

**Report to  
Rapport au:**

**Council  
Conseil**

**November 26, 2014  
26 novembre 2014**

**Submitted by  
Soumis par:**

**M. Rick O'Connor, City Clerk and Solicitor/Greffier de la Ville et chef du  
contentieux**

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**Ward:** CITY WIDE / À L'ÉCHELLE DE LA **File Number:** ACS2014-CMR-CCB-0062  
VILLE

**SUBJECT:** 2014-2018 COUNCIL GOVERNANCE REVIEW

**OBJET:** EXAMEN DE LA STRUCTURE DE GESTION PUBLIQUE DU CONSEIL  
MUNICIPAL POUR 2014-2018

## **REPORT RECOMMENDATIONS**

1. That, at its meeting of November 26, 2014, the 2010-2014 Term of Council receive and table the “2014-2018 Council Governance Review” report; and
2. That, at its meeting of December 3, 2014, the 2014-2018 Term of Council consider and approve the following recommendations related to the Council and Committee structure, policies, procedures and other related matters:

### **PART I – COMMITTEE STRUCTURE**

#### **A – STANDING COMMITTEES, SUB-COMMITTEES AND TRANSIT COMMISSION**

- 1. The Council Committee structure for the 2014-2018 Term of Council as outlined in this report and as follows, effective immediately:**
  - a) Agriculture and Rural Affairs Committee;**
  - b) Audit Committee;**
  - c) Community and Protective Services Committee;**
  - d) Environment Committee;**
  - e) Finance and Economic Development Committee and its associated Sub-Committees:**
    - i) IT Sub-Committee;**
    - ii) Member Services Sub-Committee; and**
    - iii) Eliminating the Debenture Committee and the Governance Renewal Sub-Committee;**
  - f) Planning Committee and its associated Sub-Committee;**
    - i) Built Heritage Sub-Committee;**
  - g) Transit Commission; and**
  - h) Transportation Committee;**
- 2. That staff work with the Chair and Vice-Chair of Community and Protective Services Committee to develop a proposed approach for a systematic review of the City's major by-laws and regulatory affairs within this Term of Council to be presented to the Committee no later than the end of Q1 2015, and that staff include a summary of all major by-laws, including the date they were adopted, the date they were last reviewed, and any related regulations, as well as enforcement statistics, as information for the Committee, as described in this report;**
- 3. The membership of the Finance and Economic Development Committee, as described in this report;**
- 4. The elimination of the Debenture Committee, as outlined in this report;**

5. That the City Treasurer and the City Manager be jointly authorized to place any debenture by-law required for debt issued pursuant to provisions of the *Delegation of Authority By-law* directly on meeting agendas of the Finance and Economic Development Committee or City Council with 48 hours' notice; and that the Finance and Economic Development Committee be authorized to enact debenture by-laws, as described in this report;
6. The elimination of the Governance Renewal Sub-Committee, as outlined in this report;
7. That the Terms of Reference for the Information Technology (IT) Sub-Committee be revised to enable the Sub-Committee to take a more active role in the City's information technology initiatives, including the future development of Ottawa.ca;
8. That the mandate of the Built Heritage Sub-Committee be expanded to include the ability to comment on Heritage Overlay matters after April 1, 2015, the ability for staff to consult on matters related to the built heritage portfolio, and to permit other Standing Committees to refer matters to the Built Heritage Sub-Committee, as outlined in this report;
9. That staff undertake the recommended process improvements for the Built Heritage Sub-Committee as outlined in this report and as follows:
  - a) That facilitated discussions for the Built Heritage Sub-Committee be held in January/February 2015, as outlined in this report;
  - b) That staff include a template that includes the rationale behind their analysis of the merits of an application and their recommendation;
  - c) That Cultural Heritage Impact Statements be included as an appendix in all relevant reports on a Built Heritage Sub-Committee Agenda; and
  - d) That staff provide a bi-annual report to the Built Heritage Sub-Committee on all designation requests denied;
10. The draft Code of Conduct for Citizen Members of the Built Heritage Sub-Committee, attached as Document 2;
11. That the Chair of the Built Heritage Sub-Committee be a member of Planning Committee, but not be required to be the Vice-Chair;

- 12. That Leo A. (Sandy) Smallwood, Barry Padolsky and Carolyn Quinn be appointed as the citizen members to the Built Heritage Sub-Committee for the 2014-2018 Term of Council, as described in this report;**
- 13. The Council, Committee and Commission Calendar, Meeting Locations and Other Committee Matters as outlined in this report;**
- 14. That Chairs and Vice-Chairs be appointed for the Term of Council;**
- 15. The Nominating Committee mandate and process as outlined in this report;**
- 16. The Ward- and position-specific appointments, as outlined in Document 4;**
- 17. That the City withdraw its membership from the Ontario Good Roads Association (OGRA), as described in this report; and**
- 18. That the revised Terms of Reference for Standing Committees, Sub-Committees and the Transit Commission be submitted in draft form to the respective Committees/Commission at their first meeting in 2015 for consideration and recommendation to Council for approval.**

## **B – ADVISORY COMMITTEES**

- 1. The establishment of the following Advisory Committees, as outlined in this report:**
  - a) The Accessibility Advisory Committee;**
  - b) The Arts, Culture, Heritage and Recreation Advisory Committee;**
  - c) The Environmental Stewardship Advisory Committee;**
  - d) The French Language Services Advisory Committee; and**
  - e) The elimination of the Community Services Advisory Committee.**
- 2. That the Advisory Committees be directed to provide their respective Standing Committees with their recommendations for what should be included in the Term of Council priorities as early as possible in 2015 for the Standing Committees' information; and**
- 3. The specific inclusion of Advisory Committee comments, with its own heading, as part of the consultation section of relevant reports.**

## **C – OTHER STANDING COMMITTEE CHANGES AND UPDATES**

- 1. That City Council approve the 2015-2018 Tax- and Rate-Supported budget process, as outlined in this report.**

## **PART II – ACCOUNTABILITY AND TRANSPARENCY**

- 1. That the 2014 Annual Report of the Integrity Commissioner, attached as Document 6, be received;**
- 2. The update on an Improper Use of Influence provision in the Code of Conduct for Members of Council, as outlined in this report;**
- 3. That the public disclosure requirements for Members' business travel outlined in the Council Expense Policy be amended to include all City-funded travel, including travel funded by the City's Boards and Agencies, as well as Members' travel funded by external bodies;**
- 4. That Members who undertake City-funded travel submit a written report detailing their experiences at the conference and how they advanced the City's position or interests, as outlined in this report;**
- 5. That, should departmental, ward-based budgets for traffic control measures be approved as part of the City's annual budget process, Members' names not be permitted on any signage for these initiatives, whether funded from the Constituency Services Budget or a departmental budget;**
- 6. A technical amendment to the Council Expense Policy, as described in this report, such that the clause under Section 3.2 Spending Guidelines and Accounting Procedures that currently reads: "No expense shall create a conflict of interest, or the appearance of such a conflict, that may arise through the purchase of goods or services from a family member" be amended to read, "No expense shall create a conflict of interest, or the appearance of such a conflict, that may arise through the purchase of goods or services from a family member or a family member of one of a Member's staff";**
- 7. That the Code of Conduct for Members of Council be amended such that there be full disclosure of all gifts, benefits and hospitality received that exceed \$150.00 from one source in a calendar year; and**

8. That a new subsection (3) be added to Section 6 (Improper Influence) of the Lobbyist Code of Conduct, as described in this report and as follows:

(3) Lobbyists with active lobbying registrations, their registered clients or their employees shall not, directly or indirectly, offer or provide any gift, benefit or hospitality to Members of Council or their staff.

**PART III – LOCAL BOARDS**

1. Receive the updated listing of Local Boards in Document 7 and the status report on the compliance of the City's Agencies, Boards and Commissions (ABCs) with respect to their *Municipal Act, 2001* policy requirements, as outlined in this report; and direct staff to provide a further update on ABC compliance as part of the 2014-2018 Mid-term Governance Review;
2. That staff be directed to take the necessary steps to formally dissolve the Ottawa Municipal Campground Authority and the Pine View Municipal Golf Club Board of Management, which are no longer operating, as outlined in Document 7;
3. That staff conduct a detailed governance review of the Sparks Street Business Improvement Area Board and the Sparks Street Mall Authority Board of Management and report to the Finance and Economic Development Committee and Council no later than Q2 2015, as outlined in this report;
4. The interim appointment of Dr. Merrilee Fullerton, Timothy Hutchinson, Dr. Atul Kapur, Marguarite Keeley and Gisèle Richer as citizen members on the Board of Health pending finalization of the selection process for the appointment of citizen members for the full 2014-2018 Term of Council;
5. That the Ottawa Public Library Board be nine members, consisting of five citizen trustees and four Members of Council, in accordance with Ottawa Public Library Board Motion OPLB 2012-0088, and as outlined in this report, effective upon the appointment of the new citizen members; and
6. That the 2014-2018 Nominating Committee process seek two Members of Council to sit on the Hydro Ottawa Holding Inc. Board of Directors, as outlined in this report.

**PART IV – AMENDMENTS TO VARIOUS BY-LAWS POLICIES AND RELATED MATTERS**

1. The revised Appointment Policy set out in Document 8;
2. The amendments to the Commemorative Naming Policy as described in this report;
3. The amendments to the *Delegation of Authority By-law* as described in this report;
4. The Legal Indemnification Policy as outlined in Document 9 and as described in this report;
5. The amendments to the *Procedure By-law* as outlined in this report and in Document 10;
6. The amendments to the *Purchasing By-law* as described in this report; and
7. That the update on the status of the Roadside Memorial Sign Program be received, as outlined in this report.

#### **PART V – OTHER MATTERS**

1. The establishment of two Deputy Mayor positions for the 2014-2018 Term of Council, and that the appointments for these positions be recommended to Council by the Mayor and included in the Nominating Committee report;
2. That a temporary FTE be provided to support the role of the Deputy Mayors, similar to the additional half FTE provided to Standing Committee Chairs, to be funded from the Council Administrative Services budget, as described in this report;
3. The creation of the position of Sports Commissioner, as described in this report, to be a Member of Council and to be recommended to Council by the Mayor and included in the Nominating Committee report;
4. That the Mayor be given delegated authority to conduct performance reviews, authorize salary adjustments within the Council-approved pay scale and approve vacation and sick leave requests for the City Manager and Auditor General, as described in this report;
5. a) The establishment of the Office of the Regulator for the Confederation Line, in principle, as described in this report and as represented in Document 12; and

- b) That the Regulatory Working Group, in consultation with the City Manager and relevant senior management of the City, be directed to develop the necessary instruments, including by-law(s), to establish the position and duties of the Regulator, to be brought forth to the Transit Commission and Council for their consideration by the end of Q1 of 2015, in accordance with this report and in keeping with the 2011 Transport Canada Delegation of Authority agreement (Document 11);**
- 6. That the Technology Implications section of Committee and Council reports be made optional;**
- 7. The amendments to Section 12(1) of By-law 2009-323, a By-law of the City of Ottawa to establish the position and duties of Auditor General of the City of Ottawa, as described in this report; and**
- 8. That the City Clerk and Solicitor be delegated the authority to implement changes to all related processes, procedures, policies and by-laws as required to implement Council's decisions further to the approval of this report.**

## **RECOMMANDATIONS DU RAPPORT**

Voir la version française du rapport

## **EXECUTIVE SUMMARY**

The City of Ottawa's governance structure, like those of other Ontario cities, facilitates the legislative process. It consists of several different but related deliberative bodies, namely City Council, Standing Committees, Advisory Committees and arms-length Agencies, Boards and Commissions (ABCs), as well as the regulatory tools that govern those bodies, such as the *Procedure By-law*, *Delegation of Authority By-law* and the *Purchasing By-law*. As municipalities are the level of government that is closest to citizens, the City's governance structure is designed to enable formal, direct community input into decision-making through citizen Advisory Committees and Standing Committee presentations to elected representatives and citizen members of the Transit Commission and the Built Heritage Sub-Committee. It also facilitates the legislative and governmental work of the elected officials through Standing Committee and City Council meetings.

Since amalgamation, the City of Ottawa has undertaken governance reviews twice over each Term of Council. The first review takes place at the beginning of a Term of Council and traditionally is when major changes are made to the governance structure. The Mid-

term Governance Review traditionally ‘tweaks’ the governance structure to address any issues that have arisen in the interim.

This is the Governance Review for the beginning of the 2014-2018 Term of Council. The report is tabled at the last meeting of the outgoing Council, then lifted from the table and considered by the incoming Council as its first order of business. This Governance Review, as in each previous review, was guided by the principles that any proposed change must ensure that:

- the governance structure and related processes remain transparent and accountable to the community at large;
- changes contribute to an efficient and effective decision-making process; and
- the governance structure and processes are focused and aligned with identified City priorities.

This Governance Review report contains a series of inter-connected recommendations and proposals that are intended to build upon Council’s existing governance structure and provide for the associated procedures and policies required for Council, Committees of Council and other related bodies. In addition, there are a number of ‘housekeeping’ amendments (changes where existing processes need to be ‘cleaned up’, or where new direction or updates are suggested), as is normal practice.

In keeping with past practice, these recommendations have been developed through interviews conducted by the City Clerk and Solicitor and the Deputy City Clerk with all members of the outgoing Council. As well, they met with the citizen members of the Transit Commission and the Built Heritage Sub-Committee, the Chairs and Vice-Chairs of the City’s Advisory Committees, and sought input from senior staff with respect to improvements that they might recommend.

Finally, the City Clerk and Solicitor and the Deputy City Clerk worked closely with the Mayor in finalizing the recommendations in this Governance Report. One of the fundamental responsibilities of the Head of Council under Section 225(c) and (c.1) of the *Municipal Act, 2001* is to “provide leadership to the council; [and]...to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1)”. Clauses 224 (d) and (d.1) relate specifically to ensuring administrative and controllership “policies, practices and procedures ... are in place to implement the decisions of council; [and] to ensure the accountability and

transparency of the operations of the municipality...”. A similar process took place during the Governance Review for the 2010-2014 Term of Council.

The 2010-2014 City Council established a number of new governance practices, including the introduction of an Accountability Framework for Members of Council and the appointment of an Integrity Commissioner and the introduction of citizen members on decision-making bodies with elected officials. In general, there was a consensus that the governance processes now in place have been working well. As a result, this report largely recommends tools that build on current practices and that address issues that have arisen in the implementation of the 2010-2014 Council’s governance framework.

Highlights of the recommendations in this report are as follows:

With respect to the Committees of Council, the major change being recommended is the creation of an Audit Standing Committee. This Committee would retain the mandate for the existing Audit Sub-Committee; making it a Standing Committee will provide for a more fulsome and focused discussion with respect to the Audit function and remove the need to report to Council through the Finance and Economic Development Committee (FEDCO). It is recognized that this Committee will continue to meet on an as-needed basis, so the Chair of this Committee would not receive the additional half FTE (Full-time Equivalent) provided to other Standing Committee Chairs.

The creation of this Committee would result in changes to the membership of FEDCO such that the Audit Committee Chair would be a member of the FEDCO. The Mayor is further recommending that the two Deputy Mayors also sit on the FEDCO, reducing the number of members-at-large to one. It is believed that this membership structure will provide the governance leadership with a City-wide focus and familiarity with the City’s financial framework, corporate initiatives and administrative structure and policies, thereby strengthening City Council’s overall leadership with respect to accountability and financial oversight.

It is also being recommended that the Debenture Committee be eliminated, and that the City Treasurer and the City Manager be jointly authorized to place any debenture by-law required for debt issued pursuant to provisions of the *Delegation of Authority By-law* directly on the meeting agendas of FEDCO or City Council with 48 hours’ notice. In an average month, there are two meetings of City Council and one of FEDCO. It is believed that this meeting frequency, paired with the proposed new process, would provide the City Treasurer with sufficient ability to access financial markets and have

debenture by-laws enacted as is necessary, without the need for a separate single-purpose Committee.

Other changes being recommended for Committees include the elimination of the Governance Renewal Sub-Committee (as it has completed its work) and the elimination of travelling meetings of the Agriculture and Rural Affairs Committee (which have become an unintended barrier to public participation). There are recommendations for the expansion of the mandate of the Built Heritage Sub-Committee to include Heritage Overlay matters, the review of major by-laws by the Community and Protective Services Committee, and the adoption of a Code of Conduct for Citizen Members of the Built Heritage Sub-Committee.

It is being recommended that all Committee meetings be held in the Champlain Room to make it easier for the public to predict the meeting location. This change does not have an impact on the ability of a Chair to move a meeting to the Council Chambers should it be necessary, but does mean that this will be the exception. It is also recommended that the Community and Protective Services Committee, the Environment Committee and the Transit Commission meet eight times a year, so that the meeting schedule is better aligned with their workload.

The report recommends the retention of the current Deputy Mayor model, such that the Mayor recommends the appointment of two Deputy Mayors for the whole Term of Council. The Mayor is also recommending the creation of the position of Sports Commissioner, who will work closely with the Economic Development Office to help support the City's efforts to attract a greater share of large-scale sporting events and participate in bid processes as required. The Mayor would recommend the appointment of that individual through the Nominating Committee. The Mayor is also recommending that Chairs and Vice-Chairs be appointed for the entire Term of Council to ensure stability.

With respect to Advisory Committees, the report recommends that Advisory Committees be provided with the opportunity to provide their recommendations regarding what Council should be considering with respect to its Term of Council priorities. As well, it is recommended that Advisory Committee comments be included under a separate heading in the Public Consultation section of all relevant reports.

Finally, it is being recommended that the Community Services Advisory Committee be disbanded, as the City's Public Engagement Strategy has been fully implemented in the Community and Social Services Department. In 2014, the Community and Social

Services department participated in 34 City-led committees and 27 community-led committees. Approximately 800 residents and agencies are represented on the 61 committees and more than 200 departmental staff is involved. An unanticipated outcome with this broad-based consultation framework is that, by the time a proposal comes to the Community Services Advisory Committee, it has already been developed with significant stakeholder involvement. Staff does not believe that the significant work of the stakeholder community should be able to be 'overturned' in a recommendation to Council when there is a disagreement between the stakeholder community and the Advisory Committee, which has not been seized with the issue over time.

There are a number of process recommendations included. Among them is a recommendation for the Term of Council budget process and a recommended amendment to the Auditor General's by-law authorizing the Mayor and the Auditor General to determine the timing of the tabling of the Auditor General's annual report in a municipal election year, reflecting the current practice.

There are a number of recommendations being made with respect to the City's Accountability Framework. Among them are that all Members' business travel be disclosed, including travel undertaken as a member of one of the City's Agencies, Boards, Commissions or Conservation Authorities, that Members who undertake City-funded travel submit a written report about their experiences and how the City's interests were advanced, and that Members' names not be permitted on signage for traffic control measures.

The Integrity Commissioner is recommending that the gift disclosure threshold be set at \$150 so that the City of Ottawa is better aligned with current best practices. He is also recommending an addition to the Lobbyist Code of Conduct that prohibits those with an active lobbying file from offering or giving any gift, benefit or hospitality to any Member of Council, in accordance with a similar provision that already exists in the Code of Conduct for Members of Council.

The report provides updates on several ongoing matters, as directed by Council, including the Roadside Memorial Program, the inclusion of a provision in the Code of Conduct for Members of Council with respect to Members and quasi-judicial bodies, and the current status of the implementation of *Municipal Act, 2001* mandatory policies for the City's Agencies, Boards and Commissions.

There are small recommendations for process improvements to the City's Appointment Policy and the Commemorative Naming Policy, and to make the Technology

Implications section of committee reports optional rather than mandatory. There is also a recommended new process for some of the human resources matters for the Auditor General and City Manager. The Governance Report also includes the traditional review of the *Procedure By-law*, the *Delegation of Authority By-law* and the *Purchasing By-law*.

Recommendations to revise the *Procedure By-law* are based on observations from elected officials and challenges encountered by the City Clerk and Solicitor's staff with respect to meeting and report matters. Changes to the *Delegation of Authority By-law* are recommended by operational staff to reflect changes in authority and reflect changes in administrative and operational practices. Changes to the *Purchasing By-law* are recommended by the Chief Procurement Officer in conjunction with operational staff to reflect changes in administrative and operational practices.

The report recommends the next steps for the establishment of the Office of the Regulator for the Confederation Line, as first identified in 2011 and in accordance with the City's Delegation Agreement with Transport Canada.

There are also a number of recommendations that can best be described as 'housekeeping matters', such as establishing interim membership for the Board of Health, formalizing the appointments of Members to boards and agencies where there are dedicated seats, taking the steps necessary to dissolve the Ottawa Municipal Campground Authority and the Pine View Municipal Golf Club, reviewing the by-laws and related matters for the Sparks Street Business Improvement Area and the Sparks Street Mall Authority, and formalizing the governance model adopted by the Ottawa Public Library Board in late 2012.

As is traditional, the 2014-2018 Governance Report will be tabled at the final meeting of the outgoing Council, and be the first item addressed at the first business meeting of the 2014-2018 City Council.

## **BACKGROUND**

The City of Ottawa's governance structure, like those of other Ontario cities, facilitates the legislative process. The governance structure consists of several different but related deliberative bodies, namely City Council, Standing Committees, Advisory Committees and arms-length Agencies, Boards and Commissions (ABCs), as well as the regulatory tools that govern those bodies, such as the *Procedure By-law*, the *Delegation of Authority By-law* and the *Purchasing By-law*. The governance structure is designed to enable formal, direct community input into decision-making through citizen Advisory Committees and Standing Committee presentations to elected representatives

and citizen members of the Transit Commission and Built Heritage Sub-Committee. It also facilitates the legislative and governmental work of the elected officials through Standing Committee and City Council meetings.

Since amalgamation, the City of Ottawa has undertaken governance reviews twice over each Term of Council. The first review takes place at the beginning of a Term of Council, and traditionally is when major changes are made to the governance structure. The Mid-term Governance Review traditionally ‘tweaks’ the governance structure to address any issues that have arisen in the interim. Recommendations in both governance reports are developed based on consensus established through one-on-one consultations with Members of Council, citizen members of Committees of Council, Chairs and Vice-Chairs of Advisory Committees, the Executive Management Committee and members of the Senior Management Committee.

The 2014-2018 Governance Review, as in each previous review, was guided by the principles that any proposed change must ensure that:

- the governance structure and related processes remain transparent and accountable to the community at large;
- changes contribute to an efficient and effective decision-making process; and
- the governance structure and processes are focused and aligned with identified City priorities.

The City’s authority is determined by its enabling legislation, which primarily is the *Municipal Act, 2001* (the Act) and the *City of Ottawa Act, 1999*. The *Municipal Act, 2001* was amended by Bill 130, where many of the changes to the Act came into effect by January 2008. The overall intent of the changes in Bill 130 was to provide municipalities with the flexibility and autonomy to respond to local matters and fulfill responsibilities within their jurisdiction. To this end, the Bill provided municipalities with greater powers and autonomy which were balanced with increased accountability and transparency measures. The changes to the statute have influenced the evolution of the City’s governance structure and practices since its enactment.

This report contains a series of inter-connected recommendations and proposals that are intended to build upon Council’s existing governance structure and provide for the associated procedures and policies required for Council, Committees of Council and other related bodies.

In addition, there are a number of 'housekeeping' amendments (changes where existing processes need to be 'cleaned up', or where new direction or updates are suggested) being recommended, as is normal practice. It should be noted that those minor matters of an administrative nature (correction of departmental name and managerial staff titles, etc.) will not be expressly identified within this report, but are listed in the appendices. All other significant concerns, as well as proposed amendments, are summarized in the body of the report. Detailed explanations, where required, appear in the appendices as well.

As part of the preparation for the report, the City Clerk and Solicitor and the Deputy City Clerk consulted with elected representatives, citizen members of Committees of Council, Chairs and Vice-Chairs of Advisory Committees, the Executive Committee and members of the Senior Management Committee, as well as staff in the City Clerk's Branch, Legal Services and the City Manager's Office who work most closely with the legislative process.

## **DISCUSSION**

As indicated above, the substantive recommendations within this report result from consultations with elected representatives, citizen members of Council committees, City staff and the City's Advisory Committee Chairs and Vice-Chairs. There were a number of issues raised that staff did not include in the recommendations because there was no consensus with respect to these matters.

## **PART I – COMMITTEE STRUCTURE**

### **A – STANDING COMMITTEES, SUB-COMMITTEES AND TRANSIT COMMISSION**

**The Council Committee structure for the 2014-2018 Term of Council as outlined in this report and as follows, effective immediately:**

- a) Agriculture and Rural Affairs Committee;**
- b) Audit Committee;**
- c) Community and Protective Services Committee;**
- d) Environment Committee;**
- e) Finance and Economic Development Committee and its associated Sub-Committees:**

- i) **IT Sub-Committee;**
- ii) **Member Services Sub-Committee; and**
- iii) **Eliminating the Debenture Committee and the Governance Renewal Sub-Committee;**
- f) **Planning Committee and its associated Sub-Committee;**
  - i) **Built Heritage Sub-Committee;**
- g) **Transit Commission; and**
- h) **Transportation Committee.**

**Agriculture and Rural Affairs Committee**

Since amalgamation, the Standing Committee structure of City Council has included a Committee that oversees rural affairs. The Agriculture and Rural Affairs Committee (ARAC) is responsible for ensuring that the unique interests and requirements of the City of Ottawa's rural areas are taken into account in the decisions made by the City. The Committee makes recommendations to Council on issues and programs pertaining to the agricultural and associated industries, the rural economy, rural residential communities, land development and landscaping, transportation, water and wastewater services, and environmental protection.

A review of Committee statistics from 2011-2013<sup>1</sup> shows that ARAC held an average of 13 meetings per year, with one cancellation. ARAC averages 20 meeting hours per year, with an average meeting length of one and a half hours. It addressed an average of 80 reports a year, 68% of which were action items and 32% of which were information items. It had an average of two verbal presentations a year and 85 items in the minutes.

There is a general consensus among Members that this Committee is working well and there are no recommended changes to its mandate or meeting frequency.

That said, this Committee has two unique practices that have been identified as challenging since the Committee's inception: holding meetings in each of the rural wards over the course of a year and having an "Open Mike" session as part of each meeting. There is consensus that the first practice needs to change and that it may be

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<sup>1</sup> 2014 was not factored in due to the reduced meeting numbers that occur in a municipal election year.

necessary to consider changing the second practice in the Mid-term Governance Report should current issues continue.

The practice of ARAC holding some of its regular meetings in the rural community in the evening dates back to amalgamation. On February 5, 2001, the Rural Issues Committee discussed the time and locations of its meetings (ACS2001-CCS-RIC-0003), and approved the following motion:

*That the regular start time for meetings of the Rural Issues Committee be at 9:30 a.m., with the exception of meetings held in the rural communities which will have a start time of 7:30 p.m., and that there be a minimum of 5 meetings in the rural areas.*

At that time, Members of the Rural Issues Committee spoke of wanting to make the presence of the Committee felt in the rural area, and it was believed that it would be difficult to encourage rural residents to travel downtown for meetings. It was also acknowledged that there are additional costs with respect to Committee travel and this would need to be monitored.

The Rural Issues Committee was renamed the Agriculture and Rural Affairs Committee (ARAC) following the Rural Summit and the practice of travelling meetings continued for the Committee during the 2003-2006 Term of Council, the 2006-2010 Term of Council, and the 2010-2014 Term of Council.

The practice of travelling ARAC meetings has had many benefits for ARAC members and the City staff that support the Committee. The 'host' Member has the opportunity to showcase his/her ward, the community has an opportunity to see the Council Committee that is seized with their issues at work, and City staff have a formal opportunity to meet directly with rural residents.

However, there are two problems with respect to travelling ARAC Committee meetings that have been consistently identified by members of the public and Members of the Committee since the Committee's inception. The first is the challenge of finding appropriate space for large meetings within City facilities in the rural area and the fact that space in City facilities in the rural area is well-used by the local community and in high demand. It has proven to be very difficult to find appropriate community space for the Committee without displacing an important community need and, as a result, it is a challenge to schedule meetings in the community at all and nearly impossible with limited notice.

The second issue results from the challenge of finding community space that doesn't displace the local need, coupled with the statutory deadlines associated with matters within ARAC's mandate (such as matters under the *Planning Act* and *Drainage Act*), and the simple fact of the geographic size of the City of Ottawa.

The original concept for travelling meetings was that each off-site meeting agenda would contain only items which would be relevant or of immediate interest to residents who live in or near the rural ward in which the meeting would take place, given the large distance between many rural communities. In practice, and in spite of the best efforts of all involved, holding meetings away from City Hall has made it more difficult for rural residents. More often than not, residents from a rural community at one end of the City have had to travel across the City to another rural ward for a single item on an agenda. As these are evening meetings, a resident from West Carleton might have a drive of over an hour each way to attend a meeting in Navan that is considering a severance in Kinburn and where that item is not addressed until 9 p.m. It is not uncommon for affected residents to state that they feel the distance is a tactic to reduce public input.

No amount of effort over four terms of Council has been able to resolve this issue. There is a consensus among Members of the Committee that the intention to use rural community-based meetings as a way to enhance the Committee's presence in the rural area and increase accessibility for rural residents has instead become an institutional barrier to the participation of some rural residents.

