed Meeting Agendas, Reports and Minutes, for Committees and Council, are circulated to members of Council in advance of the meeting. They are printed on pink paper and arrive in a sealed envelope. Sometimes reports may come under separate cover.

It is recommended that members of Council dispose of their Closed Meeting materials in the boxes provided in Council Chambers.

A public version of Closed Meeting Agendas is provided on the City's website.

If a member of Council would like to see a Closed Meeting Report or Minutes from a previous meeting, they should speak to the Clerk. Members of Council should expect to receive a response in 24 hours with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Council's **Closed Meeting Protocol** provides additional guidance with respect to the consideration of confidential matters.

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Third Party Confidential Reports

The Administration, from time to time, may be in receipt of third party material that is considered confidential and distribution may be restricted. This may be the case even if the report has been made available to other stakeholders in the community.

In these circumstances, members of Council shall be granted access to review such a report while on premises at City Hall unless it is deemed that there is a risk to the corporation.

If denied, members should speak with the appropriate Executive Directors. The Executive Director will take the matter to the CAO on behalf of the member of Council. All members of Council will be advised if a member of Council has been provided access to a Third Party Confidential Report.

Individual Customer, Ratepayer, and Employee Information

Member of Council are not provided access to information that is protected under MFIPPA, PHIPA or other relevant privacy legislation. This includes information related to the termination of an employee.

Ward Constituent Requests

Members of Council receive requests for information and/or service from their ward constituents.

Members of Council provide a valuable service to members of the public by facilitating their connection to the right person within City Hall. The Mayor's Office also serves a similar role.

The response to a constituent request can take one of two forms:

- The staff member responds directly to the constituent on behalf of the member of Council or Mayor's Office
- The staff member provides the necessary information to the member of Council or Mayor's Office for their response

Members of Council should expect to receive a response in 1 working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

Any communication forwarded to City staff by Council on behalf of their constituent will be considered confidential. Generally, responses should be forwarded directly to the

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constituent. If the response contains personal information, the City Clerk's Office should be consulted prior to disclosure. Personal information should not be disclosed to a third party unless express written consent to do so is received.

Members of Council should expect to be copied on any correspondence and/or advised of any communications with the constituent.

Ward Councillors should include their ward mate in the correspondence to staff to avoid duplication of work. Generally speaking, staff should respond to both ward councillors when responding to a ward-specific constituent request. If the request is not ward-specific but of a corporate or city-wide nature then the staff member will include all of Council in their response to the ward Councillor and/or constituent.

Constituent requests received by the Mayor's Office and simultaneously copied or sent to all members of Council will be responded to by the Mayor's Office on behalf of all members of Council. Members of Council will be copied on the response to the constituent. The Mayor's Office will make it clear they are responding on behalf of all members of Council. The response standard is 24 hours with, at minimum, an acknowledgement of receipt and with a time-line should follow up be required.

Requests for information

If a constituent has made a request for information that the member of Council or Mayor's Office is unable to answer, the member of Council or Mayor's Office should forward the e-mail or information request (with contact information) via e-mail to:

- Executive Director for the Service Area (copy Service Area Executive Assistant)
- General Manager for the Department (copy Service Area Executive Assistant)

Requests for Service

If a constituent has made a request for service, the member of Council or Mayor's Office should forward the e-mail or request via e-mail (with contact information) to:

- Executive Director for the Service Area (copy Service Area Executive Assistant)
- General Manager for the Department (copy Service Area Executive Assistant)

Important: All constituent requests for service are considered in light of current Council policy and operational work plans and priorities. A request through a member of Council should not be construed as an opportunity to receive preferential treatment. Members of Council have an obligation to make this clear to the constituent. Equally, if an operational decision is made to proceed on the constituent request sent through a

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member of Council, staff should not characterize the work as politically-driven to members of the public.

A commitment for service should include a time frame. It is expected that if this timeframe will not be met that the member of staff will proactively inform the constituent and member(s) of Council in advance of the missed deadline.

Media

Media releases will be sent to members of Council immediately in advance of their public release.

Members of staff provide Council with a summary of media interviews by end of day.

Input and Direction from Members of Council

One of the duties of members of Council under the Municipal Act is to represent the public and to consider the well-being and interests of the municipality. Members of Council have a unique understanding of their wards and the community which can be of value to the Administration. This represents another form of information flow between Council and the Administration.

Type of input	Requirement to report back	Requirement to take action
An Individual member of Council provides input on administrative/operational matters (e.g. informally, during a meeting)	No	At staff's discretion
A Committee or Council gives direction to staff on a non administrative and/or operational matter (e.g. policy development, information report) through a resolution	Yes	Yes
A committee or Council approves a staff recommendation	As required	Yes

Important: While a report in writing back to all of Council may not be required, it is often in the interest of relationship building and/or accountability to do so, either informally (i.e. email) or formally, as each circumstance dictates.

Requests for Information Regarding an Individual Member of Council

A request for information regarding a member of Council, as it pertains to their role as an elected official, should be directed to the member of Council. This includes requests for information from Council or the Administration on behalf of a constituent or the media. If the individual requesting the information is not satisfied with the response, they can direct their concern to the Mayor and/or request the information through the Clerk through Freedom of Information (FOI). In the case of the Mayor, the individual will be referred to the Clerk (i.e. Freedom of Information application).

Dispute Resolution

If a member of Council is not satisfied with their access to information, they should discuss their concerns with the Executive Director for the appropriate Service Area.

If a member of Council is not satisfied with their access to information granted by an Executive Director, they should discuss their concerns directly with the CAO.

If an Executive Director has refused access to information to a member of Council, they will bring the matter to the attention of the CAO on behalf of the Councillor.

If the member of Council is unsatisfied by the response of the CAO to their request for access to information, they should discuss their concerns with the Mayor who can bring their request to Council for their consideration.

Commitment to training

Each incoming term of Council will receive an orientation on the Information Sharing Protocol.

All NUME will receive training on the Information Sharing Protocol with the adoption of this protocol.

As a future practice, all employees involved in information sharing will receive training on the Information Sharing Protocol as part of their orientation program.

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It is understood and expected that all employees who are not Direct Reports to the CAO or Executive Directors, will refer members of Council to the appropriate Executive Director or General Manager regarding information request.

Service Area and Departmental Contact Information (current as of October 2012)

Information requests from members of council should be limited to the CAO, Executive Directors, Administrative Assistants, and General Managers.

For the purposes of this protocol, this includes the Corporate Manager of Strategic Initiatives and the Internal Auditor reporting directly to the CAO.

Contact information can be found on the City's website at:

<http://guelph.ca/orgchart/>

Note: Click on the Service Area for Department contacts.