As Chair of ARAC during the 2010-2014 Term of Council (who also chaired the Rural Issues Committee that recommended the practice of meeting in rural communities), Councillor Thompson has worked with staff over the years to try and address this issue. In his interview with the City Clerk and Solicitor and the Deputy City Clerk for this report, he concurs with the consensus to eliminate ARAC's evening meetings in the rural wards, noting that, while all parties have had the goodwill to try the off-site meetings, these meetings have become a barrier to participation that has no practical solution. Councillor Thompson further observed that the City's response to rural issues has improved since amalgamation and stated his belief that, as long as there remains the opportunity to hold Special Meetings of the Committee off-site should there be a need, fairness is best served by all regular meetings of ARAC being held at City Hall. This recommendation is being made as part of the Council, Committee and Commission Calendar, Meeting Locations and Other Committee Matters portion of this report.

With respect to the other unique practice, the Agriculture and Rural Affairs Committee has a standing "Open Mike" item on its agendas, the result of recommendations arising

out of the Rural Summit. Members of the public have five minutes to raise issues directly with the Committee without there being notice. These issues can relate to City matters or provincial or federal matters outside of City Council's jurisdiction.

Over the course of time, governance issues arose when motions arose as a result of the issues raised during the "Open Mike". Because staff with expertise in the area was sometimes not available at the meeting to provide comment and advice to the Committee, there were unanticipated challenges that occurred when Committee waived a motion on to the Agenda in the "Open Mike" session without staff comment, particularly when the issues raised touched on legislative or regulatory matters.

As part of the 2006-2010 Mid-term Governance Report, City Council adopted an amendment to the *Procedure By-law* that requires that all motions arising from the "Open Mike" portion of the agenda be submitted as Notices of Motion to provide staff with the opportunity to provide comment and advice on these motions, particularly as they relate to any regulatory and legislative issues.

There is general consensus that these changes sufficiently addressed the governance issues that occurred as part of the "Open Mike" session for matters where the City has jurisdiction. However, they have not addressed the issues that continue to arise with respect to matters raised that fall within the jurisdiction of the other levels of government. Specific concerns were raised with respect to the repeated use of the "Open Mike" portion to permit individuals to advance partisan political agendas and goals that are not related to City business. To date, these efforts have been managed from the Chair, but Committee members have observed that more formal procedural mechanisms may be required in future if the issue persists. The only change staff will be undertaking is to replace the current term of "Open Mike" (resulting from a motion) with the more commonly used term, "Open Mic".

### **Audit Committee**

As part of the 2010-2014 Governance Review, City Council created the Audit Sub-Committee to give the Audit function more prominence. The Sub-Committee's responsibilities include:

- Recommending the appointment of City's external auditor;
- Recommending the appointment of an external auditor to conduct an annual financial audit of the Office of the Auditor General (OAG);

- Considering annual audit report and management letter from the City's external auditor and the OAG's external auditor;
- Considering the Auditor General's annual workplan;
- Conducting an annual review of the Auditor General's accomplishments;
- Addressing any issues related to follow-up audits; and
- Conducting a performance appraisal for the Auditor General.

The Sub-Committee is also tasked with working with staff to mediate any disputes regarding audit recommendations and working with the Auditor General (AG) on a regular basis to ensure effective communication between the Auditor General's office and Council. Currently, the Sub-Committee is composed of seven Members of Council.

The Mayor is recommending that the Audit Sub-Committee become a Standing Committee of Council rather than continue as a Sub-Committee of the Finance and Economic Development Committee (FEDCO). He believes the establishment of the proposed Audit Committee would provide for a more fulsome and focused discussion with respect to the Audit function, and will correctly align the reporting structure of this distinct function by establishing its oversight mechanism as a standalone Standing Committee of Council.

If approved, the Audit Committee will incorporate the mandate of the Audit Sub-Committee. In addition, it will receive staff reports which provide an update on the City's implementation of accepted audit recommendations on a more regular basis. The schedule for these staff reports will be established by the City Manager, with the concurrence of the Auditor General. The Audit Committee will also have the ability to refer any of these updates to the appropriate Standing Committee or Transit Commission should they deem it advisable.

The proposed change would alter FEDCO's current reporting relationship with the Audit Committee and remove its role acting as a middle entity between the Audit Sub-Committee and Council. FEDCO would retain its focus on high-level fiscal and management policy issues as well as economic development.

With respect to reporting, the 2010-2014 Mid-term Governance Review (ACS2013-CMR-CCB-0011) amended the Auditor General's Reporting Protocols such that the reporting protocol for Annual Reports is a referral from the Audit Sub-Committee to FEDCO and then to Council for discussion and approval (this does not apply to transit-

related audits, as audits related to OC Transpo operational matters are referred to the Transit Commission). The recommended change does not prohibit any Standing Committee from undertaking a more thorough review of an individual audit if it wishes; this would continue to be accomplished by a referral from Council.

With respect to establishing a meeting frequency for this Committee, a review of the 2010-2014 Term of Council shows that the Audit Sub-Committee met an average of three times per year, with an average total of nine agenda items per year. Meetings were largely held on an as-needed basis, as scheduled meetings were often cancelled or rescheduled to align with timelines and workplans of the AG and external auditor.

Should the proposed Audit Committee be approved, it is recommended that the Committee meet as required to discuss items within its mandate, such as the AG's Annual Audit Workplan and Annual Report of the OAG, with at least two meetings per year during which the Committee considers staff reports regarding the implementation of audit-related recommendations. It is expected that the Audit Committee will meet between four and six times a year, but not necessarily on a predictable schedule. The experience of the Committee in its first two years of operation will be reviewed as part of the Mid-term Governance discussions, when there will be consideration of the merits of establishing a regular schedule for this Committee.

Staff notes that it was understood at the time of the creation of the OAG that the Office itself is only one part of an evolving process aimed at providing accountability. In a report titled, "Enabling the Audit Function to Contribute Fully to Effective Accountability," prepared for the City's Audit Committee in July 2003, prior to the establishment of the OAG, Denis Desautels and Teresa Anderson of the Centre on Governance at the University of Ottawa wrote that "the establishment of an independent auditor function should not be viewed as an end in itself, but rather as a part of a strengthening of governance and accountability structures that would truly make the City of Ottawa a model of good governance." The continued evolution of the Audit function through changes to the Committee structure may be viewed as one more part of this strengthening of governance and accountability structures.

Given the nature of this Committee, as well as its largely internal focus, it is recommended that the Chair of the Audit Committee not receive the extra 0.5 FTE provided to Standing Committee Chairs. It is recommended, as indicated below, that the Chair of the Audit Committee also sit on the Finance and Economic Development Committee.

### **Community and Protective Services Committee**

**That staff work with the Chair and Vice-Chair of Community and Protective Services Committee to develop a proposed approach for a systematic review of the City's major by-laws and regulatory affairs within this Term of Council to be presented to the Committee no later than the end of Q1 2015, and that staff include a summary of all major by-laws, including the date they were adopted, the date they were last reviewed, and any related regulations, as well as enforcement statistics, as information for the Committee, as described in this report.**

The Community and Protective Services Committee (CPS) was created through the 2006-2010 Governance Review (ACS2006-CMO-OCM-0012), combining the mandates of the former Health, Recreation and Social Services Committee and the Emergency and Protective Services Committee. CPS is responsible for creating and maintaining a safe and healthy community that promotes and supports quality of life, while encouraging resident involvement in the culture and life of their communities. The Committee's mandate includes issues relating to housing, parks, recreation, cultural programming, long-term care, social services, and emergency and protective services. The public health mandate of the Committee was removed with the creation of the Board of Health as part of the 2010-2014 Term of Council.

A review of Committee statistics from 2011-2013<sup>2</sup> shows that CPS held an average of 10 meetings per year, with one cancellation. CPS averaged close to 20 meeting hours per year, with an average meeting length of two hours. It addressed an average of 63 reports a year, 50% of which were action items and 50% of which were information items. It had an average of three verbal presentations a year and 68 items in the minutes.

There is a general belief that the CPS is functioning well after two terms in operation. There are no recommended changes to the mandate of the Committee. As well, the relative number of action items versus information items is not surprising, given the number of provincially-mandated, regulated and cost-shared programs under this Committee's mandate and the removal of the oversight over public health. That said, there was general consensus that this Committee's effectiveness could be improved over the next term through the establishment of a specific workplan and a change in the meeting schedule.

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<sup>2</sup> 2014 was not factored in due to the reduced meeting numbers that occur in a municipal election year.

With respect to the CPS workplan for the 2014-2018 Term of Council, there was a near unanimous concern raised by Members of Council regarding the need for a comprehensive review of the City's major by-laws and how these by-laws relate to the City's regulatory framework (i.e. Building Code Services by-laws and regulations).

Specifically, Members suggested that the requirement to harmonize the by-laws of the 12 former municipalities meant that some of those post-amalgamation by-laws were drafted under some short timelines. Members also observed that very few by-laws have been reviewed holistically subsequent to adoption. There was a general sense that by-laws should undergo the same sort of regular review that occurs with governance, although there was a sense that once a term would be adequate.

There was also a consensus that a number of key by-laws are outdated and/or in need of a comprehensive review, particularly in light of the growth of the City, changes to the regulatory framework and changes to best practices that may have occurred. Some Members also expressed concern that under the current system, the same staff who create the by-laws is responsible for enforcing them. There was support for the increased involvement of Legal Services in by-law reviews. There were suggestions that the current by-law regime is too broad-based, and that it doesn't address local pressure points because it focuses on activities rather than outcomes. Concern was also expressed about the number of by-laws that are on the books but do not appear to be enforced (the *Idling Control By-law* was specifically referenced).

Members felt it would be useful to have a summary of all of the City's major by-laws, including the dates the by-laws were adopted, the dates they were last reviewed and any related regulations to begin their work. Members also asked to receive enforcement statistics with respect to the major by-laws.

During the governance interviews, Members suggested that a Sub-Committee of CPS be established to undertake a systematic review of by-laws and regulatory affairs. However, a review of the Committee statistics indicates that the workload can likely be accommodated by the Committee without the need for a Sub-Committee. Given that Members expressed the importance of having the elected officials actively involved in the update and revision work, the Committee would have the option to use the 'sponsors' approach that has been very effective in major policy initiatives like the Development Charge Study and the Building Better Suburbs initiative. Specific sponsors could work on different by-laws, such that the workload would not be too great for individual Members.

Therefore, it is being recommended that staff be directed to support a systematic review of the City's major by-laws and regulatory affairs by the Community and Protective Services Committee and Council, and that staff work with the Chair and Vice-Chair of CPS to bring forward a recommended approach for this review no later than the end of Q1 2015.

It is further recommended that CPS, like the Environment Committee and the Transit Commission, meet on a modified monthly schedule. While discussed in greater detail in the Council, Committee and Commission Calendar, Meeting Locations and Other Committee Matters portion of this report, it is believed that the workload of this Committee can be accomplished with eight meetings a year, on the understanding that Special Meetings can be called when necessary.

### **Environment Committee**

The Environment Committee (EC) was established through the division of the former Planning and Environment Committee (PEC) into the Planning Committee and the Environment Committee, which was approved by City Council as part of the 2010-2014 Council Governance Review (ACS2010-CMR-CCB-0106). The Environment Committee is responsible for providing guidance and direction on issues relating to environmental services, community sustainability, stormwater management, solid waste management, utilities/water and wastewater, water pollution control, urban forestry, and open spaces.

A review of Committee statistics from 2011-2013<sup>3</sup> shows that EC held an average of nine meetings per year, with three cancellations. EC averaged 23 meeting hours per year, with an average meeting length of two and a half hours. It addressed an average of 38 reports a year, 47% of which were action items and 53% of which were information items. It had an average of six verbal presentations a year and 40 items in the minutes.

There is a general belief that the EC has the correct mandate, so no changes are being recommended.

The relative number of action items versus information items was not surprising, given the experience with the workload for this mandate since 2001. The 2001-2003 Council had a standalone Environmental Services Committee, but the 2003-2006 Council did not feel there was enough of a workload to justify a separate Standing Committee and

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<sup>3</sup> 2014 was not factored in due to the reduced meeting numbers that occur in a municipal election year.

divided the mandate between a newly-created Planning and Environment Committee and the Transportation and Transit Committee.

That said, as indicated earlier, the 2010-2014 Council re-established the standalone Environment Committee in order to provide a specific focus on that mandate. Although there were a minority of action reports, the meeting length indicates that these reports were significant enough to confirm the value of a standalone Environment Committee. Given the above, there was general consensus that this Committee's effectiveness could be improved over the next term with a change in the meeting schedule.

Specifically, it is recommended that the Environment Committee, like the Community and Protective Services Committee and the Transit Commission, meet on a modified monthly schedule. While discussed in greater detail in the Council, Committee and Commission Calendar, Meeting Locations and Other Matters portion of this report, it is believed that the workload of this Committee can be accomplished with eight meetings a year, on the understanding that Special Meetings can be called when necessary.

Some Members did raise concerns that some members of the public appear to be unaware of the full and broad scope of the Environment Committee's mandate, and instead believe that the Committee is meant to solely focus on the 'green' initiatives. Many Members expressed the opinion that the name of the Committee has resulted in some criticism that the Committee does not dedicate enough time to such initiatives. They suggested a name change for the Committee that would more accurately reflect its broad mandate with respect to water and wastewater, landfills and solid waste, etc. as well as 'green' initiatives. There were specific suggestions that the Committee should be renamed the Environmental Services Committee, in keeping with the similar Committee that had a similar mandate in the 2001-2003 Council. This report does not recommend a name change, however, as there was no consensus on this issue.

### **Finance and Economic Development Committee**

**The membership of the Finance and Economic Development Committee as described in this report;**

**The elimination of the Debenture Committee, as outlined in this report;**

**That the City Treasurer and the City Manager be jointly authorized to place any debenture by-law required for debt issued pursuant to provisions of the *Delegation of Authority By-law* directly on meeting agendas of the Finance and Economic Development Committee or City Council with 48**

**hours' notice; and that the Finance and Economic Development Committee be authorized to enact debenture by-laws, as described in this report; and**

**The elimination of the Governance Renewal Sub-Committee, as outlined in this report.**

The Finance and Economic Development Committee (FEDCO) was established as part of the 2010-2014 Council Governance Review (ACS2010-CMR-CCB-0106) by merging the mandates of the former Audit, Budget and Finance Committee and the former Corporate Services and Economic Development Committee. FEDCO provides direction on strengthening financial and administrative practices, identifying corporate goals, and providing guidance on economic development issues. The Committee is responsible for the City of Ottawa's high-level fiscal and management policy issues and major corporate issues and projects referred to them by City Council.

A review of Committee statistics from 2011-2013<sup>4</sup> shows that FEDCO held an average of 13 meetings per year, with one cancellation. FEDCO averaged 27 meeting hours per year, with an average meeting length of two hours. It addressed an average of 103 reports a year, 70% of which were action items and 30% of which were information items. It had an average of one verbal presentation a year and 137 items in the minutes.

After one term in operation, it is generally believed that the benefits that were anticipated through the establishment of FEDCO have largely been realized. There has been more focus on economic development, and the City's major projects (i.e. Lansdowne Park, Confederation Line, the Innovation Centre) have been efficiently addressed by a single Committee rather than through several Standing Committees. Having Committee Chairs sit on the Committee has ensured that Standing Committees are making budget and policy recommendations with a full understanding of the City's fiscal framework, the Long-Range Financial Plan, the non-Departmental budgets and reserve funds, as well as the corporate administrative structure and policies. It has also helped to ensure that there is discussion of how operational decisions affect city-wide policy when FEDCO addresses issues such as labour relations, strategic communications, and information technology.

There are two recommendations being made with respect to FEDCO's mandate. The first is the removal of the Audit function, as discussed in the related section above. The other is a proposed amendment to the Committee's Terms of Reference and the *Procedure By-law* to provide FEDCO with the authority to enact debenture by-laws as

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<sup>4</sup> 2014 was not factored in due to the reduced meeting numbers that occur in a municipal election year.

described in this report, should Council agree to eliminate the Debenture Committee as described below.

The Mayor is further recommending that the membership of FEDCO continue to include all of the Standing Committee Chairs, including the Chair of the Transit Commission as well as the Chair of the proposed Audit Committee, should Council approve the establishment of the Audit Committee as recommended in this report.

Finally, in keeping with the City-wide scope of FEDCO, it is proposed that the Deputy Mayors be appointed to two seats on this Committee. The Deputy Mayors have a City-wide responsibility in their role to act in an official capacity on behalf of the City of Ottawa, as required, and may be called upon to act in the Mayor's place when he is absent. There would be one member-at-large position.

The Mayor notes that FEDCO is not intended to operate as an 'Executive Committee' and that the significant amount of delegated authority granted to Committees and the Commission is sufficient to ensure that it will not take on that function. Rather, this membership structure will provide the Deputy Mayors with the same City-wide focus and familiarity with the City's financial framework, corporate initiatives and administrative structure and policies as the Standing Committee Chairs, thereby strengthening the City Council's overall leadership with respect to accountability and financial oversight.

### **Sub-Committees of the Finance and Economic Development Committee**

#### **Proposed Elimination of the Debenture Committee**

The Debenture Committee was established by City Council on January 27, 2010 (ACS2010-CMR-FIN-0001) to improve the City's access to financial markets and increases the potential for savings in its debt service costs for projects where debt has already been approved by Council. To accomplish this, the Committee meets on short notice rather than going through the normal Council meeting process to enact the required debenture by-laws. The Committee is composed of the Mayor, the Vice-Chair of FEDCO, the City Manager and the City Treasurer, and meets as required.

Specifically, the Debenture Committee has delegated authority as follows:

- (1) the authority to enact debenture by-laws to authorize the issuance of debentures where the project debt authority has been approved by Council and the Treasurer has proceeded with one or more debt issues pursuant to Section 15, Schedule A of By-law No. 2013-71, the *Delegation of Authority By-law*;

- (2) the authority to enact temporary borrowing by-laws for current operations in accordance with Section 407 of the *Municipal Act, 2001* to authorize short term borrowing for the purpose of meeting current expenditures in any year until such time as the taxes are collected and other revenues are received and to authorize any one or more members of the Debenture Committee to do all things and execute any loan or other agreements required to give effect to any temporary borrowing;
- (3) the authority to enact the required by-law(s) to enter into new arrangements with CDS Clearing and Depository Services Inc. (CDS) to ensure that CDS accepts new debenture issues and maintains existing City debentures in the CDS system and to authorize any one or more members of the Debenture Committee to do all things and execute all documents, instruments and agreements in order to make these arrangements effective; and
- (4) the authority to enact a by-law authorizing the City to issue replacement debenture certificates if and when required, to replace defaced, lost, mysteriously or unexplainably missing, stolen, destroyed or in other instances such as dematerialized debenture certificates on such terms and conditions considered appropriate including a bond of indemnity as a condition of issuing replacement debenture certificates.

From an administrative perspective, while the Debenture Committee has proven to be an effective means of ensuring that debenture by-laws are enacted in a timely manner, there is consensus from Members of Council and agreement from staff that efficiencies can be realized. On average, the Debenture Committee met three times per year during the 2010-2014 Term of Council, with each meeting lasting an average of 14 minutes. Despite the typical brief nature of these meetings (given that both the projects and the amount of debt have already been approved by City Council), each meeting requires resources and staff time to coordinate and operate, and necessitates the scheduling of the Mayor, the Vice-Chair of FEDCO, the City Manager and the City Treasurer with limited notice.

To address this, it is recommended that the Debenture Committee be eliminated, and that the City Treasurer and the City Manager be jointly authorized to place any debenture by-law required for debt issued pursuant to provisions of the *Delegation of Authority By-law* directly on the meeting agendas of FEDCO or City Council with 48 hours' notice. In an average month, there are two meetings of City Council and one of FEDCO. It is believed that this meeting frequency, paired with the proposed new

process, would provide the City Treasurer with sufficient ability to access financial markets and have debenture by-laws enacted as is necessary, without the need for a separate single-purpose Committee.

If approved, these recommendations will require amendments to the Terms of Reference for FEDCO so as to provide the Committee with authority to enact the required debenture by-laws (those matters for which the Debenture Committee is currently delegated the authority to make final decisions, as described above) at its regular meetings. Under Section 5 of the *Municipal Act, 2001*, Council already has the authority to exercise municipal powers by by-law.

In addition, the *Delegation of Authority By-law* (Section 15, Schedule A) currently provides the Treasurer with authority to proceed with a debenture issue in accordance with the provisions of that by-law. After the terms and conditions of the debenture issue have been finalized by the Treasurer, the Treasurer and the City Clerk and Solicitor are jointly authorized to place the debenture by-law directly on a Debenture Committee Agenda. If the delegation of authority to FEDCO described in this report is authorized by Council, the *Delegation of Authority By-law* will require amendment to indicate that the debenture by-law will go to FEDCO or Council for enactment. In the case of a debenture by-law that goes to FEDCO for enactment, the exercise of delegated authority by the Treasurer and FEDCO will then be reported to Council at the earliest opportunity following the debenture issue.

Finally, it will also be necessary to amend the *Procedure By-law* to indicate the procedures to be followed regarding notice to Committee members, Council and the general public. In view of the routine nature of the authority to be exercised and the necessity for the City to react quickly to market conditions to coincide with investor demand and market liquidity, it is believed that a minimum of 48 hours' notice in advance of the meeting would be sufficient. For the general public, such notice would be provided by way of either the final Council agenda (issued the day before Council) or an amended FEDCO agenda, with a public service announcement.

Staff will monitor whether the reduced number of meetings in January, July, August and December pose a problem for the Treasurer over the long term and review any changes that might be necessary as part of any future Governance Reviews.

#### *Proposed Elimination of the Governance Renewal Sub-Committee*

The Governance Renewal Sub-Committee was established through the 2010-2014 Council Governance Review (ACS2010-CMR-CCB-0106) as a project-specific Sub-

Committee of the Finance and Economic Development Committee. The Governance Renewal Sub-Committee is responsible for conducting an overall review of the City's governance processes and structures and their interdependencies, including:

- Development of an Accountability Framework for Members of Council;
- Review of the City's citizen engagement; and
- Examining best practices and other models of governance and making recommendations to Council on changes to the governance structure and/or processes.

During the 2010-2014 Term of Council, the Governance Renewal Sub-Committee's work involved the development of an Accountability Framework that includes the Code of Conduct for Members of Council, the Gifts Registry and the Lobbyist Registry, as well as the Council Expense Policy and the Community, Fundraising and Special Events Policy. The renewal of Advisory Committees to support Council's Term of Council priorities also went through the Governance Renewal Sub-Committee.

There is a consensus that this project-specific Sub-Committee has achieved its objectives and fulfilled its mandate. Further, as all of these initiatives are part of the City's overall governance structure, they will be reviewed and renewed as necessary every two years, with the Governance and Mid-term Governance Reviews. Therefore, it is recommended that the Governance Renewal Sub-Committee be eliminated.

#### Information Technology Sub-Committee

**That the Terms of Reference for the Information Technology (IT) Sub-Committee be revised to enable the Sub-Committee to take a more active role in the City's information technology initiatives, including the future development of Ottawa.ca.**

The Information Technology (IT) Sub-Committee was established as part of the Mid-term Governance Review during the 2006-2010 Term of Council (ACS2009-CMR-CCB-0043) to provide oversight and guidance on large-scale investments in information technology and to make recommendations to City Council on those investments. The Committee's mandate is to advise the Finance and Economic Development Committee, other Standing Committees and City Council on potential large-scale investment in information technology and long-term planning of information technology needs for the Corporation of the City of Ottawa. The Committee also has an ongoing mandate to

investigate information technology that provides improved access to city services, better communication with the public, enhanced management and oversight, and possible cost restructuring in congruence with the City's fiscal framework.

A review of Committee statistics from 2011-2013<sup>5</sup> shows that the IT Sub-Committee held an average of eight meetings per year, with four cancellations. The IT Sub-Committee averaged seven meeting hours per year, with an average meeting length of 53 minutes. It addressed an average of 12 reports a year, 27% of which were action items and 73% of which were information items. It had an average of 12 verbal presentations a year and 27 items in the minutes.

Given the statistics above, staff was prepared to recommend that the IT Sub-Committee be eliminated. However, the consensus among Members of Council is that this Sub-Committee needs to be retained. Many Members suggested the primary reason the Sub-Committee was not as effective as it wanted to be was that they received information about specific corporate technology initiatives only after they had already been approved by staff. Members were not presented with the projects that were rejected by management. Members also expressed the strong opinion that the City's approach to technology needs to be more citizen-centric and that the City is well behind on its use of Ottawa.ca in this regard. Specific mention was made of the success of the Ottawa Public Library's use of technology such that their 'virtual' library branch is now the most used branch of the Library, whereas the City's website does not seem to have progressed. Most Members expressed their belief that there needs to be more direct involvement in the initial vetting and review of the City's information technology projects and that this could be accomplished by identifying 'policy sponsors' for particular IT projects or initiatives within the Corporation, for example, and for the development of the Information Technology Roadmap.

There were a small number of suggestions to turn the IT Sub-Committee into a full Standing Committee, but there was no consensus with respect to this idea, and no recommendation is being made in this report. However, given the consensus that the IT Sub-Committee should play a greater role in Corporate IT initiatives, it is recommended that the Sub-Committee's Terms of Reference be amended to specify that the Sub-Committee will undertake such work.

#### Member Services Sub-Committee

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<sup>5</sup> 2014 was not factored in due to the reduced meeting numbers that occur in a municipal election year.

The Member Services Sub-Committee has an ongoing mandate that is related to and responsible for the review, consideration and approval of administrative issues with respect to elected representatives and their staff, Councillors' office and salary budgets, and the overall operation of their offices. The Sub-Committee meets as needed.

The Member Services Sub-Committee did not meet during the 2010-2014 Term of Council, due to the focus of Council and staff on the Accountability Framework. It is anticipated that the Sub-Committee will be involved in work that is planned during the 2014-2018 Term of Council with respect to an Office Manual refresh for Members of Council, the Hiring and Employment Policy for Members of Council and the Terms and Conditions of employment for Councillors' Assistants.

No changes are being recommended for this Sub-Committee.

### **Planning Committee**

As indicated above, the Planning Committee (PC) was created as a standalone body when the former Planning and Environment Committee (PEC) was divided into the Planning Committee and the Environment Committee through Council's approval of recommendations from the 2010-2014 Governance Review (ACS2010-CMR-CCB-0106). The Planning Committee is responsible for overseeing all development and planning within the urban boundary in accordance with the City's Official Plan document, including zoning designations, community planning, site design requirements and affordable housing.

A review of Committee statistics from 2011-2013<sup>6</sup> shows that PC held an average of 22 meetings per year, with three cancellations. PC averaged 22 meeting hours per year, with an average meeting length of just over three hours. It addressed an average of 194 reports a year, 88% of which were action items and 12% of which were information items. It had an average of six verbal presentations a year and 231 items in the minutes.

It is generally believed that the creation of a Standing Committee solely charged with the planning and growth management mandate has resulted in a more focused and manageable workload for Committee members. Still, this remains the Committee with the heaviest workload. While there are no recommended changes to the mandate of this Committee, Members of Council reiterated that those who choose to sit on this Committee need to be prepared for its heavy demands.

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<sup>6</sup> 2014 was not factored in due to the reduced meeting numbers that occur in a municipal election year.

Members did express concern about the number of reports waived from Planning Committee on to the next day's Council meeting rather than the standard routing of Council two weeks hence. There have been on-going issues as well with the number of last-minute reports being added to the Planning Committee agendas. Members also commented on the apparent increase in the number of technical amendments for these reports.

Members noted that the increasing practice of waiving reports on to Council the next day may not provide Members of Council and the public with sufficient time to view and consider each report and its recommendations before the items are considered by Council. It was observed that the standard should be that there be very few waived reports. The short timelines also make it difficult for Clerk's staff to prepare reports in time for the next day's Council meeting, particularly when a lengthy Planning Committee meeting has occurred. Further, it is believed that the inadequate preparation time may be contributing to an apparent upsurge in the number of drafting errors by staff that need to be corrected by technical motions.

To address these concerns, the General Manager of Planning and Growth Management, Chair Hume, Vice-Chair Harder and the Deputy City Clerk have developed the following protocols with respect to last-minute and waived items:

*Protocol on Items Rising to Council from Standing Committees  
(Agriculture and Rural Affairs Committee/Planning Committee)*

1	The expectation is that all items will rise to the next City Council cycle, not to a Council meeting the following day.
2	The title page of all reports will show the Committee date and the date it will be considered by Council to ensure everyone is aware of timing.
3	<p>The only reports that will be considered for routing to Council outside the regular routing are those that meet one of the following criteria:</p> <ul style="list-style-type: none"> <li>a) The item is required to proceed to ensure statutory deadlines are met (for instance, Heritage applications)</li> <li>b) The item needs to be considered by Council so that the City's position on an Ontario Municipal Board matter is established prior to a hearing</li> <li>c) A significant project needs Council approval to ensure critical timelines</li> </ul>

	<p>are met</p> <p>d) Committee considers it necessary given the particular circumstances of a project or policy.</p> <p>These exceptions must be granted by the General Manager of Planning and Growth Management and have the concurrence of the Committee Chair.</p>
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There has also been discussion regarding the potential need to change the meeting days for Planning Committee to address the issues identified above. While no change is being recommended at this time, staff will review this issue as part of the Mid-term Governance Review if the protocols developed do not lead to significant change.

Built Heritage Sub-Committee

**That the mandate of the Built Heritage Sub-Committee be expanded to include the ability to comment on Heritage Overlay matters after April 1, 2015, the ability for staff to consult on matters related to the built heritage portfolio, and to permit other Standing Committees to refer matters to the Built Heritage Sub-Committee, as outlined in this report;**

**That staff undertake the recommended process improvements for the Built Heritage Sub-Committee as outlined in this report and as follows:**

- a) That facilitated discussions for the Built Heritage Sub-Committee be held in January/February 2015, as outlined in this report;**
- b) That staff include a template that includes the rationale behind their analysis of the merits of an application and their recommendation;**
- c) That Cultural Heritage Impact Statements be included as an appendix in all relevant reports on a Built Heritage Sub-Committee Agenda; and**
- d) That staff provides a bi-annual report to the Built Heritage Sub-Committee on all designation requests denied;**

**The draft Code of Conduct for Citizen Members of the Built Heritage Sub-Committee, attached as Document 2;**

**That the Chair of the Built Heritage Sub-Committee be a member of Planning Committee, but not be required to be the Vice-Chair; and**

**That Leo A. (Sandy) Smallwood, Barry Padolsky and Carolyn Quinn be appointed as the citizen members to the Built Heritage Sub-Committee for the 2014-2018 Term of Council, as described in this report.**

As part of the Advisory Committee Renewal to Support Council's Term of Council Priorities approved by Council (ACS-2012-CMR-CCB-0032) on September 12, 2012, the Built Heritage Sub-Committee (BHSC) was established to fulfill the role of the City of Ottawa's municipal heritage committee as provided by the *Ontario Heritage Act*. This is one of three new, joint elected official-citizen committees adopted by the 2010-2014 Council (the Transit Commission and the Board of Health are the other two). BHSC replaced the Ottawa Built Heritage Advisory Committee (OBHAC), which had been composed entirely of citizen members. The Sub-Committee is composed of four Members of Council and three citizen members. The four Members of Council include at least one member of the Planning Committee, one member of the Agriculture and Rural Affairs Committee and one Member of Council whose ward encompasses a Heritage Conservation District (one Councillor may fulfill one or more of these roles). The three citizen members are appointed by Council and must include highly qualified individuals who are sensitive to Ottawa's unique built heritage context. Currently, as directed by Council, the Vice-Chair of the Planning Committee acts as the Chair of BHSC.

BHSC held its first meeting in March 2013 and has met monthly thereafter. A review of Sub-Committee statistics for March 2013 to December 2013 indicates that BHSC had an average meeting length of one and a half hours. It addressed 38 reports during that time, 95% of which were action items and 5% of which were information items. The Sub-Committee had three verbal presentations during that time and 43 items in the minutes.

BHSC is seen to be working very well and many Members of Council and citizen Sub-Committee members stated that it has made important contributions to conserve and promote heritage in the City of Ottawa during its relatively short existence. The mix of Members of Council and citizen members on the Sub-Committee, as well as having the Vice-Chair of the Planning Committee act as its Chair, has ensured that there is an on-going connection among the Sub-Committee, the Planning Committee and external heritage experts. It is generally agreed that the citizen members have provided valuable expertise and contributed to the Sub-Committee's role, even with the anticipated learning curve.

The only change being recommended to the joint elected officials-citizen model is that it not be required that the Vice-Chair of Planning Committee be the Built Heritage Sub-

Committee Chair, but that the Chair should be a member of Planning Committee. This recommendation is being made by the 2010-2014 Chair of the Built Heritage Sub-Committee, who observed that these two roles may result in an onerous workload for a single Member of Council who also has other Committee work, but that the direct connection to the Planning Committee was critical for the continued success of BHSC.

With respect to mandate, there was general consensus during the governance interviews among those Members that commented that the Sub-Committee's mandate should be broadened in light of its success. When BHSC was established, it was provided with a clear and limited 'heritage' role in part due to the new composition as well as the anticipated learning and start-up period in the middle of a Term of Council. Accordingly, the Sub-Committee's current mandate is to advise and assist Council on matters relating to Parts IV and V of the *Ontario Heritage Act* and such other heritage matters as Council may specify by by-law or as specified in the City's Official Plan. The Sub-Committee meets monthly to review applications under the *Ontario Heritage Act* and also has the authority to recommend to Council, through the appropriate Standing Committee, opportunities to issue notice of intent to designate heritage properties.

In comparison, BHSC's predecessors had a wider mandate and in practice provided comment on a wider range of 'planning' matters and applications that involved heritage through the internal circulation process. The Terms of Reference for the Local Architectural Conservation Advisory Committee (LACAC), which were also used by OBHAC, state that LACAC had the mandate "to advise City Council on matters relating to Ottawa's Heritage (pursuant to the *Ontario Heritage Act*), specifically on issues of built heritage, including cultural heritage landscapes. This would include identifying properties and areas in the City of Ottawa that may deserve protection; providing City Council with advice on applications to alter designated heritage properties and new construction in heritage districts; advising property owners on appropriate conservation and maintenance practices; promoting heritage conservation within the community and advocating on behalf of threatened heritage resources."

Based on governance interviews and the development of BHSC thus far, there is consensus that BHSC should be provided the opportunity to comment on Heritage Overlay matters. This is consistent with the observations made in a recent Ontario Municipal Board case involving the City of Ottawa. It is recommended that planning applications that involve a Heritage Overlay be circulated to the Sub-Committee for comment as part of the internal circulation process. By way of background, Section 60 of the City of Ottawa *Zoning By-law* contains provisions that apply to land uses within an area affected by a Heritage Overlay in order to encourage the retention of existing

heritage buildings by offering zoning incentives to reuse the buildings, and to limit the size and location of additions to preserve the heritage character of the original building. As Heritage Overlay has been considered a zoning matter, BHSC, with its limited mandate, does not have the ability to comment on Heritage Overlay matters, despite the clear ties to 'heritage'.

Staff has indicated that while OBHAC and LACAC previously had a similar ability to provide comment on these applications, the Advisory Committees were often unable to respond within the required timelines. To avoid this happening again, it is proposed that there be strict comment-related processes and timelines instituted with input from BHSC and City staff, and within the statutory timelines set by the *Ontario Heritage Act* and the *Planning Act*. These would be similar to the current deadlines attached to Members' comments for other planning matters within their delegated authority.

It is recommended that the specific details of the timelines and processes required for this broader mandate, if approved, be determined by BHSC with input from staff during the facilitated sessions being recommended below for early 2015. It is anticipated that a motion will be presented to formalize the process and deadlines. To allow for the process to be developed, this report recommends April 1, 2015 as the deadline for the protocol to be established and applications put on circulation after that time will be sent to BHSC in accordance with such protocol.

The new process would then be reviewed as part of the Mid-term Governance Review, where it will either be enshrined in their Terms of Reference or amended as necessary.

In addition, there was a sense that there should be a procedural mechanism available that would make BHSC's expertise available to staff and to other Standing Committees and Council. This issue was first identified when staff was beginning their work on the Strategy to Address Vacant Buildings. As this strategy needed to be consistent with Council's objectives with respect to demolition by neglect, staff brought the overview of the proposed Strategy to BHSC on April 8, 2013, and followed-up with an overview of the draft proposals, as they relate to heritage properties, at the BHSC meeting of September 5, 2013, although the Sub-Committee had no formal role to play, as the Strategy fell within the mandate of the Community and Protective Services Committee, which addressed the Strategy and their meetings of April 18, 2013 and September 19, 2013.

Staff is therefore recommending that the Terms of Reference for the Built Heritage Sub-Committee be amended to permit staff, Council and other Committees to consult with

BHSC on any matter for which the Sub-Committee's knowledge and understanding may add value, particularly with respect to proposals or activities that occur where a Heritage Overlay or heritage designation exists. This is similar to the procedural mechanism that is used for Council and Standing Committees to refer matters to the Information Technology Sub-Committee.

The governance consultations resulted in several recommendations for process improvements that would aid the work of the Sub-Committee. These recommendations come from Sub-Committee members and have received general consensus with those Members who commented.

First, a majority of the members of BHSC have suggested that it would be beneficial to hold a series of open facilitated discussions for the Sub-Committee in January/February 2015 in order to set the stage for its first full term. Such sessions would allow the Sub-Committee to discuss its role and to define issues such as the Sub-Committee's common understanding of what 'heritage' and 'built heritage' means to the Sub-Committee. The sessions would be modelled on a successful series of learning sessions/information briefings held by the Planning Committee in early 2011. It is further recommended that the facilitated sessions be followed by a joint learning session between BHSC and Planning Committee so that the two bodies may discuss heritage matters and the relationship between them.

As well, the facilitated sessions would make recommendations regarding how BHSC's expanded mandate with respect to Heritage Overlay will be exercised. This will include addressing concerns expressed by staff regarding the need to meet statutory timelines. As indicated earlier, once the specific details of the timelines and processes required for Heritage Overlay is determined, the new process would be put in place as a practice by motion, then be reviewed as part of the Mid-term Governance Review, where it will either be incorporated in their Terms of Reference or amended as necessary.

A number of other process improvements are also proposed. The Sub-Committee members have asked for additional transparency regarding how decisions are being made at the staff level. Specifically, they are recommending that staff, working with BHSC members, develop a template that would be attached to the staff report to provide Sub-Committee members and the public with more information regarding staff's rationale for the approval or denial of requests for heritage designation under the *Ontario Heritage Act*. Once this template is developed, it would be completed by staff and presented as an appendix to reports.

Members indicated that they would also like to see the Cultural Heritage Impact Statements (CHIS) appended to relevant reports as a matter of course. Cultural Heritage Impact Statements are prepared by independent outside experts in accordance with Council-approved guidelines. They are received by staff as complete. Heritage Services staff is not obliged to implement the recommendations contained within a CHIS, but they often integrate the recommendations into their staff reports. Currently, either the completed CHIS (or an electronic link to it) is circulated to the BHSC as attachments to staff reports to BHSC, for their information but not for comment. This change would simply ensure that the CHIS were always appended and permit BHSC to offer their opinion or recommendation on the relative merits of the CHIS to Planning Committee or ARAC as part of their report.

Sub-Committee members have also indicated that they would like to receive more of an explanation and rationale with respect to how staff decisions are made to deny individual requests for heritage designations under the *Ontario Heritage Act*. Therefore, it is recommended that staff provide this information on a bi-annual basis to the Sub-Committee in a report that includes information for requests that are denied, as well as the rationale for denial.

It is generally felt that initiatives such as the Sub-Committee's educational tour of several heritage conservation districts with City staff and representatives of the community in September 2014 serve to further engage the broader community and promote the City's heritage. It is expected that such activities will continue as the Sub-Committee evolves and works alongside heritage staff and community partners.

With respect to the citizen members, given the consensus that the Sub-Committee is working very well, and given that it has only been in full operation for less than two years, staff believe that there is value in having the current citizen members reappointed to provide some consistency over the term. All three members have indicated their willingness to remain.

If this recommendation is approved, it should be noted that recruitment for citizen members has been conducted throughout October and November 2014, and staff is recommending the establishment of a reserve pool of candidates from which a Council-appointed Selection Panel may make an appointment should a vacancy of a citizen member occur on BHSC. This process, similar to that which is also recommended for the citizen membership of the Transit Commission, will ensure that any vacancy with respect to a citizen member's position during the term may be filled quickly from a list of

candidates who have indicated their interest in sitting on BHSC and who have already gone through some of the recruitment and appointment process.

Finally, staff has developed a proposed Code of Conduct for citizen members of BHSC in response to a direction to provide clarity regarding the issue of citizen members and conflict of interest.

After BHSC was established, citizen members received orientation with respect to the *Municipal Conflict of Interest Act (MCIA)*. They worked under the expectation that conflicts of interest were to be avoided, and that declarations of interest were to be made pursuant to the *MCIA*. On May 8, 2013, Council approved the Code of Conduct for Members of Council (the Code), as described in the staff report titled Code of Conduct for Members of Council and Gifts Registry (ACS2013-CMR-CCB-0028). The Code applies to members of BHSC and Transit Commission when acting in their official capacity. The following rationale was provided in the staff report:

“The proposed Code of Conduct has been developed primarily for Members of Council. However, in the same manner as Members of Council, individuals who sit on a Committee of Council also have an obligation to uphold the same ethical standards of an elected official when acting in their official capacities. Bodies, such as the Transit Commission and the Built Heritage Sub-Committee, have either final decision-making power or can influence by way of making recommendations to Committee or Council. Therefore, the same principles of accountability and transparency should apply. Furthermore, their decisions should be made with an open mind and concern for the public good and not personal benefit and without giving preferential treatment to family, friends and supporters.”

The Code came into effect on July 1, 2013, and contains provisions to address a wide range of matters, including conflict of interest. With respect to conflict of interest, the Code recognizes the *MCIA* as being among various pieces of federal and provincial legislation governing the conduct of Members of Council. Within the Code itself, a section titled “General Integrity” states that Members of Council (and by extension, citizen appointees acting in their official capacity as members of the Built Heritage Sub-Committee and Transit Commission) “shall avoid the improper use of the influence of their office and shall avoid conflicts of interest, both apparent and real.” Further, the section states that Members of Council (and citizen members) “shall not extend in the discharge of their official duties preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was solely for the purpose of advancing a private or personal interest.”

During the 2010-2014 Term of Council, there was a question of whether or not the *MCIA* applied to the citizen members of BHSC. As matters related to the interpretation of the *MCIA* are not undertaken by the City Clerk and Solicitor Department, an opinion from an external law firm was obtained. In that legal opinion, it was concluded that the *MCIA* did not apply to citizen members as BHSC was not a “local board” under the *MCIA* (see Document 1). In short, it was determined that as “BHSC’s function and power is advisory only,” it “lacks the decision making power or authority required by law for it to fall within the ambit of ... the *MCIA*.” This legal opinion was tabled with BHSC on December 12, 2013, with the direction to the City Clerk and Solicitor to develop conflict of interest guidelines for the citizen members. Therefore, the proposed Code of Conduct for the citizen members of BHSC meets that direction.

The proposed Code of Conduct for Citizen Members of the Built Heritage Sub-Committee is a modified version of the Code of Conduct for Members of Council. If approved, this new Code of Conduct would apply to all citizen members of the Built Heritage Sub-Committee when acting in their official capacity. It provides conflict of interest guidelines based on those that appear in the Advisory Committee Members’ Code of Conduct and also sets out a specific protocol for citizen members of BHSC to follow with respect to declarations of interest. The protocol will ensure that citizen members of BHSC uphold the same standard as elected officials. The draft Code of Conduct for Citizen Members of the Built Heritage Sub-Committee is attached as Document 2.

The Code of Conduct for Members of Council speaks to the need for Members to avoid conflicts of interest, improper use of their influence and preferential treatment, and recognizes the statutory duty of a member to declare an interest pursuant to the *MCIA*. The proposed Code of Conduct for Citizen Members of the Built Heritage Sub-Committee would provide the same general statements regarding conflict of interest, improper use of their influence and preferential treatment, while also offering guidance to citizen members regarding conflict of interest and providing a basis upon which any issues may be handled, should they arise.

Section 223.2 of the *Municipal Act, 2001*, provides the authority for a municipality “to establish codes of conduct for members of the council of the municipality and of local boards of the municipality.” The definition of a “local board” under the *Municipal Act, 2001* is “a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school

board and a conservation authority.” (Emphasis added) For the purposes of Section 223.2, a “local board” means a local board other than,

- a) a society as defined in subsection 3 (1) of the *Child and Family Services Act*,
- b) a board of health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*,
- c) a committee of management established under the *Long-Term Care Homes Act, 2007*,
- d) a police services board established under the *Police Services Act*,
- e) a board as defined in section 1 of the *Public Libraries Act*,
- f) a corporation established in accordance with section 203,
- g) such other local boards as may be prescribed; (“conseil local”).

### **Transit Commission**

As part of the 2010-2014 Governance Review (ACS2010-CMR-CCB-0106), City Council approved the establishment of an arms-length Transit Commission (OTC) composed of eight elected officials and four citizen representatives. The Transit Commission is responsible for ensuring the development of a safe, efficient, accessible and customer-focused transit system and for providing overall guidance and direction to the Transit Services Department on all issues relating to the operation of public transit, including the O-train and the Para Transpo service.

A review of Committee statistics from 2011-2013<sup>7</sup> shows that the Transit Commission held an average of 15 meetings per year, with one cancellation. OTC averaged 41 meeting hours per year, with an average meeting length of two and three-quarter hours. It addressed an average of 45 reports a year, 46% of which were action items and 54% of which were information items. It had an average of 30 verbal presentations a year and 77 items in the minutes.

Generally, it is believed that the Transit Commission is working well in terms of the mandate and delegated authority, and there are no changes being recommended in this area. However, there were consistent concerns raised with respect to the relative merits of the citizen Commissioner model, the relative number of information items versus

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<sup>7</sup> 2014 was not factored in due to the reduced meeting numbers that occur in a municipal election year.

action items and the amount of information being offered by way of verbal presentations without accompanying reports.

With respect to the citizen Commissioner model, there was a general consensus that there is some value in retaining it for at least one more term. However, Members continued to express caution with respect to the relative value of the model over the long term, particularly once the Confederation Line has been commissioned and brought within the Commission's mandate. A minority of Members expressed the strong belief that all Commissioners should be Members of Council, as the elected officials are directly accountable to residents rather than to the Council.

The current Transit Commission model, comprised of eight Members of Council and 4 four citizen Commissioners, was put in place only in 2010. At that time, and consistent with past practice, Members identified the importance of 'say for pay' with respect to transit matters, where only those Councillors representing areas of the City that pay the transit levy should have the ability to vote on transit matters. As such, it was recommended that members of the Transit Commission who are Members of Council should represent wards that pay the transit levy. It was also considered desirable that there be a good representation of Members of Council that serve on both the Transportation Committee and the Transit Commission to enhance the expertise on both bodies with respect to the implementation of City Council's Transportation Master Plan across the spectrum of mobility policies and practices.

With respect to the citizen members, there was a general consensus from Members of Council at that time that, similar to the Board of Health model, citizen members should be experts in the field of public transit or have specific knowledge or expertise that would benefit the Commission. Specifically, it was recommended that the appointment of citizen members aim to fulfill the following specific criteria:

- Individuals who possess background in issues relating to public transit, transit policy and planning, governance, finance and administration;
- Must be resident of Ottawa;
- At least 18 years of age;
- Not an employee of the City; and
- Bilingual capacity among citizen members.

During the 2010-2014 Mid-term Governance Review (ACS2013-CMR-CCB-0011), Members of Council and citizen Transit Commissioners generally agreed that the citizen members of the Transit Commission had brought value to the process even with an anticipated learning curve. There were suggestions at that time that future recruitment for citizen members of the Transit Commission should include additional criteria (e.g. expertise in accessibility) and staff committed to including a more comprehensive discussion of the qualifications and criteria for citizen members of the Transit Commission as part of the 2014-2018 Governance Review.

After one full term in operation, both citizen and Member Commissioners indicated that the citizen Commissioners were welcomed by their colleagues and by City staff. Both groups noted that, with the number of new Members of Council, citizen Commissioners were not that much farther behind than new Members of Council when they were appointed. Both groups noted the benefits of the working group model, which allowed the citizen Commissioners to contribute more directly to the work of the Commission on matters in which they had experience. It is these positive experiences that contributed to the willingness to proceed with the current model.

There were several areas which were identified for improvement. The first was the need for role clarification for the citizen Commissioners. Citizen Commissioners expressed their belief that they could offer a perspective that was outside of the day-to-day political concerns of the elected officials and that, because of this, they were able to focus entirely on OC Transpo operations and Council's goals for this service. Conversely, most Members of Council observed that citizen Commissioners would best serve Council by bringing a specific expertise or better balance to the Commission (the user experience, knowledge of accessibility issues and a demonstrated expertise in public transit were specifically mentioned).

The second issue mentioned was recruitment. All of those consulted expressed concerns with establishing dedicated seats (i.e. one for youth, one for the accessibility community, etc.), but all agreed that the Selection Panel needed to be more conscious with respect to selecting citizen Commissioners who could bring balance to the Commission as a whole, to help broaden the expertise at the table. A minority of Members suggested that more thought be given to providing some kind of honoraria for citizen Commissioners, so that the pool might be broadened from only those who are retired or who have a flexible work schedule if these citizens were provided with some compensation if they had to miss work to attend meetings.

Third, the citizen Commissioners identified the need for a more robust training by Transit Services staff with respect to their operations and workplans. There was also a desire that both citizen and Member Commissioners receive their orientation on Transit Services together. The early recruitment process described below should help make that possible.

Staff is currently refining the recruitment and appointment process for citizen members of the Transit Commission. Recruitment for citizen members has been conducted throughout October and November 2014, and staff is proposing that a questionnaire be developed that the Council-appointed Selection Panel may use as a starting point during interviews to help them establish the kind of balance among citizen Commissioners that Council is looking to have. In addition, as part of the recruitment of citizen members, staff intends to establish a reserve pool of candidates from which the selection panel may make an appointment should a vacancy of a citizen member occur on the Transit Commission. This will ensure that any vacancy with respect to a citizen member's position during the term may be filled quickly from a list of candidates who have indicated their interest in sitting on the Transit Commission and who have already gone through some of the recruitment and appointment process.

In addition, it is recommended that the Transit Commission, like the Community and Protective Services Committee and the Environment Committee, meet on a modified monthly schedule. Formerly the Transit Commission mandate had been part of the Transportation and Transit Committee, but the 2006-2010 Council established a standalone Transit Committee in order to provide a specific focus on that mandate. The relatively greater number of meetings and the fact that there were a minority of action reports resulted in the general consensus that this Committee's effectiveness could be improved over the next term with a change in the meeting schedule.

While discussed in greater detail in the Council, Committee and Commission Calendar, Meeting Locations and Other Matters portion of this report, it is believed that the workload of this Committee can be accomplished with eight meetings a year, on the understanding that Special Meetings can be called when necessary.

It should also be noted that the Transit Services Department has proposed changes to the Transit Commission's Terms of Reference. The Department has indicated that the proposed amendments and requests for clarification are largely technical and 'housekeeping' in nature. Staff will include these requested changes in the draft Terms of Reference for the Transit Commission, which like all Standing Committees will review and adopt its Terms of Reference at its first business meeting, before reporting to

Council for consideration and approval. The amendments/clarification proposed by the Department are provided in Document 3, with staff comment where provided.

Finally, the statistics with respect to the exponentially higher number of verbal presentations for the Transit Commission as compared to other Committees of Council were reflected in the number of comments concerning Commissioners' frustration with the fact that much of the Commission's business seems to be done by verbal presentation at the meeting rather than by written report in advance. Commissioners identified the need for proper documentation, in advance, on matters before them for consideration. There was a strong consensus that only ceremonial matters, announcements and emergency and unforeseen issues should be conducted by means of a verbal presentation and that, where a verbal presentation is provided for emergency or unforeseen matters, staff should provide the information presented in writing for the record at the earliest opportunity. This recommendation is being made as part of the *Procedure By-law* section of this report.

### **Transportation Committee**

The Transportation Committee (TRC) is responsible for overseeing all issues related to the City's transportation planning and infrastructure in accordance with the Transportation Master Plan, including pedestrian and cycling networks, parking operations, road production and maintenance, traffic operations and mitigation methods, fleet maintenance and operations, designated truck routes, streetlights, sidewalks, street signage and furniture, and snow removal.

A review of Committee statistics from 2011-2013<sup>8</sup> shows that TRC held an average of 12 meetings per year, with one cancellation. TRC averaged 31 meeting hours per year, with an average meeting length of two and a half hours. It addressed an average of 53 reports a year, 65% of which were action items and 35% of which were information items. It had an average of five verbal presentations a year and 65 items in the minutes.

There was a general consensus that changes implemented during the 2010-2014 Governance Review, including the incorporation of the responsibility for Environmental Assessment works associated with the planning and design of transit infrastructure into the mandate of the Transportation Committee, have worked well.

No changes are being recommended for this Standing Committee.

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<sup>8</sup> 2014 was not factored in due to the reduced meeting numbers that occur in a municipal election year.

**Council, Committee and Commission Calendar, Meeting Locations and Other Committee Matters**

**The Council, Committee and Commission Calendar, Meeting Locations and Other Committee Matters as outlined in this report.**

Name	Time of Meeting	Day and Frequency of Meetings
Council	10:00 a.m.	Meets on the <b>second and fourth Wednesday</b> of the month
Agriculture and Rural Affairs	9:30 a.m.	Meets on the <b>first Thursday</b> of the month
Audit	At call of Chair	Meets as required at call of Chair
Community and Protective Services	9:30 a.m.	Meets on the <b>third Thursday</b> of the month in months in which there are two meetings of Council*
Environment	9:30 a.m.	Meets on the <b>third Tuesday</b> of the month in months in which there are two meetings of Council*
Finance and Economic Development	9:30 a.m.	Meets on the <b>first Tuesday</b> of the month
Planning	9:30 a.m.	Meets on the <b>second and fourth Tuesday</b> of the month
Transit Commission	9:30 a.m.	Meets on the <b>third Wednesday</b> of the month in months in which there are two meetings of

		Council*
Transportation	9:30 a.m.	Meets on the <b>first Wednesday</b> of the month
Built Heritage Sub-Committee	9:30 a.m.	Meets on the <b>second Thursday</b> of the month
Information Technology Sub-Committee	9:30 a.m.	Meets as required at call of Chair
Member Services Sub-Committee	At call of Chair	Meets as required at call of Chair

- All meetings will be held at City Hall, with the exception of Special Meetings for ARAC at the call of the Chair.
- Regular meetings of Standing Committees/Commission and Sub-Committees will take place in the Champlain Room. Council Chambers will be reserved for City Council Meetings.

\*As outlined in this report, it has been determined that the workloads of the Community and Protective Services Committee, the Environment Committee and the Transit Commission can be accomplished in eight meetings per year, on the understanding that Special Meetings can be called when necessary. Therefore, it is recommended that these Committees meet only in months in which there are two meetings of City Council, meaning that meetings of these Committees and Commission would not be scheduled in March, July, August and December.

### **Meeting Locations**

The *Procedure By-law*, which governs the proceedings of Council and its Committees, establishes the meeting location for all City Council meetings under Section 10 as being in the Council Chambers of Ottawa City Hall, or as specified in the draft agenda. However, the location of regular Standing Committee/Commission meetings is at the discretion and determination of the individual Committee/Commission.

Past practice was that, when meeting at City Hall, Standing Committee meetings would take place in the Champlain Room and Council meetings would take place in the Council Chambers. In the 2006-2010 Mid-term Governance Review, it was

recommended that Committee meetings be moved to the Council Chambers in order to address the space and technology limitations of the Champlain Room.

However, over the past Term of Council, investments have been made in the Champlain Room to address the technology limitations, and many Council Members have noted their preference to hold committee meetings in the Champlain Room.

In addition, it has been observed that the absence of a consistent meeting location for Committees of Council can lead to confusion for the public. To ensure a consistent and formal approach to meeting locations, the Mayor is recommending that all Standing Committee/Commission meetings be held in the Champlain Room. Only City Council meetings will be held in the Council Chambers as a rule.

That said, a Committee Chair would still have the ability to move a meeting to the Chambers when there are matters of significant interest, either to accommodate more Members of Council around the table (the Champlain Room seats 13 people around the horseshoe, including the Committee Co-ordinator) or a larger room for the public.

### **Committee Sponsors**

In preparation of this report, some Members of Council raised the notion of a return to Committee sponsors at Standing Commission/Commission meetings, such that the relevant senior staff member (e.g. City Manager, Deputy City Manager or General Manager) would be seated next to the Committee Chair for the duration of the meeting.

This practice is used at the Finance and Economic Development Committee and the Planning Committee, where the City Manager and the General Manager of Planning and Growth Management are seated next to their respective Chairs.

At the former Regional Municipality of Ottawa-Carleton and in the newly-amalgamated City of Ottawa, the City Manager or relevant department head were seated to the left of the Committee Chair at all Committees, with the intent of providing advice and information directly to the Chair on matters before the Committee as relevant during the course of the meeting.

As this matter was raised late in the interviews, there was no time to see if there was consensus for change. Therefore, there is no recommendation for this in this report. Staff notes, however, that this was a long-standing practice prior to 2006 and, while it was not a formal practice, there was also no formal decision by Council to end it.

If Council wishes to formalize this practice for all Committees and the Commission, a motion would be required.

## **Chairs and Vice-Chairs**

### **That Chairs and Vice-Chairs be appointed for the Term of Council.**

Several suggestions were made with respect to the role and term of Committee Chairs and Vice-Chairs (including the Transit Commission and Sub-Committees).

First, there was no consensus with respect to the mid-term confirmation of Chairs and Vice-Chairs. There was a desire among some Members to return to the practice of appointing Chairs and Vice-Chairs for the entire term. This is the practice that was in place prior to the 2006-2010 Term of Council, when terms were three years long.

In 2006, with the advent of a four-year term and with some experience with the difficulties that can occur when a Chair and Committee members do not work well together, City Council adopted the practice (by way of Motion 2/13) whereby the positions of Chairs and Vice-Chairs would be approved at the beginning of each new term and subsequently reviewed and re-affirmed through the mid-term governance review process.

This practice continued throughout the 2010-2014 Term of Council as well. Governance interviews revealed that there is no consensus among Members of Council on this matter. Some believe that appointing Chairs and Vice-Chairs for the term will bring stability and consistency. Others believe that the mid-term confirmation is a necessary check-in that ensures that the Committee and the Chair are able to continue to work together to achieve the Term of Council priorities.

As there was no consensus from Members, the Mayor is recommending that Chairs and Vice-Chairs be appointed for the full term of Council. He notes that any Members who have trouble working with their Chair have the ability to bring concerns to the Mayor, and changes can always be made at Mid-term Governance along with Committee membership changes if necessary.

As in 2010, there was broad-based discussion around the need to better define the roles of Chairs and Vice-Chairs to ensure that Chairs and Vice-Chairs were working consistently and appropriately in their capacity. Suggested roles include:

- Notice to Ward Councillor that issue regarding ward is on upcoming agenda;

- Include Vice-Chair in agenda review; and
- Vice-Chair to regularly chair some parts of meeting.

There were a number of concerns raised with respect to the potential number of new Chairs that may be appointed this term. As the working committees of Council, Standing Committees regularly deal with complex procedural issues at their meetings. The role of the Standing Committee Chair has gradually become more important as the legislative workload of Standing Committees has increased.

There is general agreement that the role of Standing Committee Chair is primarily to run an efficient and effective meeting and to help move the legislative agenda forward. The role of Chair is not intended to be political, but rather the Chair is expected to keep order and focus during the meeting, call the votes and move through the agenda as efficiently as possible. It is also generally agreed that Chairs have the opportunity and responsibility to play a role in improving and maintaining Council/staff relations.

To this end, a number of Members of Council consulted in preparation of this report felt it would be beneficial for Committee Chairs and Vice Chairs to receive formal procedural training, to be offered by the Clerk's Office. Some Members felt that this training should be mandatory.

However, there was no consensus on the above-noted matters, so no recommendations are being made in this regard.

There was a general consensus that the 'Chairs Update' being used at some Committees was not productive, and this practice should be restricted to only ceremonial or similar announcements or to emergencies. Further, these remarks should not be included in the minutes. There was a general consensus that only significant speeches at Council be included in the minutes, and only if so directed by motion.

This recommendation will be addressed in the *Procedure By-law* section of this report.

### **Other Committees of Council**

#### **Quasi-judicial Bodies**

Five quasi-judicial bodies are established by Council: the Committee of Adjustment, the Committee of Revision, the Court of Revision, the Election Compliance Audit Committee and the Property Standards and License Appeals Committee. These bodies do not

operate as Standing Committees and each has an entirely different purpose and set of rules governing its operations.

Quasi-judicial bodies hear evidence and render impartial decisions. When members of quasi-judicial bodies are called upon formally to hear facts and make a decision, they are performing a function that is similar to what judges do in court. The duty most commonly arises in relation to licensing matters (Property Standards and License Appeals Committee) or in the form of statutory appeal boards such as the Committee of Revision and the Court of Revision.

The *Municipal Act, 2001* authorizes City Council to delegate the role of quasi-judicial members to be fulfilled by citizen members appointed by Council. Section 23.2 related to the delegation of Council's powers and duties provides that Council may delegate its quasi-judicial powers to a body of citizen members.

#### Committee of Adjustment

Under Section 44 of the *Planning Act*, if a municipality has passed a by-law under Section 34 (Zoning by-laws) of the *Planning Act* or a predecessor of such section, then "the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable." The Committee of Adjustment is a quasi-judicial tribunal appointed by Council which is independent and autonomous from the City Administration. The Committee's mandate is to consider and make decisions on applications for Minor Variances from the provisions of a Zoning By-law; to consider and make decisions on applications for Consent to "sever" a property, or for any agreement, mortgage or lease that extends for more than 21 years; to consider and make decisions on applications for Permission, which deal with the enlargement or extension of a building or structure that is legally non-conforming, or a change in non-conforming use; and to consider and make decisions on applications for Validation of Title and Power of Sale. The Committee is composed of 15 members who are divided into three panels of five members each. Each panel hears applications for a different geographic area of the city.

While a number of Members of Council expressed their desire that the Committee of Adjustment panels should meet locally, there was no consensus in this regard and staff has advised that this is not something that can be accomplished at this time. Committee of Adjustment hearings are required by the *Planning Act* to hold a hearing on minor variance and permission applications within 30 days of an application being received.

Even with the three panels of the Committee of Adjustment, it is staff's opinion that it would not be feasible to hold the number of meetings that would be required to hold meetings locally and meet the 30 day requirement. Therefore, there are no changes being recommended for this Committee.

#### Committee of Revision

Municipalities in Ontario are enabled by Provincial legislation (*Ont. Reg. 586/06*) to undertake works as a Local Improvement and assess the cost to the properties that derive benefit from the works. Under the legislation, a municipality initially pays the cost of an improvement work and then recovers the required funding from the benefiting properties via the tax assessment roll mechanism. The charge to property owners is based on final actual costs. Provincial legislation requires that passage of a by-law to impose the final charges to owners cannot proceed without the owners being provided notice of the intent to create the special charge, its value and a venue through a Committee of Revision to request consideration of review of the amount of their share of the cost.

The Committee of Revision does not approve projects or budgets. Rather, the Committee of Revision's purpose is to hear concerns related to Local Improvement special charges as they relate to regulations, policy, practice and/or the approach used by staff.

The Local Improvement Regulation permits the Committee to be composed of three to five members. To date, Council has approved that the Committee be composed of three Members of Council, one member from each of the Transportation, Planning and Agriculture and Rural Affairs Committees, as local improvements will generally fall within the mandate of these three Standing Committees.

No changes are being recommended for this Committee.

#### Court of Revision

The Court of Revision is a statutorily mandated appeal body established under Section 97 of the *Drainage Act* to hear drainage assessments from landowners. Under the *Drainage Act*, its composition shall be three or five members appointed by Council. This quasi-judicial body is currently composed of Members of Council from the Agriculture and Rural Affairs Committee.

There is general consensus that this model works well, so no changes are being recommended for the Court of Revision.

### Election Compliance Audit Committee

The *Municipal Elections Act, 1996 (MEA)* mandates the establishment of an Election Compliance Audit Committee to receive and address complaints from electors about a campaign's election finances. Under Section 81.1 of the *MEA*, a compliance audit committee is mandatory for all municipalities and school boards. Ontario municipalities are required to establish such a committee before October 1 of an election year and the term of office of the Committee is the same as the term of office of the council or school board that takes office following the next regular election.

On June 11, 2014, City Council approved the staff report "2014-2018 Municipal Election Compliance Audit Committee" (ACS2014-CMR-CCB-0012). Council adopted the report's recommendation to approve the establishment of a five-member 2014-2018 Election Compliance Audit Committee, including delegating the authority to appoint the members of the Committee to the City Clerk and Solicitor, the Auditor General and the Deputy City Clerk.

An update to Council identifying the members of the 2014-2018 Election Compliance Audit Committee (ACS2014-CMR-CCB-0055) was provided on August 29, 2014, and a further update regarding the Committee's membership was provided to Council through a communiqué from the City Clerk and Solicitor on September 19, 2014.

There are no changes being recommended for this committee.

### Property Standards and License Appeals Committee

On December 8, 2010, City Council approved a recommendation within the 2010-2014 Governance Review (ACS2010-CMR-CCB-0106) for the mandates of the former License Committee and the former Property Standards Committee to be merged, and that a License and Property Standards Committee of five citizen members be established to hear cases with respect to both licensing and property standards appeals.

The former License Committee reviewed cases relating to license suspensions, revocations, refusals and renewals brought forward by the Chief License Inspector, and made final and binding decisions respecting license suspensions and revocations as well as the imposition of conditions as a requirement for obtaining, continuing to hold or renewing a license.

The former Property Standards Committee conducted similar hearings for the purposes of considering appeals by property owners or occupants served with an Order under the

*Building Code Act, 1992* and who were not satisfied with the terms and conditions of the order.

The 2010-2014 Council Governance Review provided that the new License and Property Standards Committee would be modeled after the Committee of Adjustment as a committee of qualified citizen members with specific rules of procedure tailored to the specific operation of the Committee. The License and Property Standards Committee officially began its work in June 2012. On February 13, 2013, Council approved a recommendation in the 2010-2014 Mid-term Governance Review (ACS2013-CMR-CCB-0011) to rename the Committee as the Property Standards and License Appeals Committee, in recognition of its quasi-judicial nature.

There are no changes being recommended for this Committee.

### **Nominating Committee**

**The Nominating Committee mandate and process as outlined in this report;**

**The Ward- and position-specific appointments, as outlined in Document 4;**

**That the City withdraw its membership from the Ontario Good Roads Association (OGRA), as described in this report.**

Section 89 of the City's *Procedure By-law* sets out the process for the City's Nominating Committee, which recommends Council membership on the City's various Committees of Council, local Boards, Agencies and Commissions and other entities. No City Council has followed that process. Rather, since amalgamation, the Nominating Committee process has essentially been as follows:

- A motion to strike the Nominating Committee was presented as part of the deliberations of the Governance Report;
- The Committee has been comprised of 11 Members and the Mayor, with the Mayor as Chair;
- Following the adoption of Council's Committee Structure as part of the Governance Review, the City Clerk's office distributed a survey to all Members of Council requesting their preferences for Standing Committees, Sub-Committees, selection panels and external boards and commissions;

- The City Clerk's Office compiled the results of the survey and created a chart outlining the requests made by each Councillor, the Councillor's Ward and the priority rating given by the Councillor to each request;
- The Nominating Committee considered the survey results keeping in mind the need to ensure a City-wide balance and perspective, as well as recognizing as much as possible each Councillor's previous service, experience and areas of interest, and made recommendations, developed through a series of motions, to Council on appointments to the various Committees, boards and panels;
- Three reports were submitted by the Nominating Committee: one for Standing Committees and Sub-Committees; one for Various External Agencies, Boards and Commissions; and one for Selection Panels for Advisory Committees and various external Agencies, Boards and Commissions (in 2003 there was also a report for Councillor Liaisons to Advisory Committees);
- City Council then considered the Nominating Committee reports, divided the recommendations for each Committee for voting purposes and voted on each separately. At times, there have been motions approved to change the recommendations of the Nominating Committee and run-off votes were sometimes necessary to determine changes to the membership of a particular Committee.

In 2010, Council followed the process outlined above but with a two-phased approach whereby only appointments with some urgency were completed in December 2010 and all others were completed in January 2011. This was done because nearly half of the Members of Council were new, and concerns were raised with respect to the sheer number of Committees, external Agencies, Boards and Commissions and the challenges faced by new Members in making selections for their work over the full four-year term. However, the two-phased approach adopted in 2010 resulted in some unforeseen challenges with respect to survey response timelines and scheduling a second meeting of the Nominating Committee. As a result, staff is recommending that the Nominating Committee return to a one phase process whereby all Council appointments will be completed in December 2014.

As well, in 2010, Council formally adopted the practice of approving any position/ward-specific appointments as part of the Governance Report rather than through the Nominating Committee process. This was done because traditionally, certain local board appointments are always given to a Ward Councillor based on the geographic

location or focus of the particular board. For instance, specific Business Improvement Area appointments are always assigned to the local Ward Councillor. Moreover, a number of local boards have a seat that is specifically reserved for the Mayor (i.e. National Arts Centre, etc). As a result, a number of “routine” appointments did not have to go through the Nominating Committee process. Staff is recommending this process be followed again this year. The list of the ward/position-specific appointments is attached as Document 4.

Staff is also recommending that the Nominating Committee present City Council with recommendations for the Chairs and Vice-Chairs of the Standing Committees, the Transit Commission and Sub-Committees, as well as other entities where a Member of Council is the Chair, as well as recommendations to related Boards where the position of Chair is dedicated to a Member of Council or where Council wishes to state a preference.

This is to eliminate the procedural confusion that occurred in 2010 when Council considered the Nominating Committee report. In 2010, Council approved that the Finance and Economic Development Committee be composed of the Standing Committee Chairs and four members-at-large, resulting in a total membership of 11. As a result, at the second meeting of Council, during consideration of the Nominating Committee reports, Council dealt with the appointments to all of the Standing Committees with the exception of Finance and Economic Development Committee. Council then recessed to allow each Standing Committee to convene to elect their Chairs. Following the election of the Chairs for each Standing Committee, Council reconvened to consider the appointment of four members at large to the Finance and Economic Development Committee and to confirm that Committee’s membership based on the election of the Standing Committee Chairs.

For the 2014-2018 Term of Council, given that it is recommended that the Finance and Economic Development Committee (FEDCO) continue to be chaired by the Mayor and be composed of the Mayor, the Chairs of the various Standing Committees, the Transit Commission, the two Deputy Mayors as well as one member-at large, staff is recommending that the Nominating Committee be mandated with making recommendations with respect to the appointment of the Chair and Vice-Chair for the Standing Committees/Commission and Sub-Committees to avoid the procedural complications that occurred in 2010.

Finally, as staff has been directed by Council to prepare the conferences report for consideration at the first meeting of the Finance and Economic Development Committee

in the new year and calls for nominations from municipalities for their Board of Directors have been received, staff is also recommending that the Nominating Committee also recommend the City's representatives to the municipal organizations they support: namely, the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario (AMO), the Rural Ontario Municipal Association (ROMA), the Association of Francophone Municipalities of Ontario (AFMO), the Canadian Capital Cities Organization (CCCO).

The Mayor is recommending that the City withdraw its membership from the Ontario Good Roads Association (OGRA) as he believes its mandate is accomplished by the larger municipal associations. This would produce an estimated savings of \$31,000 in membership fees over the 2014-2018 Term of Council. Membership fees for the 2010-2014 Term of Council were \$28,152. Staff has indicated that, while they receive some savings from membership in terms of discounted registration for conferences, the savings can be absorbed within existing budgets.

The recommendation with respect to amending the Nominating Committee process in the *Procedure By-law* is outlined in the related section of this report.

## **B – ADVISORY COMMITTEES**

**The establishment of the following Advisory Committees, as outlined in this report:**

- a) The Accessibility Advisory Committee;**
- b) The Arts, Culture, Heritage and Recreation Advisory Committee;**
- c) The Environmental Stewardship Advisory Committee;**
- d) The French Language Services Advisory Committee;**
- e) The elimination of the Community Services Advisory Committee;**

**That the Advisory Committees be directed to provide their respective Standing Committees with their recommendations for what should be included in the Term of Council priorities as early as possible in 2015 for the Standing Committees' information; and**

**The specific inclusion of Advisory Committee comments, with its own heading, as part of the consultation section of relevant reports.**

The City of Ottawa currently has five Advisory Committees – the Accessibility Advisory Committee, the Arts, Culture, Heritage and Recreation Advisory Committee, the Community Services Advisory Committee, the Environmental Stewardship Advisory Committee and the French Language Services Advisory Committee – with a total of 39 members.

Composed of citizens, Advisory Committees have a mandate to provide advice to City Council, through Standing Committees, on matters that fall within their respective jurisdictions and move the Term of Council priorities forward. Like the City's Standing Committees and Sub-Committees, Advisory Committees operate in a similar manner, with formal Agendas and Rules of Procedure and are supported by the City Clerk's Office.

The original structure of the City's Advisory Committees was largely established in 2000 (at amalgamation) by the Ottawa Transition Board, based on a model that had been used at the former City of Ottawa for many years. The formal Advisory Committee role was a direct way for City Council to receive advice from informed citizens about the relative merits of staff proposals or emerging issues in their areas of interest and expertise. Over the years, Advisory Committees had often been used by staff as their *de facto* public consultation vehicle.

The 2010-2014 Governance Review (ACS2010-CMR-CCB-0106) noted that over successive Terms of Council and numerous governance reviews, there had been an increasing frustration with the effectiveness of the Advisory Committees. That frustration had been expressed by both Members of Council and members of the Advisory Committees themselves. The 2010-2014 Governance Review further noted that approaches to citizen engagement have been evolving, due to advances in technology (i.e. social media) as well as changes in governance. The environment in which Advisory Committees, Standing Committees and Council operate had changed over the previous ten years, but the on-going effectiveness of the current, formal Advisory Committee-centric model of citizen engagement had not been examined.

At the direction of Council, staff undertook a review of the Advisory Committees, the results of which were brought forward in the Advisory Committee Renewal to Support Council's Term of Council Priorities (ACS-2012-CMR-CCB-0032) report, approved by City Council on September 12, 2012.

The report summarized the frustrations experienced by both Members of Council and Advisory Committee members as follows:

*The general issues raised by elected officials in the governance reviews centre around those times when Advisory Committee work has been outside either the Advisory Committee's mandate or Council's mandate, or does not fit within Council's identified priorities or budget capacity. As well, less than half of Advisory Committee work results in direct recommendations or advice to Standing Committees and/or City Council. Instead, an increasing amount of Advisory Committee time and effort is being spent on items that will never rise to Committee or Council, as they relate to matters within staff's delegated authority, items to educate themselves or items related to the internal workings of the Committee. Staff also note that a significant amount of conflict is occurring between Advisory Committees and the Clerk's office when there is role confusion within an Advisory Committee, where there is a desire to question or revisit decisions of the elected Council, to direct staff to do work that is outside of Council's priorities, to take political positions or to advocate for policies that are outside of Council's mandate.*

*The general frustrations from Advisory Committee members that have been expressed include that Council is not receptive to advice from the Advisory Committees, that City staff do not seem consistently willing to partner with Advisory Committees to help improve policy and/or programming initiatives as they evolve, that when Advisory Committee input is required or requested, there is a lack of timely information and short timelines in which to provide comment, that Advisory Committees are treated as 'just another community group' and that Advisory Committee members' interactions with Councillors and relevant staff is limited and seen as low priority despite their appointment by Council, and that there are few avenues for Advisory Committees to work directly with those they are advising to maximize the value of that advice.*

There was a general agreement that the role of Advisory Committees was often misunderstood by the members. The structure seemed to perpetuate the misconception that Advisory Committees were a "political" body intended to serve a representative role. In fact, City Council fulfills the role of political representative, and Advisory Committees do not have a political role independent of Council. While Advisory Committee members were (and are) knowledgeable, committed and passionate, they did not (and do not) have Council's fundamental democratic role, jurisdiction or decision-making authority.

Similarly, the report noted that Advisory Committee members' role is to provide advice, not act as advocates for particular mandates or groups. While advocacy is a part of the overall political process, attempting to employ this type of influence on an Advisory

Committee or as an Advisory Committee is not consistent with the role and should be left to external advocacy groups. This understanding was to be reinforced in the training for Advisory Committee members in the new model.

There was also general agreement that City staff need to better understand and respect the role of Advisory Committees. Too often, Advisory Committees were being used as the only 'public consultation' for a given policy, where the intent is that Advisory Committees would be used to provide input into policies at the development stage. As well, staff had often brought forward major proposals without seeking Advisory Committee input at all, or too late for the Committee to provide effective advice.

Finally, there was universal agreement that the direct connection between Advisory Committees and elected officials needed to be re-established if there was to be a successful renewal of the model. The elected officials would be able to provide the immediate and direct connection to Council's priorities and challenges and provide input into the role that the Advisory Committees could play with respect to specific initiatives.

The renewed Advisory Committee model incorporated a role clarification and some revised mandates for Advisory Committees to address the issues identified. Specifically, changes made included:

- Tying the Advisory Committees' Terms of References and workplans to the Term of Council Strategic Priorities;
- Ensuring that the staff representative to Advisory Committees was a senior manager with decision-making authority (the responsible General Manager or Director in most cases);
- Appointing the Vice-Chairs of the relevant Standing Committee (or a member of the Francophone Caucus for the French Language Services Advisory Committee) as the liaison between Council and the Advisory Committees;
- Removing the role of Advisory Committees with respect to providing a forum for members of the public to raise issues to avoid misperceptions with respect to their role;
- Conducting a more robust orientation for Advisory Committee members; and
- Making attendance at the orientation and training session mandatory in order for members to retain their membership on the Advisory Committee.

The selection and appointment process for the new Advisory Committee was completed in February 2013, orientation sessions were held between March 20 and April 10, 2013 and the new Advisory Committees began holding regular meetings as of April 17, 2013.

As a result of the changes described above, each new Advisory Committee received a “tailored” orientation session where staff in the City Clerk and Solicitor Department spoke to a detailed presentation on the City’s governance model, the role of Advisory Committees in general, the Advisory Committee structure (meeting frequency, the ability to strike sub-committees, the role of the Council-liaison member, etc.), the specific Advisory Committee’s mandate, members’ roles and responsibilities and the policies in place to support the Advisory Committee structure. This was followed by a presentation from operational staff in which members were provided with an overview of departmental strategic initiatives, their status and a description of where and when they could expect to have input or to be consulted on a go-forward basis.

It is important to note that the new Advisory Committee structure has only been up and running for just over a year, and work on the Term of Council priorities was well underway by the time they began. Staff recognizes that it is difficult to provide an overview of how well the new model is working under these circumstances.

That said, the City Clerk and Solicitor and the Deputy City Clerk met with the Chairs and Vice-Chairs of the City’s five Advisory Committees to engage them in a discussion on the current Advisory Committee governance structure and to hear members’ feedback and experiences. During the meeting, Chairs and Vice-Chairs expressed their desire to set their own workplans without being restricted to the Term of Council priorities and to have more autonomy around agenda-setting. While overall they appreciated the work of the Councillor-liaisons, they felt Standing Committee Chairs, in addition to the Vice-Chairs, should be more involved in the work of the Advisory Committees reporting to them.

The consultation revealed that there continues to be some confusion surrounding the role of Advisory Committees and their level of input. For example, Chairs and Vice-Chairs expressed a desire to:

- Be used by the City as a public engagement vehicle or have the ability to conduct public consultation on the City’s behalf; and
- Have certain files entrusted to them so that they may have the ability to conduct their own policy analysis and present recommendations to improve City policies.

Members of Council were equally clear during the governance interviews that Advisory Committees' work must relate to the Term of Council priorities and that Advisory Committees' role is for the members themselves to provide advice, not for the members to survey the public or act as a public consultation vehicle. Council and its Committees, not Advisory Committees, are the political decision-makers whose job it is to consult the public.

Notwithstanding the extensive orientation training and materials provided to them about their role, the Chairs and Vice-Chairs continued to raise their desire to have the ability to strike sub-committees, to go back to more detailed minutes, to have the ability to work with other Advisory Committees on cross-mandate issues, to have an Advisory Committee Member's handbook, and to meet more frequently.

The Advisory Committee Chairs and Vice-Chairs made two process suggestions that are consistent with their mandates under the new model. Specifically, they wish to provide Council with their advice with respect to what they believe the Term of Council priorities should be within their mandates. As well, they would like their comments included in the public consultation section of relevant reports. Staff is including recommendations to this effect in this report.

Finally, while the knowledge and dedication of Advisory Committee members is valued by all, staff observes that the use of the Advisory Committee model may itself be the cause of the ongoing frustrations expressed by Committee members and Councillors. Staff is of the opinion that the relative value of the model should be continuously reviewed against more modern and, some believe, more effective methods to engage the community.

### **The Community Services Advisory Committee**

It should be noted that the renewal process for Advisory Committees recognized the new citizen engagement models that had been adopted by this Council. The 2010-2014 Council has integrated more direct citizen involvement in its governance structure. The Transit Commission is delegated by City Council to make decisions related to Transit operations in the City of Ottawa and includes four citizen members. The Board of Health, which operates under its own legislation, includes five citizen members. The Built Heritage Sub-Committee includes three citizen members. The Agriculture and Rural Affairs Committee includes an "Open Mike" session in each of its meetings, allowing individual citizens to raise issues directly to their elected representatives without having to address a specific agenda item.

In addition, the City is making increasing use of topic-specific roundtables and summits, innovative technology and other consultation tools to receive direct feedback from citizens and stakeholders on major issues.

For example, the City hosted the Greenhouse Gas Roundtable on March 23, 2013, which was initiated by a motion at the Environment Committee. Approximately 150 people participated in the exercise, which fed directly into the review and update of the Air Quality and Climate Change Management Plan. Similarly, a Water Roundtable was held on June 14, 2014. Approximately 70 people provided input into the Phase 2 Water Environment Strategy, which is expected to be brought forward in 2015.

The Aboriginal Working Committee, which works collectively with City staff to identify, prioritize, leverage resources and develop solutions to address emerging issues that impact Aboriginal people and to maximize the effectiveness of services delivered to the Aboriginal community, meets six times a year and consists of representatives from nine agencies and one Elder. The Seniors Roundtable, which was created through the Advisory Committee renewal process, provides feedback to City staff on the implementation of the City of Ottawa Older Adult Plan (OAP) and acts as the City's primary mechanism for engaging residents on issues affecting older adults, meets quarterly and is comprised of representatives from 17 agencies.

The Francophone Caucus is composed of the Mayor and Francophone and Francophile Members of Council and supported by the French Language Services Branch within the City Manager's Office. This group meets on an ad hoc basis. In 2014, they met twice: once on Wednesday, March 5 and once on Friday, June 27. The meeting of March 5 included overviews of the French portal for immigrants, older adults and youth and of the Mayor's Rendez-vous with the Francophone community and Franco-Ontario Flag Celebration and the June 27 meeting included presentations by and discussions with La Nouvelle Scène and the Centre multi-services francophone de l'Ouest with respect to each organization's projects.

In order to improve the quality of public engagement, City Council identified the development of a Public Engagement Strategy and online engagement tools as a Council strategic priority in its Strategic Plan for 2011-2014.

The Public Engagement Strategy (PES) was approved by Ottawa City Council on December 11, 2013. The Strategy assists staff in determining when engagement is appropriate, how engagement should be designed and implemented and who should

participate. It also clarifies the language and terms to be used for different engagement activities. It includes five strategic components:

- Approval of a Corporate Public Engagement Strategy that is required for use by all staff, as the overarching framework and approach for public engagement;
- The development of tools, resources and training to support staff success;
- Management commitment and interdepartmental collaboration/coordination;
- The development of online tools; and
- Processes for continuous evaluation and improvement.

To date, the PES has been presented to all departmental management teams to determine readiness, and the following implementation tools have been developed:

- Public Engagement Staff Toolkit;
- Communications Plan for staff on the Toolkit and supporting resources; and
- PES Training Module to be offered at the Learning Centre.

Staff in the Community and Social Services Department continues to work towards full PES implementation, including but not limited to:

- Development of an online Public Engagement Schedule e-Tool;
- Piloting the PES Training Module; and
- Development of a PES Evaluation Framework.

A progress report on the Public Engagement Strategy is expected to be presented to Standing Committee and Council in Q4 of 2015, but it is clear from the above examples that departments are looking for new and innovative ways to connect with the public, given the desire and interest from residents to help shape the programs, services, and policies/processes that directly impact them.

As more department-led committees and working groups emerge, due in large part to a close working relationship between staff, related agencies and stakeholders, the formal Advisory Committee structure may become redundant as committee mandates, specifically public consultation on the relative merits of staff proposals or emerging issues, are accomplished through these issue-specific, focused working groups.

The renewal process, for example, saw the Advisory Committee structure streamlined from 15 committees reduced to five committees, one roundtable (Seniors) and one sub-committee (Built Heritage). This report is recommending the elimination of the Community Services Advisory Committee.

The Community Services Advisory Committee incorporates the major elements of the mandates of the former Poverty Issues, Equity and Diversity, and the social services mandate of the Health and Social Services committees. It is responsible for providing advice to Council through the Community and Protective Services Committee and its departments, on issues pertaining to policies, programs and initiatives in the area of community and social services; issues that impact and address poverty and the needs of the residents who are economically disadvantaged; and the needs of Ottawa's diverse populations including working to eliminate discrimination within the City of Ottawa. While the membership of the committee calls for between nine and 11 members, there are presently only seven members serving on the committee.

Staff can advise Council that the Community Services Advisory Committee mandate is now being accomplished through other means consistent with the Public Engagement Strategy.

The Community and Social Services Department participated in 34 City-led committees and 27 community-led committees in 2014 (see list attached as Document 5).

Approximately 800 residents and agencies are represented on the 61 committees and more than 200 departmental staff are involved. Committees include the Aboriginal Working Committee Leadership Group, the Street Outreach Services Network, the Housing Stakeholder Advisory Group, the Seniors Roundtable, the City of Ottawa Immigration Network and the Alliance to End Homelessness Steering Committee. Meetings range in frequency from monthly to bi-monthly to quarterly to annually.

These working groups, which focus on the areas of homelessness, child care, housing, immigration, employment, older adults, women, children and youth, Aboriginal issues and funding capture the mandate of the Community Services Advisory Committee, but on a broader and more focused scale, due to the number of issue-specific committees and the large membership base.

The Community and Social Services Department is able to connect directly with agencies, stakeholders and the public to help shape the programs, services and policies/processes that directly impact them and report directly to the Community and Protective Services Committee.

There has been an unanticipated outcome with this broad-based consultation framework. By the time a proposal comes to the Community Services Advisory Committee, it has already been in development with significant stakeholder involvement, often over a period of months. Staff does not believe that the significant work of the stakeholder community should be able to be 'overturned' in a recommendation to Council when there is a disagreement between the stakeholder community and the Advisory Committee, which has not been seized with the issue over time.

In light of the above, the City Clerk and Solicitor and the Deputy Clerk can advise that there was a general consensus in favour of the elimination of the Community Services Advisory Committee.

## **C – OTHER STANDING COMMITTEE CHANGES AND UPDATES**

**That City Council approve the 2015-2018 Tax- and Rate-Supported budget process, as outlined in this report.**

### **Budget Process**

The 2010-2014 City Council developed a number of budget practices that worked well, such as the joint development of the tax-supported budget by the Mayor and City Manager and the adoption of a multi-year budget for rate-supported operations. For the 2015-2018 Term of Council, staff is recommending the adoption of a process for the tax-supported budgets largely mirroring the budget process used in the previous term of Council and for a multi-year rate-supported budget that is also consistent with the approach approved by the previous Council.

It is recognized that the 2015 Budget Process will need to operate on amended timelines, as is standard practice following an election. The recommend process for the 2015-2018 tax-supported budgets is as follows:

- Before each yearly budget cycle begins, the City Treasurer will bring forward a report that details the budget timetable and provides budget directions through the Finance and Economic Development Committee and Council. For the 2015 budget, this will be brought directly to Council.
- As part of the Budget Directions report, recommended budget increases will be allocated to all local Boards (Police, Library and Public Health) and the Transit Commission and the Auditor General's Office based on their individual pro-rated

share of revenues derived from the Council directed tax target and any increase in tax revenues resulting from growth in assessment.

- Council will request that the Boards and Commissions develop their draft budgets within this annual allocation.
- The City Manager will be directed to work with the Mayor's office to develop draft annual budgets that are consistent with Council's approved budget direction. The draft budgets will also identify any one-time issues and recommend any additional strategies that may be required to achieve Council's direction.
- A consolidated draft budget will be tabled at full Council that reflects all operating and capital pressures and identifies any resulting service implications for referral to Standing Committees and the Transit Commission and for public consultation.
- A period of time will be scheduled to allow for public consultations on the tabled budget prior to committee consideration. The consultation will include a series of four multi-ward meetings with both Members of Council and senior staff in attendance and prepared to both respond to and develop options based on public feedback. Individual ward meetings may be conducted at the Councillor's discretion but without staff attending.
- Each Standing Committee will consider the proposed budget and hear public delegations before deliberating on and approving any revisions.
- Each Standing Committee will work within the budgetary funding envelope allocated to the City departments under their mandate and any increases to the budget will be funded by offsetting reductions.
- At the conclusion of their review, the Standing Committees will recommend the budget for their service areas, including any amendments made by the Committee to full Council for consideration, review and adoption.
- Sitting as Committee of the Whole, Council will consider, review and amend the budgets as a whole.
- The Ottawa Police Services Board, the Ottawa Public Library Board, the Public Health Board, the Committee of Adjustment and Crime Prevention Ottawa will prepare their own budgets for submission to their respective Boards. These budgets will be tabled with Council at the same time as various Standing Committees of Council table recommended draft budget amendments.

As part of the 2013 Rate-Supported (water and sewer) budget process, Council adopted a multi-year budgeting approach. This approach sees future rate budgets prepared and adopted for a four-year period that aligns with the Term of Council.

In view of the fact that a new Council has been elected, staff is recommending that a rate-supported budget be developed and presented for 2015 and that a multi-year budget for the 2016-2018 period be developed and tabled during the 2016 budget process once Committee and Council have received and reviewed an update to the Rate-Supported Long-Range Financial Plan and the water rate structure. This Plan will re-examine the 10-year capital and operating requirements presented in the previous Plan along with providing an update to the financing strategies to manage debt levels, reserve fund balances and rate increases. A timetable for the 2015 Rate-Supported Budget would be presented by the City Treasurer at the same time as the Tax-Supported budget timetable.

Should the Rate-Supported Long-Range Financial Plan not be finalized in time for the City Treasurer to prepare a draft 2016-2018 Multi-year Budget, the 2016 Rate Budget will also be a standalone budget. In that eventuality, following the adoption of the Rate-Supported Long-Range Financial Plan, staff would prepare a 2017-2019 Multi-Year Rate budget on the understanding that the 2018-2022 City Council would not be bound by the previous Council's adopted rate budget, and would have the ability to address the 2019 Rate Budget as it sees fit.

### **Proposed Timetable for the 2015 Budget**

Establishing a budget timetable just following a new term of Council is always challenging, given that the budget must be adopted by the end of March in order for the City Treasurer to establish the tax rate for 2015.

In keeping with past practice for the budget just following the start of the new Term of Council, and keeping in mind the orientation process for new Members of Council with respect to the work of the operating departments expected to occur in January, staff is proposing the following high-level schedule for consideration of the 2015 Budget, on the understanding that the Standing Committee schedule for February may need to be adjusted to accommodate the budget timetable:

<b>Steps</b>	<b>Date</b>
Table and adopt the Budget Directions Report	December 10, 2014

Receive a City Budget overview report at Council	Special meeting in late January/early February
Table the budget reports for each Standing Committee at Council	
Tabling of Police and Library Services with their boards	First meeting in January/early February
Committee and board meetings to receive public delegations, review budgets, and recommend a budget to Council	February
Four multi-ward bilingual budget consultation meetings organized by staff	February
Council deliberations and adoption of the budgets from each of the Standing Committees and Boards as Committee of the Whole	Second week of March

While it is recognized that the timelines for consultation in 2015 are tight, City Councillors and the Mayor have just completed thorough consultations with the public on community priorities throughout the election period, and these timelines have been used post-election in the past.

Specific dates will be brought forward in the Budget Directions report.

## **PART II – ACCOUNTABILITY AND TRANSPARENCY**

### **Background – Accountability Framework**

As part of the 2010-2014 Governance Review, City Council endorsed Mayor Watson's initiative for the development of an Accountability Framework for Members of Council. In so doing, Council built upon considerable steps it had already taken in the area of accountability and transparency.

In 2004, Council created the Office of the Auditor General and, in 2007, approved it as a statutory office under Section 223.19 of the *Municipal Act, 2001*. In 2007, Council also established the position of Meetings Investigator and approved the Accountability and Transparency Policy as well as the Delegation of Powers Policy. As part of 2010-2014 Mid-term Governance, Council approved amending the Accountability and

Transparency Policy to include the proactive disclosure of executed contracts, the annual proactive disclosure of all events hosted and gifts presented by the Office of Protocol, and the development of the Routine Disclosure and Active Dissemination Policy.

Implementation of the City of Ottawa's Accountability Framework began in January 2011 with the regular public disclosure of office expenses of Members of Council and Members of the City's Executive Committee. In July 2012, Council approved the establishment of the Lobbyist Registry and the position of Integrity Commissioner. In August 2012, Council appointed Robert Marleau to the position of Integrity Commissioner as well as the City's Lobbyist Registrar and Meetings Investigator, and enacted By-law 2012-309 establishing both the Lobbyist Registry and the Lobbyist Code of Conduct. In May 2013, Council approved the Code of Conduct for Members of Council and its related policies: the Council Expense Policy and the Community, Fundraising and Special Events Policy. In August 2013, the Integrity Commissioner was extended for a five-year term. Finally, in October 2013, Members of Council began the regular public disclosure of information on gifts and tickets received in the Gifts Registry posted on Ottawa.ca.

With the adoption of the Accountability Framework, the City of Ottawa is recognized as a municipal leader in Canada in the areas of governance and transparency. In particular, the City has become a resource for those municipalities investigating the implementation of a simple, effective and low-cost Lobbyist Registry.

The practices and policies with respect to the City's Accountability Framework will now be incorporated into the biennial governance review process, with amendments being recommended by the Integrity Commissioner as well as the City Clerk and Solicitor and the Deputy City Clerk in consultation with Members of Council and based on any emerging best practices.

### **2014 Annual Report of the Integrity Commissioner**

**That the 2014 Annual Report of the Integrity Commissioner be received.**

Under Section 223.3 of the *Municipal Act, 2001*, municipalities may appoint an Integrity Commissioner who is responsible for the application of a Code of Conduct for Members of Council and local boards and any procedures, rules and policies that govern the ethical behaviour of Members of Council and local boards.

On August 29, 2012, Robert Marleau was appointed as the Integrity Commissioner for the City of Ottawa. In addition to his statutory role, the Integrity Commissioner was delegated the legislative responsibilities of the City's Lobbyist Registrar and Meetings Investigator. The City's Lobbyist Registry was launched on September 1, 2012 and the Code of Conduct for Members of Council and its related policies were enacted on July 1, 2013.

As part of his mandate, Mr. Marleau is responsible for providing City Council with an annual report on the various aspects of his role as Integrity Commissioner including a summary of complaints, investigations and advice provided and to make any recommendations for any changes to the approved policies and processes.

The 2014 Annual Report of the Integrity Commissioner is attached as Document 6.

### **Code of Conduct for Members of Council – Improper Use of Influence**

#### **The update on an Improper Use of Influence provision in the Code of Conduct for Members of Council, as outlined in this report.**

During City Council's May 8, 2013 consideration of the Code of Conduct for Members of Council (the Code), Councillor Desroches put forward a motion to clarify obligations of Members of Council with respect to their involvement in staffing and labour relations matters, and in matters before quasi-judicial tribunals. Motion 54/3 proposed including precise language in Section V (Improper Use of Influence) of the Code prohibiting Members from attempting to interfere with the decisions of City employees, officers of the City or appointed members of an adjudicative tribunal charged with making decisions as part of an independent, arms-length process.

The Code of Conduct for Members of Council, Section V (Improper Use of Influence) states:

As an elected official, Members of Council are expected to perform their duties of office with integrity, accountability and transparency. Members of Council should not use the status of their position to influence the decision of another individual to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.

In the same manner, and as outlined in the *Provincial Offences Act – Conflict of Interest Policy*, Members of Council shall not attempt to influence or interfere, either directly or indirectly, financially, politically or otherwise with employees, officers or other persons performing duties under the *Provincial Offences Act*.

Motion 54/3 sought to replace the second paragraph of the above with the following:

In the same manner, Members of Council shall not attempt to influence or interfere, either directly or indirectly, financially, politically or otherwise with the decisions of City employees or officers of the City or appointed members of an adjudicative tribunal charged with making decisions as part of an independent, arms-length process.

This includes matters relating to the *Provincial Offences Act* (as outlined in the *Provincial Offences Act – Conflict of Interest Policy*), the City's recruitment, staffing and individual labour relations policies, protocols and actions (save for their own offices), and the City's adjudicative tribunals including the Committee of Adjustment and the Property Standards and License Appeals Committee.

Discussions on this item at the May 8, 2013 meeting of Council highlighted that the language of the proposed amendment to the Code required clarification. Some Members of Council raised concern that adoption of Motion 54/3, as written, would limit a Member's ability to act on behalf of constituents on items such as planning matters. Members of Council requested that the proposed amendment make a clear distinction between those processes with which Members must keep an arms-length relationship (such as the work of quasi-judicial bodies) and constituency matters with which Members of Council must be engaged. Council referred the motion to Finance and Economic Development Committee (FEDCO) with a report from staff.

The staff report Code of Conduct Motion 54/3 – Tribunals and Staffing Matters (ACS2013-CMR-LEG-0007) clarified that the intent of Motion 54/3 with respect to adjudicative tribunals had been twofold: it sought to preserve the integrity and independence of the City's adjudicative tribunals and to protect Members of Council from any perception of improper use of influence.

Debate on the staff report and the proposed amendment to the Code at the FEDCO meeting of June 4, 2013 echoed concerns Members had raised during the Council deliberation on the matter. Members expressed that the motion, as drafted, did not make a clear enough distinction between elected officials' advocating on behalf of the community versus being viewed as interfering in a quasi-judicial process. The Committee requested guidelines on permitted and prohibited activity, citing such examples as providing written submissions to, versus appearing before, the Committee of Adjustment, and advocating on behalf of constituents in conversations with the City's Chief Building Official and Chief Licensing Inspector. The matter was again referred

back to staff to clarify the language with respect to the intent of the proposed amendment.

The City Clerk and Solicitor and the Deputy Clerk revisited the issue during the governance interviews, where it was confirmed that there is no consensus on this proposed provision. Given that, there is no recommended change to the Code of Conduct for Members of Council at this time.

The Integrity Commissioner does wish to bring to Council's attention the recent issues that were raised by City Council with respect to a Kingston City Councillor's relationship with a witness at an adjudicative tribunal demonstrating that the question of Members' improper use of influence remains an ongoing challenge for Ontario municipalities.

In December 2013, Kingston City Council asked Integrity Commissioner George Rust-D'Eye to investigate the actions and conduct of City Councillor William Glover and that of Dr. Robert Williams, a municipal boundary expert retained by Kingston, leading up to and following City Council's April 9, 2013 decision to re-divide the City's electoral boundaries.

Rust-D'Eye's April 2, 2014 report to Council noted that, before the City retained Dr. Williams, he and Councillor Glover had a professional relationship through an association with which both were involved. In addition, before an October 2013 Ontario Municipal Board (OMB) hearing on the ward boundary review at which both parties were to appear as witnesses, Councillor Glover and Dr. Williams had exchanged emails on the subject of the ward boundary review, Council's decision, and the prospects of an OMB appeal. As Kingston Integrity Commissioner Rust-D'Eye reported, the solicitor retained by the City to represent its interests at the OMB felt it was improper for the Councillor to have had such conversations with a witness for the City, and that the communications "prejudiced the City's position at the OMB."<sup>9</sup>

Speculation also arose as to whether the Glover/Williams email exchange had contributed to what had appeared to be Dr. Williams' change of opinion on the subject of the appeal. While Rust-D'Eye's report concluded there was insufficient evidence to conclude Williams' email exchange with Glover gave rise to his change of opinion, it noted:

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<sup>9</sup> Rust D'Eye, George, Integrity Commissioner and Investigator, *Report on the Conduct of Councillor William Glover with Respect to the Decision of the City Council on April 9 and 11, 2013, to Revise the City's Electoral Boundaries*. April 2, 2014: 13

“It was inappropriate for Councillor Glover to initiate and engage in such discussions with Dr. Williams, particularly in circumstances in which the Council decision directly impacted on the Ward represented by the Councillor, and where, from the time of the Council decision onward, Councillor Glover intended to initiate or support action to overturn the decision ....”<sup>10</sup>

Although the Kingston Integrity Commissioner’s report found Councillor Glover did not breach Kingston’s Code of Conduct for Council and Committee Members, Council adopted Rust-D’Eye’s recommendation to review the provisions of the City’s *Procedural By-law* and its Code with a view to consolidating in a single by-law the Code of Conduct under Section 223.2 of the *Municipal Act, 2001*.

The Integrity Commissioner will follow any such changes implemented in Kingston, and will continue to monitor the experience of other Ontario municipalities for other such occurrences and best practices and will follow-up with any corresponding recommendations in the Mid-term Governance Review.

### **Council Expense Policy**

**That the public disclosure requirements for Members’ business travel outlined in the Council Expense Policy be amended to include all City-funded travel, including travel funded by the City’s Boards and Agencies, as well as Members’ travel funded by external bodies;**

**That Members who undertake City-funded travel submit a written report detailing their experiences at the conference and how they advanced the City’s position or interests, as outlined in this report;**

**That, should departmental, ward-based budgets for traffic control measures be approved as part of the City’s annual budget process, Members’ names not be permitted on any signage for these initiatives, whether funded from the Constituency Services Budget or a departmental budget; and**

**A technical amendment to the Council Expense Policy, as described in this report, such that the clause under Section 3.2 Spending Guidelines and Accounting Procedures that currently reads: “No expense shall create a conflict of interest, or the appearance of such a conflict, that may arise through the purchase of goods or services from a family member” be**

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<sup>10</sup> Rust D’Eye, *Report*: 36.

**amended to read, “No expense shall create a conflict of interest, or the appearance of such a conflict, that may arise through the purchase of goods or services from a family member or a family member of one of a Member’s staff”.**

Members of Council are each provided with a Constituency Services Budget with which to operate their respective offices. The Constituency Services Budget provides Members with resources required to support their role, enabling them to communicate with constituents about the meetings and activities of City Council and City Hall; assist with and lead activities that enhance the communities in their wards; represent the City at functions and events; and administer their offices to serve their constituents and support their legislative role.

As part of the 2010-2014 Governance Review, City Council endorsed an Accountability Framework that included a Code of Conduct for Members of Council, an Integrity Commissioner, public disclosure of office expenses, and a low-cost lobbyist registry and gifts registry. The Integrity Commissioner was tasked with creating a Code of Conduct for Members of Council, and providing input into related policies, including the Council Expense Policy.

The Council Expense Policy was approved by Council at its May 8, 2013 meeting in the Council Expense Policy and Community, Fundraising and Special Events Policy report (ACS2013-CMR-CCB-0029). The Council Expense Policy guides Members of Council on how they can spend their Constituency Services Budget, and works in conjunction with the Election-related Resources Policy and the Office Manual. The Code of Conduct and Gifts Registry fall within the jurisdiction of the Integrity Commissioner, and the Expense Policy and the Community, Fundraising and Special Events Policy are administered by the City Clerk and Solicitor and the Deputy City Clerk.

The Council Expense Policy is based on the assumption that Members are accountable to the public and their constituents and not to the City administration. It incorporates the understanding that each Member of Council represents a specific constituency and that each constituency has different needs, and that the roles of the Mayor and Ward Councillors are different. The Policy is based on five principles that are applied when interpreting the policy:

- City Council is an autonomous body and is separate and distinct from the City administration;

- The integrity of City Council as a whole and the offices of the Members must be protected and the interest of City Council as a whole takes precedence over the personal interest of individual Members of Council;
- Members are the stewards of City resources and are ultimately accountable to their constituents for the type and level of expense they incur. Public funds should be spent exclusively for the fulfillment of public duties and spending should be reasonable, business-related and reflect what the public expects of an elected official;
- The public has a right to know how public funds allocated to Members are spent; and the public's right to Members' expense information must be balanced against the need to protect privacy and personal information and allow time for proper accounting and reconciliation of expenses; and
- Although Members of Council need flexibility to perform their roles and engage their communities differently, it is important that all accounting, audit and tax principles/rules and legislation and policies are followed.

Members of Council have been disclosing their office expenses monthly since January 2011. The Council Expense Policy adopted on May 8, 2013 and in practice since July 1, 2013 furthered the level of detail and requirements for disclosure based on the notion of increased transparency. The disclosure requirements, as well as the documentation requirements, are based on best practices in other jurisdictions.

With respect to Members' business travel, the Expense Policy requires the following:

- All City-related business travel will be disclosed, no matter which budget the travel is funded from;
- The meeting location, the duration, and the purpose will be identified;
- Travel reimbursement must include any itinerary confirming travel dates and airline booking, an original hotel invoice itemizing room costs and other incidentals, conference brochure confirming the cost and conference date and taxi/parking receipts; and
- Members must report to the Integrity Commissioner, before the first date of travel, all travel costs funded by an eligible body under the Code of Conduct (i.e. provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by

a conference, seminar or event organizer where the member is speaking in an official capacity).

While the disclosure requirements in the Council Expense Policy captures travel paid for by Members' Constituency Services Budgets and City departments, it does not cover travel funded by the City's various local boards (e.g. the Library Board or the Health Board) or travel funded by conservation authorities or municipal associations.

In the spirit of transparency and openness, the Mayor recommends that the disclosure requirements of the Council Expense Policy for business travel be amended so that all Members' travel that is funded by taxpayers, regardless of the funding source, be disclosed monthly on Ottawa.ca as part of the Member's Public Disclosure of Office Expenses submission. The documentation requirements for business travel outlined in the Policy would apply to travel funded by external bodies, including boards, conservation authorities and municipal associations. It will be incumbent upon the Member to ensure the proper documentation is provided to the City Clerk's Office so it can be captured as part of the monthly public disclosure reporting.

As well, when the January 17, 2011 Finance and Economic Development Committee considered and approved the Attendance at the OGRA/ROMA, FCM, AMO and AFMO Annual Conferences report (ACS2011-CMR-CCB-0016), the Committee also approved a motion requiring Councillors attending a conference to report on the conference as follows:

That Councillors attending a conference present a report on what they gained from attendance at that conference and how they advanced the City's position or interests at any public forum.

The City of Ottawa is the fourth largest city in Canada, the second largest city in Ontario, and the largest city in the Association of Municipalities of Ontario (AMO). In addition to AMO, the City is a member of a number of municipal organizations including the Federation of Canadian Municipalities (FCM), the Big Cities Caucus, the Association of Francophone Municipalities of Ontario (AFMO), and the Rural Ontario Municipal Association (ROMA). There are also a number of service-specific municipal entities (related to transit, planning, long-term care and public health, for example) that both staff and elected officials attend.

With greater emphasis being placed on stronger municipalities, the work of these organizations intensifies as they are the bodies responsible for advancing policies and negotiating agreements with the upper levels of government. Ottawa can directly

influence in this policy development and in negotiations only through participation in these organizations. To accomplish this, Members of Council are invited to attend various conferences, conventions, and meetings both within and outside the municipality.

Approval of attendance for such events is accomplished through motions at the relevant Standing Committee/Transit Commission. While some Members of Council have voluntarily produced a Councillor's report on a Committee agenda detailing their experience at a conference, this has never been a standard practice.

The current ad hoc approach to reporting on conference travel makes it very difficult to track whether or not Council's direction is being met. To remedy this, staff are recommending that these reports be accomplished in writing, either as an information report or as an Information Previously Distributed report, listed on the agenda for the appropriate Standing Committee. It is further recommended that this requirement be included in the disclosure section of the Council Expense Policy, so that it does not stand alone as an 'orphan' practice, but can be regularly revisited for its utility and refined as necessary as part of the governance review process.

In keeping with the original motion, the report would detail the Member's experiences, what they learned at the conference and how the City's position or interests were advanced. The report will be included on the committee agenda that follows the conference, where practicable.

#### Contributions and Donations

As Members of Council are accountable to their constituents and not the administration, when the Council Expense Policy was developed, the focus was on providing increased transparency and accountability rather than providing a list of what is and is not a permissible expense. That said, the policy does include some restrictions in the area of contributions and donations, unless otherwise approved by motion of Council:

- Contributions are limited to 3.5% of the Member's annual Constituency Services Budget;
- Contributions shall be made via City of Ottawa cheques to a community group or organization, not by Members or Members' staff personal cheques;
- Contributions to individuals, businesses or City-funded services and departments are prohibited; and

- The purchase of material assets as contributions is prohibited.

Members of Council are permitted to bring any requests for exemptions to the above by way of motion or Councillor's report. To this end, the Transportation Committee approved Motion 37/1 at its meeting of March 5, 2014. This motion, later approved by Council, permitted Members of Council to purchase traffic control measures that operational staff agree do not add ongoing budget pressures without the need for a motion only for the remainder of the 2010-2014 Term of Council. This practice was to be reviewed as part of the 2014-2018 Governance Review report.

By way of background, local concerns about speed and traffic are among the most common complaints received by Members of Council and their offices, especially as the population grows and as traffic patterns change due to construction and development. Although the City implements traffic-calming measures as part of its planning and road safety programs, there can be a long waiting list.

Some Members of Council have been using their Constituency Services Budget to purchase traffic calming tools that otherwise would not be able to be purchased by a City department due to the lengthy waiting list. Since the beginning of the 2010-2014 Term of Council, speed-display boards, for example, have been purchased in 15 of the City's 23 Wards. These traffic calming devices may also carry the names of the Member of Council to identify that the signs, speed guns and other related materials are funded from the Constituency Services Budget of those Councillors. These devices are located and monitored by the Members that purchased them and their offices in consultation with traffic operations staff, who ensure that devices are placed safely and in areas where they may provide some assistance. The names help the public know who to call if they wish to ask that these devices be placed in their neighbourhood for a time.

At the March 5, 2014 Transportation Committee meeting, Members raised a number of concerns with respect to the appropriateness of Constituency Services Budgets being used to fund a basic City need and the fact that not all Members have the flexibility in their budgets to fund a basic City service. In response, it is anticipated that the draft 2015 Budget will include an annual fund, split equally among the 23 wards in the City, for the purposes of road safety and traffic calming initiatives. Given that this program is anticipated, staff is not recommending an extension of the exemption that permits Members to purchase traffic control measures from their Constituency Services Budget without going to Council.

While Members could still purchase additional devices by way of motion, the implementation of a City-funded program means that there is no need for the Members' names to appear on those devices and the perception could be that City resources are being used to advertise or promote individual Members. Therefore, it is being recommended that, should a ward-based City program be approved as part of the annual budget, there be a prohibition on the use of Members' names on these devices, whether they are funded by way of the Constituency Services Budget or the ward-based departmental fund.

#### Housekeeping Amendment

In reviewing the Council Expense Policy for this report, staff identified that the policy as drafted did not mirror the language in the report. Specifically, the Council Expense Policy and Community, Fundraising and Special Events Policy (ACS2013-CMR-CCB-0029) report identified the need to address potential issues of perceived conflict. One of the specific elements was the notion of purchased goods or services from a Members' family or the family of a staff member. The report states: "The proposed policy specifies that Members shall not incur expenses that create a conflict, or appear to create a conflict arising from the purchase of goods or services from a family member or a family member of one of their staff. This has been an issue in other municipalities."

However, under Section 3.2 Spending Guidelines and Accounting Procedures, the policy reads: "No expense shall create a conflict of interest, or the appearance of such a conflict, that may arise through the purchase of goods or services from a family member." It seems the last clause from the report was inadvertently omitted in the policy.

Staff therefore recommends correcting this error by amending the clause to read as follows: "No expense shall create a conflict of interest, or the appearance of such a conflict, that may arise through the purchase of goods or services from a family member or a family member of one of the Member's staff."

#### **Gifts Registry**

**That the Code of Conduct for Members of Council be amended such that there be full disclosure of all gifts, benefits and hospitality received that exceed \$150.00 from one source in a calendar year.**

The Code of Conduct for Members of Council (Code of Conduct), including a Gifts Registry, was adopted by City Council on May 8, 2013 (in report ACS2013-CMR-CCB-

0028). It was recommended and is overseen by the City's Integrity Commissioner. The Integrity Commissioner is a statutory officer whose role is outlined in the *Municipal Act, 2001*. In addition to the statutory role, the Integrity Commissioner was delegated the legislative responsibilities of the City's Meetings Investigator and Lobbyist Registrar.

Ottawa's Code of Conduct includes both guidelines for the receipt of gifts and benefits, as well as provisions related to the public disclosure of these in the Gifts Registry. Most codes of conduct for municipal councils include provisions related to restrictions on the receipt of gifts and benefits. These clauses are typically designed to address the negative perception of Members of Council accepting gifts and benefits from external sources. Members of Council are elected to make impartial and objective decisions, free from real or perceived influence. Generally, a gift and benefits provision requires that Members of Council (and their spouse, child, parent or staff member) not accept gifts, fees or personal benefits that are connected directly or indirectly with the performance of his or her duties.

Ottawa's Code of Conduct specifically identifies that gifts of a nominal value (e.g. baseball cap, T-shirt, flash drive, book, etc.) are exempt from the Gifts Registry. Further, sponsorships and donations for community events organized or run by a Member (or a third party on behalf of a Member) are subject to limitations under an accompanying policy related to these types of events. Finally, the Code provides flexibility for the Integrity Commissioner to allow for a gift or benefit that may not fall within the identified exceptions but where it is determined that it is unlikely that receipt of the gift or benefit would give rise to an appearance that the gift or benefit was given in order to influence a Member in the performance of his or her duties.

Official gifts which are of significant historic or cultural value that are received on behalf of the City by the Mayor or Councillors become City property once the Member ceases to hold office. Gifts or mementos that are personal, of a nominal value, and which are of no particular civic interest, such as personal plaques, books, coffee mugs, pen and pencil sets, ties and scarves, may be retained by a Member of Council.

In the staff report brought before the joint Finance and Economic Development Committee (FEDCO) and the Governance Renewal Sub-Committee (GRSC) meeting on April 25, 2013, the Integrity Commissioner recommended that there be full disclosure of all gifts, benefits and hospitality received that individually exceed \$200 from one source in a calendar year. He believed that the \$200 threshold was the middle ground of those monetary thresholds already established in other municipalities. With respect to

public disclosure, the monetary thresholds vary from one municipality to another, as illustrated below:

- Waterloo: \$100 maximum per gift/benefit or from one source annually
- Barrie: \$150 maximum per gift/benefit or from one source annually
- Windsor/Hamilton: \$200 maximum per gift/benefit or from one source annually
- Toronto/Guelph: \$300 maximum per gift/benefit or from one source annually
- Mississauga/Vaughan: \$500 maximum per gift/benefit or from one source annually

At the joint FEDCO/GRSC meeting of April 25, 2013, the Committee amended the minimum reporting threshold for all gifts, benefits and hospitality received from one source in a calendar year from \$200 to \$30. The amended report was subsequently approved by Council at its meeting of May 8, 2013.

Since July 1, 2013, Members of Council have been filing a quarterly public disclosure of gifts, benefits, hospitality and sponsored travel received. In review of the Gifts Registry, staff observed that gifts, benefits, and hospitality exceeding \$30 from one source annually but not exceeding \$150 from one source annually included many items that the Gifts Registry was not designed to capture. For example, items on the 2013 Gifts Registry included:

- A set of Ottawa prints donated to the Mayor, valued at \$80, which were subsequently donated to the City Archives;
- An Algonquin College mug, journal and pens, valued at \$53.85, donated to a Ward Councillor as a token of thanks for his speaking in a class on local government; and
- A weather radio, valued at \$35, which the Ward Councillor subsequently donated to an outdoor rink operator.

Similarly, items on the 2014 (Q1 and Q2) Gifts Registry included:

- A jersey, valued at \$85, given to a Ward Councillor as a token of thanks by a regional sledge hockey association;

- A gift card with a value of \$50 given to a Ward Councillor by a church Men's Club in thanks for a presentation he made to the group; and
- A china vase, valued at \$65, given to a Ward Councillor in recognition of her service and upcoming retirement.

It is the belief of the Integrity Commissioner that gifts such as those in the examples provided above cannot reasonably be seen to influence an elected official in the exercise of her or his official responsibilities of office. As small tokens and gestures of thanks for the role elected officials play in their communities, such gifts were not intended to be captured by the Gifts Registry. Most items listed in the Registry of a value of less than \$150 could have been exempted under the exemptions provided for in the Code, particularly (b) which states: such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation.

When the Gifts Registry was first contemplated, the proposed \$200 threshold factored in the thresholds of other Ontario municipalities and jurisdictions and, most importantly, recognized the role Members of Council play in the community.

Not only do elected officials receive small tokens as gestures of thanks from community members for their help (ballcaps, T-shirts and water bottles are common), they also receive hospitality and/or tickets to local charity and community events in the hopes that the presence of the Councillor will attract other residents to the benefit of the community group. Members of Council also receive gifts for what is commonly referred to as 'community benefit' such as sponsorships for community barbecues or charity events.

The Gifts Registry was not intended to capture these types of nominal gifts; gifts or benefits received as a result of protocol or social obligations, that accompany the responsibility of office, are usually exempt from disclosure in most other jurisdictions. Rather, the Gifts Registry is designed to address the negative perception of Members of Council accepting gifts and benefits from external sources – gifts that would, to a reasonable member of the public, appear to go beyond the appropriate public function and induce influence in some manner.

Furthermore, some Members, without consulting the Integrity Commissioner, declared such items simply based on the value of \$30; others received advice from the Integrity Commissioner that the same or similar items need not be declared. This discrepancy in reporting can lead to confusion for the public, distorts the purpose of the Registry and unduly adds to the administration of the Registry.

There is also general consensus among Members of Council that the \$30 threshold at which Members of Council must disclose all gifts, benefits and hospitality is unnecessarily low, which ultimately takes away from the value of a Gifts Registry.

It is therefore recommended that the threshold for disclosure be raised to those items which individually exceed \$150 from one source in a calendar year.

Raising the disclosure threshold would better align the Registry with practices that exist in other jurisdictions, while still maintaining public confidence and trust in the integrity of Members in regards to gifts and benefits received without impeding the elected officials' ability to do their job.

There are no recommended amendments to the Acceptance of Event Tickets provision in the Code of Conduct for Members of Council.

### **Lobbyist Registry/Lobbyist Code of Conduct**

**That a new subsection (3) be added to Section 6 (Improper Influence) of the Lobbyist Code of Conduct as described in this report and as follows:**

**(3) Lobbyists with active lobbying registrations, their registered clients or their employees shall not, directly or indirectly, offer or provide any gift, benefit or hospitality to Members of Council or their staff.**

In his capacity as Lobbyist Registrar, the Integrity Commissioner is responsible for overseeing lobbyists' general compliance with the *Lobbyist Registry By-law*, including the Lobbyist Code of Conduct, as well as oversight and administration of the Lobbyist Registry.

The Integrity Commissioner also has a responsibility to provide education and advice on the application of the Code of Conduct for Members of Council (the Code). Since Council enacted the Code on July 1, 2013, Members of Council and their staff have contacted the Integrity Commissioner for advice on a range of issues, including the acceptance of gifts, tickets and hospitality from lobbyists, their clients and employees with active files in the Lobbyist Registry.

While it is generally agreed that the Lobbyist Registry and the Lobbyist Code of Conduct are working well, the Integrity Commissioner has identified an inconsistency that he is recommending be addressed. Specifically, Members of Council are prohibited, under their Code of Conduct, from accepting any such gift from a lobbyist with active files in

the Lobbyist Registry, but there is no parallel provision in the Lobbyist Code of Conduct prohibiting lobbyists with active files from offering or giving gifts to Members of Council.

To correct this inconsistency and to improve the accountability and transparency mechanisms for lobbying activities, the Integrity Commissioner recommends that the Lobbyist Code of Conduct be amended to include a provision prohibiting lobbyists with active lobbying files, as well as their registered clients and/or their employees, from offering or giving gifts, tickets, benefits and/or hospitality to Members of Council or their staff.

The Integrity Commissioner acknowledges that this amendment provides additional clarity to the current accountability framework without changing it. The Code of Conduct for Members of Council clearly prohibits Members from accepting gifts from lobbyists with active files in the Lobbyist Registry. Section IX “Conduct Respecting Lobbying” reads, in part:

Unless pre-approved by the Integrity Commissioner, the acceptance of any gift, benefit, or hospitality from lobbyists with active lobbying registrations or from their registered clients or their employees by Members of Council or their staff is prohibited.

As well, under Section 6 (Improper Influence) of the Lobbyist Code of Conduct, lobbyists must not knowingly place Members of Council in conflict with their own Code of Conduct:

## 6. IMPROPER INFLUENCE

- (1) Lobbyists shall avoid both the deed and the appearance of impropriety.
- (2) Lobbyists shall not knowingly place public office holders in a conflict of interest or in breach of the public office holders’ codes of conduct or standards of behaviour.

These provisions of the Code of Conduct for Members of Council and the Lobbyist Code of Conduct work hand-in-hand. The former states that, unless the Integrity Commissioner offers pre-approval, Members and their staff are prohibited from accepting tickets, hospitality and benefits from lobbyists, their clients and employees with active files in the Lobbyist Registry. The Lobbyist Code of Conduct states that lobbyists must not knowingly place Members in breach of the Members’ Code of Conduct. In this way, when an individual with an active lobbying file places a Member in

breach of his/her Code of Conduct, the lobbyist (or client/employee) acts in violation of his or her own Code of Conduct.

Despite this fact, the Integrity Commissioner has received a number of inquiries from Members of Council who have been offered gifts, tickets, hospitality or benefits from lobbyists with active lobbying files, or from their clients or employees. It is the opinion of the Integrity Commissioner that adding a clear prohibition in the Lobbyist Code of Conduct on lobbyists' offering or giving gifts to Members of Council will underscore lobbyists' obligations in this regard.

### Other Jurisdictions

Although a number of Canadian provinces have Lobbyist Registries, only the Province of Quebec and the Province of Newfoundland and Labrador also have lobbyists' codes of conduct. Aside from the Federal Lobbyists' Code of Conduct, the City of Ottawa and the City of Toronto are the only other jurisdictions in Canada that currently have codes of conduct for Lobbyists in place. Of those five, the City of Toronto's *Lobbyists' Code of Conduct* is the only Code that includes a provision specifically prohibiting lobbyists from giving gifts:

#### § 140-42. Prohibited activities.

- A. Lobbyists shall not undertake to lobby in a form or manner that includes offering, providing or bestowing entertainment, gifts, meals, trips or favours of any kind.

In 2012 and 2013, however, prohibiting lobbyists from giving gifts to public office holders formed part of the focus of a legislative review of the *Lobbying Act*, and of public consultation on changes the Federal Lobbyists' Code of Conduct.

Given the above and as indicated earlier, the recommended provision would add a subsection to the Lobbyist Code of Conduct as follows:

- 3) *Lobbyists with active lobbying registrations, their registered clients or their employees shall not, directly or indirectly, offer or provide any gift, benefit or hospitality to Members of Council or their staff.*

The proposed language of the prohibition mirrors the language of the parallel provision in the Code of Conduct for Members of Council.

Lobbyists would be reminded that a direct provision of a gift is considered one offered by a lobbyist, registered client or employee to a Member of Council or his/her staff. For example, a lobbyist with active lobbying files offering a Member a seat at a charity fundraising dinner would constitute a direct provision of a gift. A lobbyist with active lobbying files purchasing a seat at a charity fundraising dinner and requesting that the charity offer the seat to the Member would constitute an indirect provision of a gift. In either example, with the recommended prohibition in place, the lobbyist would be acting in contravention of the Lobbyist Code of Conduct.

### **PART III – LOCAL BOARDS**

#### **Local Board Review and Compliance Update**

**Receive the updated listing of Local Boards in Document 7 and the status report on the compliance of the City's Agencies, Boards and Commissions (ABCs) with respect to their *Municipal Act, 2001* policy requirements, as outlined in the report; and direct staff to provide a further update on ABC compliance as part of the 2014-2018 Mid-term Governance Review; and**

**That staff be directed to take the necessary steps to formally dissolve the Ottawa Municipal Campground Authority and the Pine View Municipal Golf Club Board of Management, which are no longer operating as outlined in Document 7.**

The *Municipal Act, 2001* requires that all municipal “local boards” have a number of mandatory policies, namely a procedure by-law, including public notice for meetings, as well as “adopt and maintain” policies for the sale and other disposition of land, the hiring of employees and the procurement of goods and services.

It is worth noting that City Council has 11 areas of broad authority under the *Municipal Act, 2001*, including the following (emphasis added):

1. Governance structure of the municipality and its local boards.
2. Accountability and transparency of the municipality and its operations and of its local boards and their operations.
3. Financial management of the municipality and its local boards.

Given Council’s statutory oversight role with respect to local boards, past governance reviews have examined the City’s Agencies, Boards and Commissions (ABCs) to

determine which bodies are a local board of the City subject to these sections under the *Municipal Act, 2001* (the *Act*). An updated list of entities that qualify as “local boards” is attached as Document 7, titled “An Update on Ottawa’s Agencies, Boards, Committees and Commissions,” which also provides an update on any changes to the governance structure of the local boards identified in previous reviews.

Following previous ABC reviews, the City Clerk and Solicitor Department has advised those entities identified as local boards of their responsibilities under the *Act*. Each time, the correspondence informed the affected local boards of their requirements for a procedure by-law and various policies, and requested each to confirm if the relevant by-laws and/or policies are in place. These local boards have also been provided with templates for a procedure by-law and the relevant policies to assist the boards in drafting their own by-law and policies. Additional work has been done separately with the Business Improvement Areas (BIAs), which have also been notified on various occasions. As part of the 2010-2014 Mid-term Governance Review (ACS2013-CMR-CCB-0011), the Economic Development and Innovation Department and the City Clerk and Solicitor Department committed to continue working with the City’s BIAs and the remaining local boards respectively to achieve full compliance.

In October 2013, the Economic Development and Innovation Department engaged the Ontario Business Improvement Area Association (OBIAA) to provide governance training to BIA board members and staff. The opportunity was also extended to two steering committees that were working to form a BIA, as well as to City staff who work with BIAs. The OBIAA provided two three-hour training sessions. The Ministry of Municipal Affairs and Housing and the Ministry of Rural Affairs both sent representatives to attend the training and provide supplemental information.

#### Current Compliance Status

Boards requiring a procedure by-law and relevant policies have responded to requests from the City Clerk and Solicitor and the Economic Development and Innovation Department to provide an update regarding the status of the by-law and policies.

At this point in time, 36% of the local boards (10 of 28) are fully compliant with respect to the requirements under the *Act*, compared to 22% of boards that were in full compliance at the time of the 2010-2014 Mid-term Governance Review. Another three local boards indicated that they have drafts of policies, while several other entities have approved individual policies since the Mid-term Governance Review but do not yet have all of the required policies in place. It should also be noted that while a number of the

BIAs have a procedure by-law in place, as well as policies regarding hiring and procurement, they have not passed policies with respect to the sale and other disposition of land, which are activities that the BIAs have indicated they do not undertake. Some BIAs have expressed interest in passing resolutions to address this outstanding matter.

The Economic Development and Innovation Department will continue to support the City Clerk and Solicitor Department in an effort to ensure that the remaining local boards achieve full compliance. In order to meet Council's oversight responsibilities for local boards, it is recommended that staff be directed to provide a further update as part of the 2014-2018 Mid-term Governance Review.

It should be noted that local boards are also subject to the open meeting requirements set out in Section 239 of the *Municipal Act, 2001*. Therefore, closed meetings complaints against those local boards would fall under the jurisdiction of the City of Ottawa's Integrity Commissioner, who acts as the City's Meetings Investigator. The Integrity Commissioner would investigate any closed meeting complaints by examining whether or not a local board has met its own procedure by-law regarding meetings that are closed to the public and the open meeting requirements set out in Section 239 of the Act.

### **Ottawa Municipal Campground Authority and the Pine View Municipal Golf Club Board of Management**

As indicated in the report titled "An Update on Ottawa's Agencies, Boards, Committees and Commissions," which is attached as Document 7, the City's leasing arrangements with respect to the Ottawa Municipal Campground and the Pine View Municipal Golf Club ended during the 2010-2014 Term of Council as a result of decisions made by the 2010-2014 Council.

Section 216 of the *Municipal Act, 2001* authorizes a municipality to dissolve a local board. Although the Ottawa Municipal Campground Authority and the Pine View Municipal Golf Club Board of Management are no longer operating as a result of these Council decisions, a review has determined that the boards have not been officially dissolved. Therefore, it is recommended that staff take the necessary legal actions to formally dissolve these two local boards.

### **Other Local Boards and Related Matters**

#### **Business Improvement Areas (BIAs)**

**That staff conduct a detailed governance review of the Sparks Street Business Improvement Area Board and the Sparks Street Mall Authority Board of Management and report to the Finance and Economic Development Committee and Council no later than Q2 2015, as outlined in this report.**

As described in the staff report titled, “Appointments to the Sparks Street Business Improvement Area Board and to the Sparks Street Mall Authority Board of Management” (ACS2014-CMR-CCB-0026), which was approved by City Council on April 9, 2014, the Sparks Street BIA Board and the Sparks Street Mall Authority Board of Management are working together and having joint meetings. However, separate municipal by-laws govern each of the entities as the Boards of Management for the Mall Authority and BIA were originally intended to operate distinctly from one another as their governing mandates are unique. Staff indicated in the above-noted report that the Council Governance Review 2014-2018 would include a review of these boards’ enabling legislation and by-laws, and that options and recommendations may be made with regards to the boards’ interest in working together via joint meetings, including merging both boards.

With respect to the legislation enabling the Sparks Street Mall Authority Board of Management, a “pedestrian promenade authority” was established in 1965 under By-law 207-65, pursuant to the *City of Ottawa Act, 1960*. This authority was later designated as the Sparks Street Mall Authority in 1986 pursuant to private legislation, the *City of Ottawa Act, 1984* as per By-law 201-86, which authorized the Mall Authority to undertake certain activities. The authority provided in this by-law was repealed by By-law 77-92, and specifies that the Board is empowered “to control, operate and manage the Mall”.

Regarding the Sparks Street BIA Board’s enabling legislation, By-law 162-83 established a Board of Management for the Sparks Street Improvement Area in 1983. This entity became the “Board of Management for the Sparks Street BIA,” pursuant to By-law 78-92 in 1992, as amended by By-law 245-94. In short, the Sparks Street BIA Board is responsible for promoting Sparks Street as a business or shopping area.

Given the different legislative mandate and origins of these two bodies, along with their current practice to essentially act as one board, it is recommended that City staff undertakes a detailed governance review to ensure that the powers and duties of the BIA and Mall Authority align with Council’s intention for these boards. This review would include a comprehensive review of these boards’ enabling legislation and by-laws and

may provide options and recommendations to Council with regards to the boards' interest in working together, whether via joint meetings or merging the two boards into a single entity. The review would also involve consultations with major stakeholders – Public Works and Government Services Canada, the National Capital Commission, and Sparks Street property and business owners – and aim to ensure that the current and future needs of Sparks Street are addressed. During a series of meetings that occurred earlier this year, the current Boards of Management for the Sparks Street Mall Authority and BIA indicated that they are supportive of the proposed review.

## **Board of Health**

**The interim appointment of Dr. Merrilee Fullerton, Timothy Hutchinson, Dr. Atul Kapur, Marguarite Keeley and Gisèle Richer as citizen members on the Board of Health pending finalization of the selection process for the appointment of citizen members for the full 2014-2018 Term of Council.**

Both the *Health Protection and Promotion Act* (Section 49(7)) and By-law 2011-38, a by-law of the City of Ottawa to establish the size of the Board of Health for the City of Ottawa Health Unit (Section 2), prevent members of the Board of Health from continuing to serve past the expiration of the Term of Council. Specifically, Section 49(7) of the *Health Protection and Promotion Act* reads as follows:

### **Term of office**

(7) The term of office of a municipal member of a board of health continues during the pleasure of the council that appointed the municipal member but, unless ended sooner, ends with the ending of the term of office of the council.

While this does not pose any concerns with respect to the appointment of Members of Council to serve on the Board of Health for the 2014-2018 Term of Council because those appointments will be finalized relatively quickly through the Nominating Committee process, the selection and appointment process for citizen members to serve on the Board of Health is not expected to be finalized until early 2015.

In order to ensure the City of Ottawa continues to have a fully-appointed and functioning Board of Health that is able to address any urgent requirements, staff is recommending the interim appointment of the current citizen members who have expressed a willingness to continue to serve pending the outcome of the public recruitment process.

It should be noted that, pursuant to the Council-approved Appointment Policy, notwithstanding these interim appointments, all citizen members wanting to seek re-

appointment for the full 2014-2018 Term must apply and be subject to the same selection process as all other citizen candidates seeking to be appointed to the Board.

It should also be noted that no such interim measures are needed for other Boards or Committees (ex. Ottawa Police Services Board, Ottawa Public Library Board, Committee of Adjustment, etc.) because in those instances, enabling legislation and/or the Council-approved Appointment Policy allow members to continue to serve past the expiration of their term until they are re-appointed or replaced.

### **Ottawa Public Library Board**

**That the Ottawa Public Library Board be nine members, consisting of five citizen trustees and four Members of Council, in accordance with Ottawa Public Library Board Motion OPLB 2012-0088, and as outlined in this report, effective upon the appointment of the new citizen members.**

The Ottawa Public Library Board is currently composed of 14 trustees (six Members of Council and eight citizen members). Feedback received through a governance model review and self-evaluation conducted by the Board during the 2010-2014 Term of the Board suggested that although a large Board was desired after amalgamation, a smaller board is preferable now. The consensus at a Board workshop was that a nine-member Board composed of five citizen trustees and four Councillor trustees would be more effective.

Following the workshop, the Ottawa Public Library Board considered Action items 1 and 2 from the Board Governance Review at its meeting of November 19, 2012. At the meeting, the Board approved Motion #OPLB 2012-0088, as follows (emphasis added):

1. That the Ottawa Public Library Board approve disbanding the current committees (Facilities Planning Committee, Finance and Budget Committee, and Governance and Audit Committee) and subsequently utilize ad-hoc groups as required; and
2. That the Ottawa Public Library Board approve a recommendation to reduce the size of the Board to nine members with five citizen trustees and four councillor trustees for Council's consideration and implementation.

The recommended composition would be in compliance with the *Public Libraries Act*. Section 9(1) of the *Public Libraries Act* states that a public library board “shall be composed of at least five members appointed by the municipal council.” With respect to

the number of Members of Council on the Board, Section 10(2) of the *Public Libraries Act* states that:

- (2) The appointing council shall not appoint more of its own members to a board than the number that is,
  - (a) in the case of a public library board or union board, one less than a majority of the board; [...]

The Ottawa Public Library Board has requested that Council approve Recommendation 2 from Motion #OPLB 2012-0088 as part of the 2014-2018 Governance Review. If approved, the size of the Ottawa Public Library Board would be reduced from 14 members to nine members, with a revised composition that includes five citizen member trustees and four Councillor trustees. The recruitment and appointment process for the 2014-2018 Term of the Board would be conducted accordingly.

### **Hydro Ottawa Holding Inc.**

**That the 2014-2018 Nominating Committee process seek two Members of Council to sit on the Hydro Ottawa Holding Inc. Board of Directors, as outlined in this report.**

On June 25, 2014, City Council, acting as the Sole Shareholder, approved a number of governance reforms set out in Hydro Ottawa Holding Inc.'s 2013 Annual Report (ACS 2014-HOH-0001). In particular, Recommendation 3 described the reconfiguration and streamlining of the Hydro Ottawa Holding Inc. (HOHI) and Hydro Ottawa Limited (HOL) Boards of Directors in order to reduce the duplication and redundancy that currently exists with the two boards. In short, it was approved that the HOL Board be reduced from its current size of seven members to a board of three members while maintaining the HOHI Board at its current complement. The changes reduced the total number of Members of Council serving on the HOL and HOHI Boards from four to two, such that the Mayor and one City Councillor would serve on the HOHI Board.

The Mayor is proposing to delegate his seat on the HOHI Board to an interested Member of Council and requests that his seat be included in the circulation for the 2014-2018 Nominating Committee process. Therefore, it is recommended that the Nominating Committee process seek two Members of Council to sit on the Hydro Ottawa Holding Inc. Board of Directors.

### **PART IV – AMENDMENTS TO VARIOUS BY-LAWS POLICIES AND RELATED MATTERS**

### **Appointment Policy**

#### **The revised Appointment Policy set out in Document 8.**

Since 2001, Advisory Committees have accounted for the vast majority of the citizen appointments approved by Council. As a result, the Appointment Policy has traditionally been Advisory Committee-centric.

Due to the decrease in the number of Advisory Committees, the introduction of citizen representation on the Transit Commission and the Built Heritage Sub-Committee, and the creation of citizen-member quasi-judicial committees (e.g. License & Property Standards, Election Compliance), staff is recommending that the Appointment Policy be rewritten so that it is a broad-based general policy focused on a fair and clearly defined public recruitment process for citizen appointments to all City of Ottawa Committees and Boards (including sub-committees, task forces and quasi-judicial committees) as well as external boards and commissions where Council is required to appoint.

As has traditionally been the case when appointing citizen members to the Advisory Committees, the policy would continue to allow for the appointment of a pool of reserve members. This would include reserve members for the Built Heritage Sub-Committee and the Transit Commission. The number of reserve members recommended to be appointed would be at the discretion of the Selection Panel.

The new policy would specifically exempt independent Boards where the City is the Sole Shareholder (i.e. Hydro Ottawa Holdings Inc., Ottawa Community Housing Corporation, Ottawa Community Lands Development Corporation, and Manotick Mill Quarter Community Development Corporation).

The recommended revised Appointment Policy is set out in Document 8.

### **Commemorative Naming Policy**

#### **The amendments to the Commemorative Naming Policy as described in this report.**

Approved by City Council on July 24, 2002, the Commemorative Naming Policy outlines the criteria and process for commemoratively naming municipal streets parks and facilities (or parts thereof).

A commemorative name honours an individual (or family) who meets at least one of the following criteria:

- The nominated individual shall have demonstrated excellence, courage or exceptional service to the citizens of the City of Ottawa, the Province of Ontario and/or Canada;
- The nominated individual shall have an extraordinary community service record;
- The nominated individual shall have worked to foster equality and reduce discrimination; Where the nominated individual is a current City employee, the individual shall have made an outstanding contribution to the City of Ottawa outside of his/her capacity and duties as a City employee or they may be recognized for their exceptional service once they are no longer a City employee;
- An individual may be recognized for a significant financial contribution to a park or facility, where that contribution significantly benefits the community that the park or facility serves; or
- The nominated name has historical significance.

Under the existing policy, a successful commemorative name for parks and facilities is subject to the following process: staff review the name against other criteria (e.g. potential issues for 9-1-1, whether there is an existing commemoration for the same nomination, etc.) and if there are no issues of this nature, forwards the nomination to the Commemorative Naming Committee (consisting of the City Clerk and Solicitor, the Chief Building Official, the General Manager, Parks, Recreation and Cultural Services, the General Manager, Public Works, the Mayor and the Ward Councillor or their respective designates); the Commemorative Naming Committee reviews the formal application; the proposal is subject to a 30-day public consultation period; the Commemorative Naming Committee reconvenes to review the public feedback; and the recommendation is forwarded to the relevant standing committee and Council for final approval.

Commemorative street name nominations are evaluated against the above-noted criteria by the City Clerk and Solicitor (or designate) in consultation with Emergency Services. The City Clerk and Solicitor then makes a recommendation directly to the Chief Building Official. This streamlined process allows the City and developers to meet standard conditions and timelines set out in the Subdivision Agreement, Site Plan, etc.

A commemoration can be made by Council resolution at any point in time.

Since 2002, dozens of commemorations have been implemented, and other jurisdictions have pointed to the City's policy as a best practice. The City Clerk and

Solicitor reviews this policy in each of its governance reviews to suggest process improvements as necessary.

To date, the policy has not contained any guidelines with respect to the submissions received during the 30-day public consultation phase referenced above. As a result, the City Clerk and Solicitor's Department has, from time to time, received anonymous submissions and/or petitions. The changes being recommended in this report will ensure that the practices related to commemorative namings are consistent with the Council-approved Petition Policy and the guidelines with respect to that policy. Specifically, as was noted when Council adopted its Petition Policy, "Council must be assured that this public input is accurate and verifiable."

Accordingly, staff is recommending that the Commemorative Naming Policy be amended to include guidelines with respect to written submission such that, in order to be accepted and counted as a submission either in support or in opposition to a commemorative naming proposal:

- Each written submission must include the submitter's full first and last name; and
- Any petition must adhere to the guidelines outlined in Council's Petition Policy with respect to petition requirements.

### **Delegation of Authority By-law**

#### **The amendments to the *Delegation of Authority By-law* as described in this report.**

Pursuant to Section 23.1 of the *Municipal Act, 2001*, the *Delegation of Authority By-law* sets out delegations to various officers of the City and their corresponding accountability and transparency mechanisms. It outlines the specific monetary thresholds for delegated authority and the process for implementing delegated authority. The City Clerk and Solicitor Department regularly undertakes a review of the *Delegation of Authority By-law* (currently By-law No. 2013-71) as part of the governance review process and in conjunction with the various departments and portfolios to incorporate changes in administrative and operational practices.

The following recommended changes were not raised with Members of Council during consultation of this report due to timelines. The staff recommendations are summarized below and the specific reason for each requested change is provided with the description of the proposed amendment. In addition to what is presented below, any further recommended amendments to the *Delegation of Authority By-law* that are

needed because of recommendations made elsewhere in this report will be reflected in the final By-law.

### **Main By-law**

- Program and position titles have been clarified and updated where required due to changes in staff complements, administrative reorganizations, or changes to programs and services. References to legislation and Regulations have been updated as required.
- Staff recommendations to amend the ability of Directors and General Managers to approve sponsorships not exceeding \$100,000 in value per year for agreements not exceeding five years, which is an increase from the current authority to approve sponsorships of no more than three years with a total value of \$100,000. In addition, any sponsorship exceeding five years would require the approval of a Deputy City Manager or the City Manager, which is an increase from the current three years requirement. As is currently the case, all sponsorships exceeding \$25,000 are required to be reported annually to the appropriate Standing Committee, with required details of the agreement in question.

### **Schedule “A” – City Manager**

#### *Finance*

- In Section 15, staff recommends amending the authority for the Treasurer to issue debt at any time during the term of Council as permitted under the *Municipal Act, 2001*, with the requirement that such activity be reported to Council as soon as possible after the issuance in question. Debenture by-laws will be presented to either the Finance and Economic Development Committee or Council for enactment, rather than the Debenture Committee, with the usual notice and reporting requirements applying.
- In Section 16, staff recommends amending the Treasurer’s authority to proceed with bank loans to allow the Treasurer to enter into related “bond forward” agreements to allow agreements for future transactions on current specified terms, at any time during the calendar year, subject to the same reporting out obligations as for issuance of debt.

- In Section 19, staff recommends formalizing the authority of the General Manager of Infrastructure Services to submit a local improvement to the Committee of Revision once 75% of the costs of the local improvement have been incurred, as permitted under the *Municipal Act, 2001*. This authority would complement the Treasurer's existing ability to levy local improvement fees under the *Municipal Act, 2001*, once the costs of the project have been incurred. Together, these authorities allow for efficient processing of local improvement fees.
- In Section 21, specific delegated authority has been recommended to allow the Deputy Treasurer, Revenue, to hold hearings, make decisions, and apportion unpaid taxes on parcels of land that can be legally divided and conveyed, as specified and permitted under Section 356 of the *Municipal Act, 2001*. This new delegation mirrors an already existing delegation regarding property taxation administration under the *Municipal Act, 2001*.
- In Section 23, delegated authority has been recommended for the Deputy Treasurer, the Manager, and the Program Manager within the Revenue Branch in relation to the administration of payments under the tax rebate program for eligible properties having vacant portions, as authorized under Section 364 of the *Municipal Act, 2001*. Similar delegated authority already exists for administration of payments under the City's charitable rebate program.

#### *Legal Services*

- In Sections 30-35, staff recommend that the authorities for the City Clerk and Solicitor in respect of legal proceedings and legal matters be streamlined and clarified, providing authority to take any required step in any "legal proceeding" affecting the City as is necessary and proper to advance the City's interests or to defend the City, subject to specific instructions that may be provided by Council on any particular matter. This includes commencing or appealing/reviewing matters before Courts, administrative tribunals, or in any other forum, and allows the most efficient use of (or a combination of) staff or external legal resources as required. This authority is accompanied by the obligation to report such matters to the appropriate Standing Committee or Council semi-annually, or more frequently as deemed necessary by the City Clerk and Solicitor, and to give notice to any Member of Council of a matter in which the Member may have an interest. As is currently the case, the City Clerk and Solicitor may also conduct

prosecutions on behalf of the City or the Ministry of the Attorney General as provided in the Memorandum of Understanding that is currently in place.

- In Sections 39-41, as is currently the case, the City Clerk and Solicitor has the authority to settle both litigated and non-litigated claims of an amount not exceeding \$1,000,000. The City Manager currently has corresponding authority for matters that exceed the City's self-insured limits under the City's insurance program. Both these authorities require reporting out to the appropriate Standing Committee on a semi-annual basis, with the ability for the City Solicitor to report out more frequently as deemed necessary.
- A clarification is proposed whereby these authorities include the ability to abandon any claims or parts of claims as may be required, and to write off claims or parts of claims deemed to be unrecoverable, subject to the monetary limits and reporting requirements noted above.
- In Section 57, it is proposed that the City Clerk and Solicitor be authorized to make minor amendments to collective agreements, with the agreement of the bargaining agent in question, provided that the amendment does not incur any financial liability beyond current budget approvals. This will allow the City and the labour union in question to efficiently address any minor issues that require rectification. Such minor amendments would be reported to the appropriate Standing Committee and Council as soon as practicable.
- In Section 58, it is proposed that current practices be reflected in the delegation of authority to the City Clerk and Solicitor to approve significant agreements, contracts and funding agreements as "approved for execution" prior to execution by authorized City staff. Such approvals require the reporting out to the appropriate Standing Committee or Council on a semi-annual basis.
- In Section 63, it is recommended that the City Clerk and Solicitor be delegated authority to correct spelling, clerical and other minor errors in by-laws by placing the appropriate amending by-law directly on Council's Agenda for enactment.

## **Schedule "B" – City Operations Portfolio**

### *Long-term Care*

- In Section 6, a new delegation is proposed to the Manager of the Community and Social Services Direct Operations to sign and submit accountability and

compliance declarations that are required under applicable accountability agreements with the Champlain Local Health Integration Network (LHIN) regarding the City's long-term care homes. Accompanying this delegation is the requirement that the appropriate Standing Committee be informed of the annual planning submission, performance indicators, and similar requirements for each compliance period in question.

#### *Parks, Recreation and Culture Services*

- In Section 20, as outlined in the 2012 Council-approved Urban Park Programming Agreement, delegation is proposed for the General Manager of Parks, Recreation and Cultural Services, and the Program Manager of Events Central to conclude and execute programming agreements with third-parties for the Lansdowne Park Urban Park, within the parameters of the Council-approved agreement for the Urban Park and within approved budget limits.
- In Section 21, it is proposed that the City Archivist be delegated the authority to conclude and execute agreements and related documents regarding the deposit of third party and donated materials into the City Archives, where in the past other managers in the Parks, Recreation and Cultural Services Department were required to sign such agreements. Such a delegation aligns with the City Archivist's role.

#### *Emergency and Protective Services*

- In Section 25, a new delegation has been proposed for the Deputy City Manager, City Operations, the General Manager, Emergency and Protective Services, and the Chief of By-law and Regulatory Services to appoint fence-viewers for the City to enable the City to meet its requirements under the *Line Fences Act* where line fence disputes are concerned. This authority would allow for members to be appointed under the corresponding by-law and ensure that a sufficient complement of fence-viewers is available at all times to meet the requirements of the *Act*.
- In Section 27, a new delegation has been proposed for the Deputy City Manager, City Operations, the General Manager, Emergency and Protective Services, and the Chief of By-law and Regulatory Services to amend the schedules to the *Discharge of Firearms By-law* which delineate the areas in which firearms cannot be discharged. Any amendment to the prohibited areas would be on the basis of

public health and safety, with regard to both population and building density, and would require the concurrence of the affected Ward Councillor.

- In Section 28, authority for the City Manager and the Deputy City Clerk to appoint members to the City's Animal Care and Control Tribunal is proposed. This tribunal hears appeals of muzzle orders issued by the By-law and Regulatory Services Branch, and as a result an appointment mechanism that is removed from that Branch is required to avoid any conflicts of interest and to ensure the efficient, uninterrupted functioning of the tribunal should existing members no longer be able to serve.

#### *Transit Services*

- In Section 50(1), clarification of the existing authority of the Deputy City Manager, City Operations, and the General Manager, Transit Services, is required concerning the ability to make service adjustments to bus and O-Train (Trillium Line) services in terms of routes, schedules, and stops, provided such adjustments comply with both applicable City by-laws and Council and Commission policies.
- In Section 50(4), it is proposed that authority be clarified to allow the Deputy City Manager, City Operations, and the General Manager, Transit Services, to approve and execute agreements for provision of transit services, even free of charge, in the context of significant special events such as Canada Day and New Year's Eve celebrations, provided that the services are within approved budget limits and comply with City By-laws and Council and Commission policies.

#### **Schedule “C” – Planning and Growth Management Portfolio**

##### *Planning and Growth Management*

- In Section 14, in addition to the existing authority for staff reviewers in the Planning and Growth Management Department to approve site plans, it is proposed that staff have the authority to make revisions to site plans where the application is to add or change a use within an existing building, as this would complement existing review authorities. Similarly, the ability for staff reviewers to approve modifications of 600 square metres or less in the gross floor area is suggested, rather than the existing 200 square metres.

- In Section 35, it is recommended that the current practice of receiving and issuing notices of receipt for heritage applications for properties or heritage districts designated under Parts IV or V of the *Ontario Heritage Act* be confirmed by way of delegation to the General Manager of Planning and Growth Management.
- In Section 37, delegated authority is proposed for the Deputy City Manager, Planning and Infrastructure, and the General Manager, Planning and Growth Management, to conclude and execute agreements with developers to complete works required in subdivision agreements. This authority complements the existing delegations and conditions regarding agreements for reimbursement of third-party infrastructure works.

#### *Infrastructure Services*

- In Section 53, authority is proposed for the Deputy City Manager, Planning and Infrastructure, and the General Manager, Infrastructure Services, to enter into agreements for reimbursement to the City for the cost of works completed by the City on a third-party's behalf, up to prescribed amounts, provided funds owing to the City are fully secured. This authority complements existing authorities for reimbursement of third party works conducted pursuant to development approvals.

#### *Real Estate Partnerships and Development Office*

- In Section 57, delegated authority is proposed for the Director of the Real Estate Partnerships and Development Office to approve, conclude and execute amending or consolidations agreements where such are required for ease of reference and administration in the context of already existing development or redevelopment agreements, provided no financial liability is created for the City and Ontario Municipal Board (OMB) approval is not required.
- In Section 60, amendments are proposed to bring the existing authorities in line with the Council-approved Disposal of Land Policy, whereby current market value appraisals conducted internally suffice for transactions with a value of \$200,000 or less, subject to additional terms and conditions prescribed in the By-law. For transactions above that value, independent external appraisals may be required as prescribed and required in the Disposal of Real Property Policy. These recommended changes align the terms and conditions of the various delegated authorities in this area with the existing Policy.

**Legal Indemnification Policy**

**The Legal Indemnification Policy as outlined in Document 9 and as described in this report.**

On March 28, 2001, City Council approved the Legal Indemnification report (ACS2001-CRS-LEG-0006), which set out general terms for the legal indemnification of Members of Council and City of Ottawa employees. However, staff has discovered that these terms were not subsequently formalized into a policy document in the same manner as other corporate policies.

Briefly, with respect to unionized employees, the policy confirms their rights as outlined in their respective collective agreements. In the case of non-unionized employees, including Members of Council, the policy formalizes the current practices, which have been guided by the general spirit and intent of the legal indemnification report approved by Council in 2001.

The recommended policy can be found in Document 9. This Policy will, in future, be included as part of the regular governance review process.

**Procedure By-law**

**The amendments to the *Procedure By-law* as outlined in this report and in Document 10.**

The City's *Procedure By-law* is a governance tool that regulates the manner in which City Council carries out its policy analysis and decision-making. Municipalities are required to have a procedure by-law under Section 238 of the *Municipal Act, 2001*. Every governance report includes a review of past experience and current best practices and further amends the City's *Procedure By-law*.

The recommended revisions to the *Procedure By-law* presented here are based on consensus recommendations from elected officials and challenges encountered by the City Clerk and Solicitor's staff with respect to meeting and report matters. Many of the proposed amendments are housekeeping in nature; however, there are more substantive changes recommended relating to Reports to Council, Verbal Updates, *In Camera* minutes and Nominating Committee.

A summary of the more substantive changes being recommended follows.

**Annual Reports to Council**

City Council currently receives annual reports from those wholly-owned entities for which City Council acts as the Sole Shareholder, namely Hydro Ottawa Holdings Inc. (HOHI) and the Ottawa Community Housing Corporation (OCHC), in such a way that the reports are only public after they are tabled at Council. Specifically, electronic copies of these annual reports are provided only to Members of Council when the draft Agenda is released five calendar days before the Council meeting, in accordance with the *Procedure By-law*. Hard copies of the annual reports are made available at the meeting, and once introduced at Council, electronic reports are available to members of the public.

In the spirit of accountability and transparency, there was consensus among Members of Council that notice of annual reports from HOHI, OCHC, the Manotick Mill Quarter Community Development Corporation (MMQCDC) and the Ottawa Community Lands Development Corporation (OCLDC) should be given at the Council meeting prior to which it will be discussed, and that these annual reports will be distributed publicly with the draft Agenda.

As well, the *Procedure By-law* currently requires that the Auditor General give notice in advance for all of his reports (even for those which are requested by Council on an individual matter). As the intention of the provision was to address annual reports, the recommended provision clarifies that intent.

Finally, with respect to the annual report from the Integrity Commissioner, as well as reports from the Election Compliance Audit Committee (ECAC), notice would continue to be given in the Agenda of the Council meeting prior to that at which the report would be discussed and the reports would continue to be distributed with the draft Agenda.

### **Verbal Updates**

As has been observed over the last few years, there has been a growing trend towards the provision of verbal updates rather than formal, written reports at some Committees and at the Transit Commission.

By way of example, in 2011 the Ottawa Transit Commission (OTC) received 52 reports and Information Previously Distributed memos (IPDs), excluding *in-camera* reports, and 20 verbal updates; in 2012, there were 37 reports and IPDs and 34 verbal updates; in 2013 there were 42 reports and IPDs and 37 verbal updates; and in 2014, there were 23 reports and IPDs and 15 verbal updates.

Of the 106 verbal updates that were received by OTC between 2011-2014, three would likely be classified as urgent and requiring action. The balance were status updates of a non-emergency nature or related to ceremonial activities.

During consultations for this review, the broad consensus from Members of Council was that verbal updates need to be limited to specific circumstances such as unforeseen events or emergency situations. It was felt that because the subject matter of routine verbal updates is not listed in the meeting agendas and is not captured in the minutes, the opportunity for feedback from, and consultation with, the public is limited. Further, Members expressed frustration that, when they went back to review the item at the Commission, there was no documentation to back up what was being said. Several Members commented that the current practice is hampering their ability to follow up on staff commitments or actions.

Therefore, it is recommended that the *Procedure By-law* be amended such that Section 78(4) be added to address verbal updates as follows:

(4) Verbal updates from the Committee/Commission Chair and/or staff to a Committee/Commission shall only be in order in the event of unforeseen circumstances or an emergency or in ceremonial or similar circumstances. A report from staff on verbal updates they have provided on such unforeseen circumstances/emergency situations, shall be subsequently provided to the Committee/Commission and shall be appended to the minutes of the meeting.

### **In Camera Minutes**

The meetings of City Council and its related Committees, Sub-Committees and the Transit Commission are to be held in open session with rare exceptions, in accordance with the *Municipal Act, 2001*.

Under Section 13 of the *Procedure By-law*, there are seven instances that allow Council to move into closed session:

- (a) the security of the property of the City;
- (b) personal matters about an identifiable individual, including staff;
- (c) a proposed or pending acquisition or disposition of land for the purposes of the City;
- (d) labour relations or employee negotiations;

- (e) litigation or potential litigation, affecting the City, including matters before administrative tribunals;
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
- (g) a matter in respect of which the Council is authorized by statute to hold a closed meeting.

There has been a noted decline in the number of *In Camera* reports and resolutions that have occurred at Council and Committee over successive Terms of Council. During the 2006-2010 Term of Council, 122 *In Camera* reports came before Council and an additional 91 *In Camera* reports were before the Committees. However, during the 2010-2014 Term of Council, just 13 *In Camera* reports came to Council and two came to the Standing Committees. 178 resolutions occurred *In Camera* between 2006-2010, while just 30 occurred between 2010-2014.

For the past number of months, Clerk's staff has been using the Ontario Ombudsman's Open Meetings Law Enforcement Team's (OMLET) best practices with respect to recording *In Camera* minutes as set out below:

- (a) Where the meeting took place;
- (b) When the meeting started and adjourned;
- (c) Who chaired the meeting;
- (d) Who was in attendance, including the identity of the clerk or other designated official responsible for recording the meeting;
- (e) Whether any participants left or arrived while the meeting was in progress and if so, at what time this occurred;
- (f) A detailed description of the substantive and procedural matters discussed, including specific reference to any documents considered;
- (g) Any motions, including who introduced the motion and seconders; and
- (h) All votes taken, and all directions given.

Staff is recommending that Council formally adopt this best practice in the *Procedure By-law* for *In Camera* minutes.

### *Nominating Committee*

Section 94 of the City's *Procedure By-law* sets out the process for the City's Nominating Committee, which recommends Council membership on the City's various Committees of Council, local Agencies, Boards and Commissions and other entities.

As identified in this report, no Council since amalgamation has strictly followed the Nominating Committee process set out in the *Procedure By-law*. Staff is therefore recommending amendments to the Nominating Committee section that will essentially leave the Nominating Committee process to be specified as part of the Governance Report.

A complete list of the recommended amendments to the *Procedure By-law* can be found in Document 10.

### **Purchasing By-law**

#### **The amendments to the *Purchasing By-law* as described in this report.**

Enacted pursuant to Section 270 of the *Municipal Act, 2001*, the City of Ottawa's *Purchasing By-law* provides guidelines in the procurement of purchasing goods, construction and services with the guiding principle that all purchases be made using a competitive process that is open, transparent and fair to suppliers. The City Clerk and Solicitor Department regularly undertakes a review of the *Purchasing By-law* (By-law No. 50 of 2000) as part of the governance review process and in conjunction with the various departments and portfolios to incorporate changes in administrative and operational practices.

The following changes are recommended by the City Treasurer and the Chief Procurement Officer. They were not raised with Members of Council during consultation of this report due to timelines. The recommendations are summarized below and the specific reason for each requested change is provided with the description of the proposed amendment.

### **Clarification of Language and Presentation**

- A review of all terms in the by-law was conducted to ensure current terminology and definitions used reflect changes to staff complements, administrative reorganizations or changes to programs and services (e.g. references to "Corporate Services and Economic Development Committee" have been amended to read "Finance and Economic Development Committee").

- In Schedule A, the by-law states that signatures for bids must be “in ink.” Operational staff has requested an amendment to accommodate electronic bids and electronic signatures. The *Electronic Commerce Act, 2000* (S.O., c.17) formally recognizes the legal validity of electronic signatures. Safeguards built into electronic procurement solutions together with the City’s IT security measures provide the reliable assurance needed for the acceptance of electronic bids and the validity of the accompanying signatures as required by the *Act*.

## **Delegated Authority**

- Staff recommend amending the threshold for departmental purchases from \$10,000 to \$15,000 by way of Departmental Purchase Order, P-card or other approved methods. Since the \$10,000 threshold was established in amalgamation in 2001, inflation has risen by 27% but amendments to the threshold have not been in step. More low-risk, low-value procurements of a simple transactional nature have been administered by Supply Branch. By way of comparison, the departmental purchasing limit is approximately \$50,000 in Toronto and Hamilton, \$100,000 in Mississauga and \$25,000 in Calgary.
- Currently, departments may spend up to \$2,000 without seeking more than three quotes, provided they can demonstrate fair market value was attained. Operational staff request amending this threshold to \$2,500 given inflation.
- The by-law presently mandates that all competitive solicitations over \$50,000 be procured through a formal Request for Tender in awards where best-value is based on the lowest responsive bid. The Supply Branch requests raising the formal bid solicitation threshold to \$100,000. Using a Request for Quotations (RFQ) process for purchases of up to \$100,000 is a quicker procurement process and is less onerous for vendors. The process is transparently advertised on Ottawa.ca. A \$100,000 threshold reflects both an inflationary adjustment and the related decline in cost-benefit of issuing a formal tender at the \$50,000-\$100,000 level. The proposed threshold would remain compliant with all relevant trade agreements.
- In Subsection 5(6), Supply Branch awards contracts procured by any method up to \$100,000 on behalf of the relevant party who has the required delegated authority. This avoids a ‘double’ approval process whereby the original project and budget is approved and then the actual contract award again. Staff recommends that this threshold be amended to \$500,000 for competitive

contracts. This higher threshold would expedite the contract award process, which is more efficient for operational departments. Supply requires that a purchase request have the required approvals and the necessary budget before beginning a procurement process. The \$100,000 threshold for sole-source contracts would remain unchanged.

- The Director (GM), or Supply Branch on their behalf, has the delegated authority to award best-value contracts stemming from a Request for Proposal (RFP) or Standing Offer up to \$100,000. Awards above this amount require Deputy City Manager approval. The Supply Branch and operational departments recommend raising this threshold to \$500,000 to alleviate operational strains, given the current corporate alignment, and to respond to inflationary pressures that push more contracts to the Deputy City Manager level for approval.

### **Reporting to Council**

- Pursuant to Section 39(3)a.) of the *Purchasing By-law*, the City Treasurer is responsible for reporting legal outsourcing and sponsorship costs directly to Council. However, since 2011, the City Clerk and Solicitor Department has assumed direct responsibility for reporting legal outsourcing costs to Council. Since 2012, the Sponsorship and Advertising Branch has been directly reporting on sponsorship and advertising costs. Staff recommend amending the *Purchasing By-law* to remove Section 39(3) a.) in recognition of the direct reporting responsibilities of the City Clerk and Solicitor Department and the Parks, Recreation and Culture Services Department.
- Since 2009, Supply Branch has reported to Council quarterly on all contracts of \$10,000 or more awarded under delegated authority; this is above the required \$25,000 threshold identified by the *Purchasing By-law* and was implemented independently by the Finance Department. Between 2010-2013, approximately 1,260 contracts were awarded between \$10,000-\$25,000, accounting for 2% of the total contracts procured through the Supply Branch that are reported to Council. Supply Branch is recommending amending the reporting frequency from “quarterly” to “bi-annually.” Bi-annual reports will result in the same relevant information being provided while staff time can be redeployed to active procurements.

### **Comprehensive Complaints Process**

- The City of Ottawa has a formal comprehensive complaints process to address issues raised by vendors over the procurement process. In the event of a formal complaint, a Review Panel, composed of the Chief Procurement Officer (CPO), a lawyer from the City Clerk and Solicitor Department, a representative from the Auditor General's Office and the Fairness Commissioner, if applicable, provide a report to the Finance and Economic Development Committee. Comparative municipalities with established vendor complaints processes allow for issues to be solved proactively at levels below Committees of Council. The *Purchasing By-law* also includes a mandatory bidder debriefing as the initial step in the complaints process to allow unsuccessful bidders an opportunity to understand the reasons why their bid was not selected and how be more competitive in the future. The Supply Branch is recommending amending the comprehensive complaints subsection 46(3) b.) Phase Two – h.) to allow the CPO more options when addressing complaints in advance of a report to Committee as follows: "If the complaint is found to disclose a reasonable indication that the procurement was not carried out in accordance with the City's policies or the terms of the procurement process, the Chief Procurement Officer will take such necessary action to bring the solicitation back into compliance, which may include the cancelling of the solicitation or to suspend or cancel the bid award. If the issue cannot be resolved appropriately, the Chief Procurement Officer will then refer the matter to a Review Panel (as described in paragraph (c) Phase Three)".
- The *Purchasing By-law* requires the CPO to acknowledge a written complaint and provide a written response within five business days. Staff recommends that this be revised to 10 business days in order to increase the effectiveness of complaint resolution. Given the increasing complexity of procurements, this additional time would allow Supply Branch to more thoroughly investigate and prepare a detailed response.

### **Litigation Exclusion Provision**

- Section 47 of the *Procedure By-law* allows the City to reject bids from vendors who have engaged in legal action against the City. Staff recommends amending the litigation exclusion provision to clarify its application to also include bidders the City has initiated a legal action against and to provide that staff notify Council when they intend to exercise this provision. This proposed amendment is a clarification of past Council direction and implementation.

### **Petty Cash Provision**

- The *Purchasing By-law* provides guidance around departmental purchases of up to \$10,000 in Sections 16 and 17. Section 16 specifically defines rules surrounding the establishment of a petty cash fund which is limited to transactions of \$75 or less. Procurement rules for goods/services under \$75 are defined in Subsection 17(2). Besides outlining specific payment rules and recordkeeping requirements, Section 16 is redundant in terms of procurement and regulations, which is the focus of the *Purchasing By-law*. It is recommended that Subsections 16(1)-(5) be removed from the by-law and Subsection 16(1), outlining authority to establish a petty cash fund, be transferred to the *Delegation of Authority By-law*. Subsections 16(2)-(5), detailing technical rules for petty cash funds, should be transferred to the Finance Department's Policies and Procedures.

### **Roadside Memorial Sign Program Update**

**Receive the update on the status of the Roadside Memorial Sign Program, as outlined in this report.**

During consideration of the 2010-2014 Mid-term Governance Review on February 13, 2013, Council approved the establishment of a Roadside Memorial Sign Program. This program's implementation has been delayed due to internal changes within the Public Works Department. However, staff continues to believe this could be an effective traffic management tool and that it could provide a safe alternative to some of the roadside memorials that are sometimes erected by friends and family of the deceased at or near locations where fatalities have occurred. Accordingly, staff is continuing to finalize the logistical requirements for implementing such a program at the City of Ottawa. In the interim, staff will continue to deal with roadside memorials on a case-by-case basis.

Implementation of the Roadside Memorial Sign Program is expected to be finalized in 2015. Members of Council will be circulated with information on the Program at that time.

### **PART V – OTHER MATTERS**

#### **Deputy Mayor positions for the 2014-2018 Term of Council**

**The establishment of two Deputy Mayor positions for the 2014-2018 Term of Council, and that the appointments for these positions be recommended to Council by the Mayor and included in the Nominating Committee report.**

Section 226 of the *Municipal Act, 2001* states that “a municipality may, with the consent of the head of council, appoint a member of council to act in the place of the head of council”. The Deputy Mayor chairs Council, signs documents, attends events and acts in any other capacity when the Mayor is unavailable or absent.

As part of the 2010-2014 Governance Review, City Council approved the establishment of a new Deputy Mayor model. In order to provide more consistency and transparency to the role of the Deputy Mayor, the past practice of rotating the position of Deputy Mayor every two months was replaced by the appointment of two Deputy Mayor positions to serve for the duration of the Term of Council.

The appointment of two Deputy Mayors provided consistency over the Term of Council for such things as representation at events, the chairing of Council meetings, and signing of legal documents. It also provided needed flexibility with respect to having an additional backup to perform official duties during common vacation times, and prevented the duties from becoming too onerous for a single Member to perform on top of their duties as a Ward Councillor. As well, having two Deputy Mayors for the term meant that community groups became aware that, even if the Mayor could not attend, a Deputy Mayor might be able to be present, and an increasing number of invitations now request either the Mayor or a Deputy Mayor if the Mayor cannot attend. There has been very positive feedback about the City’s increased presence in the community. There was a general consensus among Members of Council that this model worked well, and it is recommended that the same approach be used for this Term of Council.

Prior to the approval of the new Deputy Mayor model and since amalgamation, Ottawa had a Deputy Mayor rotation, with each Councillor serving as Deputy Mayor for about two months. The term of Council was divided between the Members of Council, with the order determined by lot drawn by the City Clerk and Solicitor. Despite having the Deputy Mayor rotation approved at the beginning of the term, there were numerous occasions where subsequent back-up Deputy Mayors had to be appointed in order to ensure that a Member of Council was present to act in the absence of the Mayor. Having two Deputy Mayors avoided the often last-minute need for Council to appoint an ‘acting Deputy Mayor’ and eliminated any concern with respect to those periods in late December / early January and in the summer when there are no Council meetings and, therefore, no ability to appoint an acting Deputy Mayor when both the Mayor and Deputy Mayor by rotation needed to be out of the City at the same time. During the governance interviews, however, a minority of Members indicated that it would be preferable to return to some kind of Deputy Mayor rotation, but with two Deputies and a

longer rotation period (i.e. for a year each, such that there would be eight Deputy Mayors over the course of a term).

It should be noted that in 2017, the City of Ottawa will celebrate Canada's 150<sup>th</sup> birthday. In the lead-up to this, the City of Ottawa's Task Force on Canada's 150<sup>th</sup> anniversary will host and participate in meetings, conferences and events across the region over and above the significant number of events held annually across the city. There will be additional need to ensure the City of Ottawa has representation at these events, in addition to all other ceremonial, procedural and official duties required of the Mayor.

In keeping with Section 226 of the *Municipal Act, 2001*, stated earlier in this section, "a municipality may, with the consent of the head of council (emphasis added), appoint a member of council to act in the place of the head of council...". Therefore, it is recommended that the Mayor nominate the individuals he recommends to serve as Deputy Mayors to Council, consistent with the approach taken during the 2010-2014 Term of Council, and that his recommendations be brought forward to Council as part of the Nominating Committee report.

### **Support for Deputy Mayors**

**That a temporary FTE be provided to support the role of the Deputy Mayors, similar to the additional half FTE provided to Standing Committee Chairs, to be funded from the Council Administrative Services budget, as described in this report.**

With the formalization of the Deputy Mayor role in the 2010-2014 Governance Review, the appointed Deputy Mayors have been regularly called upon to represent the Mayor at events that he cannot attend due to previous engagements or commitments.

The responsibility for scheduling the Mayor as well as the attendance of the Deputy Mayors at events has rested with the City Clerk and Solicitor staff in the Mayor's office to ensure consistency in approach and in order to not place an undue burden on the Deputy Mayors' constituency services staff. In recognition of the increasing volume of work placed on the Mayor's Scheduling Assistant, the 2010-2014 Mid-term Governance Review recommended the approval of a temporary FTE to support the role of the Deputy Mayors, funded from the Council Administration Services Budget.

This approach was consistent with the way in which Council has recognized the additional legislative workload placed on Standing Committee Chairs, whereby a half an

FTE is provided to each Committee Chair to ensure that their work on behalf of constituents does not suffer due to the extra workload experienced by the Chairs' office.

The Deputy Mayor's Scheduling Assistant is responsible for coordinating all invitations received by the two Deputy Mayors, including event invitations referred by the Mayor and through the regrets system. The Assistant coordinates all aspects of the Deputy Mayor's attendance including their role, logistics, agenda, speaking notes, special requirements, etc. The Deputy Mayors attended 675 events over the term.

In addition, the Deputy Mayor's Scheduling Assistant assists with managing regrets on behalf of the Mayor. When the Mayor is unavailable to attend an event, the Assistant contacts the organization to regret the invitation and, if requested by the Mayor, offers a Deputy Mayor to attend on the Mayor's behalf. As well, many event organizers now request the attendance of a Deputy Mayor if the Mayor is unavailable at the outset.

Since the Deputy Mayors' Scheduling Assistant position was formally established as part of the 2010-2014 Mid-term Governance Review in February 2013, the Deputy Mayors have jointly attended more than 350 events on behalf of the Mayor, in addition to internal events organized by Corporate Communications and the Office of Protocol. In recognition of the continuing and significant workload, staff recommends the temporary FTE provided to support the role of the Deputy Mayors continue with the new Term of Council, so that the Deputy Mayors' work on behalf of the Mayor does not take away from their services to their constituents.

It is further recommended that this temporary position continue to be funded from the Council Administrative Services budget. The funding required for this position, which includes salary, benefits and ancillary costs, will continue to be accommodated from within existing resources.

### **Sports Commissioner**

**The creation of the position of Sports Commissioner, as described in this report, to be a Member of Council and to be recommended to Council by the Mayor and included in the Nominating Committee report.**

An increased focus on economic development was a high priority for the Mayor and City Council over the last term. The Mayor believes that the City must continue to do what it can to help the local economy grow and diversify, particularly in light of the continued cuts to the federal workforce.

In the last term, City Council approved the “Bid More, Win More, Host More” program, which is attracting world-class events to Ottawa as a means of promoting economic prosperity and growth. As a central component of the City’s Economic Development Strategy, the combination of bids won and events hosted has resulted in close to \$42 million for Ottawa’s economy. Future events that have been confirmed, including the 2016 Tim Hortons Brier and the FIFA Women’s World Cup Canada 2015, will result in up to an additional \$37 million in local economic benefits.

The bid teams for major sporting events often include local elected officials, as event organizers want to know what the municipality is able to offer in terms of facilities and transportation. The Mayor is recommending the creation of the position of Sports Commissioner, who will work closely with the Economic Development Office to help support the City’s efforts to attract a greater share of large-scale sporting events and participate in bid processes as required.

Large-scale special events create jobs and attract tourists to the city, filling area hotels and restaurants. The City’s investments in partnerships for facilities like the new Richcraft Sensplex East and Lansdowne Park can be leveraged to attract these important events.

The Sports Commissioner would be a Member of Council who is prepared to participate fully in the bid process as required in addition to their constituency work. Logistical support for this position and any necessary travel would be provided through the Economic Development Office and managed within its current funding envelope.

**Human Resources Matters for the Auditor General and the City Manager**

**That the Mayor be given delegated authority to conduct performance reviews, authorize salary adjustments within the Council-approved pay scale and approve vacation and sick leave requests for the City Manager and Auditor General, as described in this report.**

To date, there has not been a consistent approach to dealing with performance review-related matters associated with the positions of City Manager and Auditor General such as performance reviews, and salary adjustments that are within the Council-approved pay scale.

Currently, these are within the purview of the Finance and Economic Development Committee and the Audit Sub-Committee, as reflected in Sections 23-26 of FEDCO’s Terms of Reference as follows:

## **Staffing and Personnel**

23. Conduct performance reviews of the City Manager and make recommendations to Council as appropriate.
24. Receive, review and make recommendations to Council, as appropriate, on performance reviews of the Auditor General from the Audit Sub-Committee.
25. Recommend to Council any contract extensions or contract changes for the City Manager and the City Auditor General.
26. Approve the adjustments to the compensation for the City Manager and the City's Auditor General in accordance with contractual requirements.

In practice, it is has proven very difficult to conduct regular performance reviews by a Committee or Sub-Committee of Council. As a result, there have not been regular performance reviews conducted for these positions.

Given the complexities involved in convening meetings of sub-committees of Council and given that the Mayor, as the Head of Council and Chief Executive Officer, has responsibilities under Section 225 (c.1) of the *Municipal Act, 2001* with respect to providing recommendations to Council with respect to Council's role to ensure accountability for the operations of the municipality, including the activities of senior management, staff is recommending that the Mayor be given delegated authority for performance review-related matters associated with the positions of City Manager and Auditor General. This would allow the Mayor to conduct performance reviews, make minor adjustments to the job descriptions, approve salary adjustments that are within the Council-approved pay scale and approve vacation and sick leave requests. Council would continue to have sole authority over hiring and dismissal. As well, any changes to the job descriptions and salary that go beyond previously approved Council guidelines would continue to require Council approval. In executing this delegation of authority, it is expected that the Mayor will consult with the Director of Human Resources, the City Clerk and Solicitor and/or Council colleagues as appropriate. As was done during the 2010-2014 Term of Council, the Mayor may also ask the Deputy Mayors for input and to participate in these matters.

Pursuant to the Delegation of Powers Policy, every delegation of a power or duty of Council shall be accompanied by a corresponding accountability and transparency mechanism. Accordingly, the Mayor will report annually to Council on any actions taken pursuant to the above-referenced delegation of authority.

If this recommendation is approved, the Terms of Reference for the Finance and Economic Development Committee and the Audit Committee will be amended accordingly.

**Confederation Line – Regulatory Framework**

**The establishment of the Office of the Regulator for the Confederation Line, in principle, as described in this report and as represented in Document 12; and**

**That Regulatory Working Group, in consultation with the City Manager and relevant senior management of the City, be directed to develop the necessary instruments, including by-law(s), to establish the position and duties of the Regulator, to be brought forth to the Transit Commission and Council for their consideration by the end of Q1 of 2015, in accordance with this report and in keeping with the 2011 Transport Canada Delegation of Authority agreement (Document 11).**

On July 14, 2011, Council approved the implementation plan for the Ottawa Light Rail Transit (OLRT) project, as described in the report titled Implementation of the Ottawa Light Rail Transit Project (ACS2011-ICS-RIO-0002). As indicated at the time, the OLRT, subsequently re-named the Confederation Line, is considered in law to be a federal railway undertaking because it will form an integrated part of a single overall transportation enterprise owned and managed by the City, and includes cross-border bus service into Quebec. However, Federal legislation (and regulations) that apply to federal rail transportation undertakings have not been developed for application to municipal light rail systems and Transport Canada (TC) is not organized administratively to provide proper regulatory oversight for these kinds of transit systems.

As other light-rail transit systems in Canada are substantially regulated by the municipalities that own and operate them, the City and Transport Canada had been working together to permit the City of Ottawa to regulate its light rail system and, as a result of those discussions, Council also approved Motion 17/5 dealing with the Ottawa Light Rail Transit Regulatory Framework (Regulatory Framework) as follows:

WHEREAS the City is planning to proceed with the construction and operation of a passenger service light rail system; and

WHEREAS the City's light rail system will be considered in law to be a federal railway undertaking because it will form part of the fully integrated OC Transpo transportation system, which includes cross border bus transportation service; and

WHEREAS Section 158 of the federal *Canada Transportation Act* provides the Federal Minister of Transport with the "authority to enter into an agreement with a provincial authority to authorize that provincial authority to regulate the construction, operation and safety of a federal railway as well as establish the rates and conditions of service in the same manner and to the same extent as the provincial authority may regulate a railway within its jurisdictions"; and

WHEREAS the City is considered a provincial authority for these purposes; and

WHEREAS pursuant to the provincial *City of Ottawa Act, 1999* and the *Municipal Act, 2001* the City has the authority to regulate and manage the construction, operation, and safety of transportation undertakings, including light rail systems; and

WHEREAS City staff, as part of the on-going work for this project, have been negotiating with Transport Canada the terms and conditions of an agreement for the authorization of the City to regulate the construction, operation and safety of a railway as well as the rates and conditions of service for the current LRT project and future light rail segments; and

WHEREAS Transport Canada currently does not regulate the construction, operation and safety of municipal passenger light rail systems in Canada; and

WHEREAS Transport Canada, with the City's agreement, has determined that it would be prudent, more expedient and in the public's interest for the City to utilize its resources and expertise to regulate the municipal passenger light rail system;

THEREFORE BE IT RESOLVED that Council delegate the authority to the Deputy City Manager of Infrastructure Services and Community Sustainability to finalize the regulatory agreement described above with the Federal Government on behalf of the City of Ottawa; and that Council further delegate the authority to execute the final agreement and to take any further steps and carry out any further acts as may be necessary to give effect to the foregoing to the Mayor.

As a result of the above, Transport Canada and the City entered into the Delegation Agreement (TCDA) between parties to establish to the Regulatory Framework of the OLRT on March 28, 2012, attached as Document 11.

The TCDA arrangement provides greater regulatory certainty for the City, Rideau Transit Group (RTG) and the public. The arrangement also provides the City with more control now and into the future over the adoption of, and changes to, regulatory standards, and over compliance and enforcement. Finally, the City will have increased flexibility and control over chosen system technologies, operating and maintenance standards and related requirements.

The key terms of the TCDA include provisions for scope, adoption and enforcement of City regulations, reporting obligations, security threats and release, liability and indemnification encompassing a self-regulation model. Highlights of the TCDA include:

- The TCDA does not result in an absolute transfer of power/authority; it is only a delegation. The Federal Transport Minister (Minister) must retain ultimate authority and will have certain powers to intervene and to terminate the Agreement at any time, for any reason. The TCDA does not apply to the Trillium Line (current O-Train).
- The City must develop, implement and enforce a comprehensive regulatory framework for the safety and security of OLRT. The regulations must be based on codes, standards, practices, design references, safety principles and guidelines generally recognized and/or followed by other international (including, but not limited to North American) light rail operators and/or rail industry associations. The City must ensure the monitoring of compliance and the enforcement of the Regulations will be carried out by an independent internal auditor or other responsible City official who does not report to and take instructions from Transit Services executive.
- The City must provide a brief report on the results of standard Safety Management System and Security Management System audits at least every 3 years, including a plan by the City to take corrective action for deficiencies identified in the audits. The City must file yearly with TC an annual Operating and Safety and Security report.
- If the Minister (or Deputy Minister) becomes aware of a significant security threat to the public in relation to OLRT, the City must collaborate with the Minister (or senior delegate) to ensure that the City takes appropriate action to address the risk.
- The Federal Government, the Minister, TC and their employees shall not be held liable by the City (or persons under the City's control) for any injury, including

death to any person, for any loss or damage to property or the environment, or for any obligation of the City arising under or otherwise by reason of the TCDA.

- The City shall at all times indemnify and save harmless Federal Government, the Minister, TC and its employees, from and against all actions/claims that may arise by reason of the TCDA and actions or omissions of the City in relation to the TCDA.
- Regulations (standards, rules, guidelines) adopted by City must be comprehensive, formally adopted, and publicly available. Compliance with City adopted regulations must be ultimately monitored and enforced with some level of independence.

### **Office of the Regulator**

In light of the rationale for the Self-Regulation Model adopted by Council and the key terms of the TCDA identified above, staff in collaboration with RTG and through the Regulatory Working Group (RWG) are working together to develop the Regulatory Framework as described in the Project Agreement. The RWG is comprised of City staff from the Rail Implementation Office, Transit Services and Legal Services, as well as representatives from RTG and subject matter experts as required.

Staff is therefore recommending that City Council establish the position of the Regulator as an independent officer reporting directly to Council, as outlined in Document 12.

It is further recommended that the Regulatory Working Group, in consultation with the City Manager and senior management, be tasked with developing the framework for the Office of the Regulator, as follows:

- The instruments needed to formally establish the Position of the Regulator;
- The Selection and Appointment Process for the Regulator;
- The responsibilities, duties and powers of the Regulator that reflect the terms and conditions of the TCDA including establishment of Regulations (guidelines, policies, regulations, rules, standards, safety management systems and security management systems) adopted by the City in relation to the regulation of the safety and security of the OLRT;
- The reporting and auditing requirements of the Regulator to Transport Canada, in compliance with the terms of the TCDA;

- The accountability and reporting requirements of the Regulator to the Accountable Executive (City Manager);
- The necessary instruments to establish the Office of the Regulator including Annual Budget.

As a start, the City's Executive Committee is recommending that the Office of the Regulator report directly to Council, as shown in Document 12. It should be noted that although the Office of the Regulator is similar in nature and scope to the Office of the Auditor General and to the Office of the Integrity Commissioner, there are differences between these offices because of the nature of rail regulations being a federal undertaking and the terms of the TCDA which are under federal jurisdiction.

The City's Executive Committee is also recommending that the City Manager be the Accountable Executive for the Confederation Line. The Accountable Executive is defined as a single, identifiable individual at the executive level within the organization who assumes full responsibility for the implementation of Safety Management System and ongoing compliance with safety requirements. The Accountable Executive will be notified of any systemic safety-related problems or trends and the actions necessary to correct or mitigate them. RWG will continue to develop the reporting and communication protocols to be established between the Regulator and Council, the Accountable Executive and Senior Management.

There is also recommended to be a Chief Safety Officer who reports directly to the General Manager of Transit Services, who has begun the recruitment process for the Chief Safety Officer.

If approved, a report on these matters will be brought forth to the Transit Commission and Council for their consideration by the end of Q1 2015.

### **Process changes**

#### **Technology Implications Section of Reports**

**That the Technology Implications section of Committee and Council reports be optional.**

At its meeting of August 28, 2008, City Council considered and approved the Mayor's E-Governance Task Force report (ACS2008-CMR-CSE-0034), which included a recommendation that, where relevant, a technology assessment and business case be included in every Committee and Council report.

In response, a mandatory Technology Implications section was added to all staff reports, with the objective of providing Council with as much information as possible regarding technology investments and service delivery to residents.

When the mandatory section was introduced, all reports were sent to the Information and Technology Services (ITS) department for review, formal comment and sign-off. Prior to 2013, the IT Account Managers, responsible for IT service delivery and collaboration with departments, were tasked with reviewing reports and providing sign-off.

However, in 2013 the ITS department implemented a new organizational structure and realigned its branches to reflect its service offerings and delivery model. As part of this realignment, the IT Account Manager roles were eliminated and the Corporate IT Management Team (CITMT) was established. Departmental IT projects are now submitted to CITMT for prioritization and approval, in step with the Term of Council priorities, and form the basis of ITS' annual Business Technology Plan. As part of the submission, prioritization and approval process, IT implications and risks are highlighted to Senior Management and reflected in the Business Technology Plan.

Since the inception of the mandatory Technology Implications section, operational staff have observed that the majority of reports are transactional in nature (i.e. rezoning, naming, appointments, information reports, etc.) and rarely have technical implications. In 2012, the last year statistics were kept in this regard, less than six per cent of all reports had technical implications. Further, through the establishment of CITMT, the process for considering technology implications and resources is happening well before the Committee or Council reporting stage.

With this in mind, operational staff recommends that the Technology Implications section in the report template be made an optional section, similar to the Environmental Implications section, to be completed only for reports that have identified IT implications.

In addition, staff has requested that departments complete their own Technology Implications section in consultation with their departmental CITMT representative.

#### **Auditor General's Annual Report - Election Year**

**The amendments to Section 12(1) of By-law 2009-323, a by-law of the City of Ottawa to establish the position and duties of Auditor General of the City of Ottawa, as described in this report.**

In accordance with the Council-approved reporting protocols, the Auditor General has provided notice to Council in early November of his intent to table his Annual Report, with the report being tabled with the Audit Sub-Committee in late November and sections referred to meetings of the various Standing Committees / Transit Commission in December.

These timelines have always been challenging in an election year, given that the November meeting schedule tends to be significantly reduced and there is always the chance that a Council will be in 'lame duck'. Council's December meeting Agendas tend to be largely limited to ceremonial matters, the Term of Council Governance Review, the Budget Directions and Timetable report, and the Nominating Committee process. The past practice has been that the Mayor and the Auditor General determine the timing of the tabling of the Auditor General's annual report in a municipal election year.

Accordingly, staff is recommending that Section 12(1) of By-law 2009-323 be amended to reflect the practice, adding a provision that states that, in an election year, timelines for the Auditor General's Annual Report will be determined by the Auditor General in consultation with the Mayor and may be tabled after December 31 of the next year following the tabling of the audit plan.

## **RURAL IMPLICATIONS**

There are no specific rural implications associated with this report.

## **CONSULTATION**

As part of the preparation for the report, the City Clerk and Solicitor and the Deputy City Clerk consulted with elected representatives, citizen members of Committees of Council, Chairs and Vice-Chairs of Advisory Committees, the Executive Committee and members of the Senior Management Committee, as well as staff in the City Clerk's Branch, Legal Services and the City Manager's Office who work most closely with the legislative process.

## **COMMENTS BY THE WARD COUNCILLOR(S)**

This is a city-wide report.

## **LEGAL IMPLICATIONS**

There are no legal implications associated with this report.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

## **FINANCIAL IMPLICATIONS**

The financial implications associated with this report will be absorbed within existing budgets.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

## **TECHNOLOGY IMPLICATIONS**

There are no technology implications associated with this report.

## **TERM OF COUNCIL PRIORITIES**

This report supports the Term of Council Priority related to Governance, Planning and Decision Making (GP1: Improve the public's confidence in and satisfaction with the way Council works).

## **SUPPORTING DOCUMENTATION**

Document 1 – Built Heritage Sub-Committee legal opinion

Document 2 – Draft Built Heritage Sub-Committee Code of Conduct

Document 3 – Ottawa Transit Commission proposed Terms of Reference amendments

Document 4 – Nominating Committee ward-specific appointments

Document 5 – Community and Social Services Department's 2014 stakeholder and citizen committees

Document 6 – 2014 Annual Report of the Integrity Commissioner

Document 7 – An Update on Ottawa's Agencies, Boards, Committees and Commissions

Document 8 – Draft Appointment Policy

Document 9 – Draft Indemnification Policy

Document 10 – *Procedure By-law* amendments

Document 11 – Regulatory Framework of the Confederation Line

Document 12 – Office of the Regulator for the Confederation Line

## **DISPOSITION**

Upon approval of the report by City Council, staff in the applicable Departments, in particular the City Clerk and Solicitor Department, will implement changes to all related processes, procedures and By-laws which are required to carry out the report as approved.

## Document 1

## Heenan Blaikie

## BY E-MAIL

November 13, 2013

Of Counsel  
 The Right Honourable Pierre Elliott Trudeau, P.C., C.C., C.H., O.C., FRSC (1964 - 2000)  
 The Right Honourable Jean Chrétien, P.C., C.C., O.M., O.C.  
 The Honourable Donald J. Johnston, P.C., O.C., O.C.  
 Pierre Marc Johnson, G.O.Q., FRSC  
 The Honourable Michel Bastarache, C.C.  
 The Honourable René Dussault, O.C., O.Q., FRSC, Ad. E.  
 The Honourable John W. Morden  
 Peter M. Blaikie, O.C.  
 André Bureau, O.C., O.Q.

Rick O'Connor  
 City Clerk and Solicitor  
 City of Ottawa  
 110 Laurier Avenue West, 3<sup>rd</sup> floor  
 Ottawa ON K1P 1J1

Our Reference: 040144.0111

**Re: Municipal Conflict of Interest Act, disclosure and members of the City of Ottawa Built Heritage Sub-Committee**

Dear Mr. O'Connor:

You have requested that we provide you with our opinion with respect to the duty, if any, of a public member of the City of Ottawa's Built Heritage Sub-Committee [the "BHSC"] to declare a conflict of interest pursuant to the *Municipal Conflict of Interest Act*, R.S.O. 1990, ch. M. 50, in circumstances where matters undertaken by a public member in his or her personal work outside of the BHSC and not in his/her official capacity, whether remunerated or not, arise in some fashion before the BHSC.

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For the purposes of this opinion we have considered the *Municipal Conflict of Interest Act*, R.S.O. 1990, ch. M.50 [the "MCIA"]; the *Municipal Act, 2001*, S.O. 2001 ch. 25, the *City of Ottawa Act, 1999*, S.O. 1999, ch.14, Schedule E; City of Ottawa By-law no. 2006-486 being the By-law respecting the Local Architectural Conservation Advisory Committee enacted pursuant to the *Ontario Heritage Act, 1990*; and the relevant legal commentary and jurisprudence with respect to municipal conflicts of interest.

### FACTS

Public members of the BHSC are not City Councillors. In this particular case, we are concerned with an individual public member of the BHSC who is a practicing architect and heritage consultant who, from time to time, is consulted or retained by way of verbal or written agreement by private parties on a remunerated or non-remunerated basis to provide preliminary opinions and/or advice on properties that may be subject to notices of intention to designate pursuant to the *Ontario Heritage Act*, or to provide initial advice regarding properties on the City's Heritage Reference List.

The issue is whether the public member at issue is required to declare a conflict of interest in the event that the any property for which he has provided advice in his personal capacity and usual course of business become a matter under consideration by the BHSC.

The BHSC itself is a sub-committee of City Council. Its mandate is to advise and assist Council on matters relating to Parts IV and V of the *Ontario Heritage Act* and such other heritage matters as Council may specify by by-law or as specified in the City's Official Plan. The BHSC is also mandated to meet monthly to review applications under the *Ontario Heritage Act*. The BHSC is authorized to make recommendations to City Council as to opportunities to issue notices of intent to designate heritage properties. The BHSC reports through the Planning Committee to City Council. Depending on the issue, the BHSC may also report to another Standing Committee where appropriate<sup>1</sup>. The BHSC, as distinct from a Local Architectural Conservation Authority contemplated by the *Ontario Heritage Act*, is not specifically established under any particular statute. There is no suggestion that the BHSC has any power or authority to make decisions which are binding on City Council.

## DISCUSSION

### *The Municipal Conflicts of Interest Act and the BHSC*

The MCIA sets out the statutory duty to declare a conflict of interest in the following manner:

5. (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,
  - (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
  - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- (2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1).

The MCIA's scope of application is determined by the wording of its main operative provisions with respect to the duty to declare an interest contemplated by its provisions. The key words with respect to its' scope in the current context are "member", "municipality", "meeting", and "local board", all of which are defined at section 1 of the MCIA. "Pecuniary Interest", however, is not defined in the legislation itself. Jurisprudence has clarified that a "pecuniary interest" should be understood as relating to the potential for enrichment or for economic loss, directly or indirectly, through an official position<sup>2</sup>.

Section 2 of the MCIA declares and describes those situations in which a member has an "indirect pecuniary interest" and section 3 declares those situations where a member is deemed to have a pecuniary interest.

The MCIA and the section 5 duty apply to a "member". A "member", in context, refers to a "member of a council or a local board". As the individual in question in this case is not a councillor and therefore not a "member of a council" within the meaning of the MCIA, we must consider whether the individual is a "member of a local board".

A "local board" as defined in the MCIA means a school board, board of directors of a children's aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a long-term care home, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board.

For the BHSC to be considered as a "local board" within the meaning of the MCIA, we must consider whether the BHSC has the characteristics of a local board as compared against the other "local boards" set out in the MCIA. The statutory definition of "local board" sets out that a local board for the purposes of the MCIA is a board or committee which exercises "any power or authority under any general or special Act in respect of any of the affairs or purposes of a municipality". Power or authority considered in this context implies and requires some decision making power. Accordingly, a local board

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<sup>2</sup> *Re Greene and Borins*, (1985), 50 O.R. (3d) 513 (Div. Ct.)

which falls within the meaning the MCIA must be a local board or committee which has some decision making power or authority provided by statute.

As discussed above, the BHSC is an advisory sub-committee which is tasked with advising or assisting City Council with respect to *Ontario Heritage Act* matters. Our understanding is that the BHSC fulfills essentially the same function as a local architectural conservation advisory committee contemplated by section 28 of the *Ontario Heritage Act* despite its being constituted by the City as a committee and not as a local architectural conservation advisory committee pursuant to the *Ontario Heritage Act*. As such, the caselaw with respect to local architectural conservation advisory committee conflict of interest issues applies *mutatis mutandis*.

When considering the application of the MCIA to the BHSC, we must accept that the jurisprudence has held, although not without some dissents, that the MCIA is a penal statute which must be interpreted strictly<sup>3</sup>. In *Westfall v. Eedy*<sup>4</sup>, a leading case with respect to determining whether a local architectural conservation advisory committee is a “local board” within the meaning of the MCIA, the Court endorsed the analysis by which one is to consider whether a local architectural conservation advisory committee, not a named board in the legislation, exhibits the same formal decision-making characteristics as the other “local boards” referenced in the MCIA as a result of the application of the *ejusdem generis* rules of statutory interpretation<sup>5</sup>. The court held that a local architectural conservation advisory committee, as an advisory committee only, did not have the same decision-making power as the other “local boards” explicitly enumerated in the MCIA and therefore did not fall within the ambit of the MCIA. The Court reasoned that the local architectural conservation advisory committee was not “local board” because the Council could accept or reject their recommendations.

The BHSC is no better decision-making decision than is local architectural conservation advisory committee; the BHSC’s function and power is advisory only, and as the power to make decisions on *Ontario Heritage Act* matters rests solely with City Council under the *Ontario Heritage Act*, the BHSC lacks the decision making power or authority required by law for it to fall within the ambit of section 5 of the MCIA.

As a result, the BHSC does not in our view fall within the ambit of section 5 of the MCIA. Because the BHSC is not a “local board” the public member of the BHSC cannot be considered as being a “member of a local board” tasked with the duty to declare a conflict of interest pursuant to section 5 of the MCIA.

<sup>3</sup> *Sharp v. McGregor*, (1988) 64 O.R. (2d) 499, at page 453.

<sup>4</sup> *Westfall v. Eedy*, (1991) 6 O.R. (3d) 442; [1991] O.J. No. 2125 (Ont. Ct. Gen. Div.)

<sup>5</sup> Sullivan, Ruth, *Sullivan on the Construction of Statutes*, 5<sup>th</sup> Edition, 2008, Lexis Nexis, at pages 231 and following

## CONCLUSIONS

In light of the foregoing, our opinion is that there is no strict legal duty pursuant to the MCIA for the public member of the BHSC to declare a conflict of interest in the circumstances you have communicated to us.

Please feel free to contact us should you have any questions with respect to the foregoing.

Yours very truly,

Heenan Blaikie LLP



Benoit M. Duchesne  
Member of the Quebec and Ontario Bars

## Document 2

### Draft Code of Conduct for Citizen Members of the Built Heritage Sub-Committee

The mandate of the City of Ottawa's Built Heritage Sub-Committee (BHSC), as a municipal heritage committee, is to advise and assist Council on matters relating to Parts IV and V of the *Ontario Heritage Act, 1990*, and such other heritage matters as Council may specify by by-law or as specified in the City's Official Plan. BHSC reports through the Planning Committee to City Council; however, it may also report to another Standing Committee where appropriate, depending on the issue.

The Sub-Committee has a membership comprised of four Members of Council and three citizen members, having appropriate experience, that are appointed to the Sub-Committee by Council. Efforts are made to engage with local heritage experts, including Heritage Ottawa, to identify and recruit highly qualified individuals sensitive to Ottawa's unique built heritage context.

This Code recognizes that in the same manner as Members of Council, citizen members appointed to a Committee of Council have an obligation to uphold the ethical standards of an elected official when acting in their official capacities. BHSC can influence municipal policy by way of making recommendations to Committee or Council and therefore, the same principles of accountability and transparency should apply to citizen members. Furthermore, decisions of citizen members of the Sub-Committee should be made with an open mind and concern for the public good and not personal benefit, and without giving preferential treatment to family, friends and supporters. Citizen members should perform their role on BHSC as a neutral entity regardless of property classification, employment or affiliation with any community association or local group.

This document is a modified version of the Code of Conduct for Members of Council.

### Statutory Provisions Regulating Conduct

This Code of Conduct is a complement to the existing legislation governing the conduct of members of a Committee of Council.

The following federal, provincial legislation may govern the conduct of members of a Committee of Council:

- the *Municipal Act, 2001*

- the *Municipal Conflict of Interest Act*
- the *Municipal Elections Act, 1996*
- the *Municipal Freedom of Information and Protection of Privacy Act*
- the *Provincial Offences Act*
- the *Ontario Human Rights Code*
- the *Criminal Code of Canada*
- the by-laws and policies of Council as adopted and amended from time to time

The *Ontario Heritage Act, 1990* and the City of Ottawa's Official Plan set out the role of a municipal heritage committee.

## **Application**

This Code of Conduct applies to citizen members of the Built Heritage Sub-Committee when acting in their official capacity. Members of Council who sit on the Built Heritage Sub-Committee are subject to the *Code of Conduct for Members of Council*.

## **Definitions**

In this Code of Conduct, the terms "child", "controlling interest," "elector," "interest in common with electors generally," "parent," "senior officer" and "spouse" have the same meanings as in the *Municipal Conflict of Interest Act*.

"child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

"controlling interest" means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding;

"elector" means a person entitled to vote at a municipal election in the municipality; "interest in common with electors generally" means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part;

"parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

## **I. General Integrity**

- Citizen members of the Built Heritage Sub-Committee (“citizen members”) are committed to performing their functions with integrity, accountability and transparency.
- Citizen members are responsible for complying with all applicable legislation, by-laws and policies pertaining to their position as an appointed member of a Committee of Council.
- Citizen members recognize that the public has a right to open government and transparent decision-making.
- Citizen members shall at all times serve and be seen to serve the interests of the City in a conscientious and diligent manner and shall approach decision-making with an open mind.
- Citizen members shall avoid the improper use of the influence of their appointment to a Committee of Council and shall avoid conflicts of interest, both apparent and real.
- Citizen members shall not extend in the discharge of their official duties preferential treatment to any individual or organization if a reasonably well-informed person would conclude that the preferential treatment was solely for the purpose of advancing a private or personal interest.

## **II. Confidential Information**

By way of their appointment, citizen members of the Built Heritage Sub-Committee may acquire confidential information from a variety of different sources. Confidential information includes information in the possession of, or received in confidence by the City, that the City is either prohibited from disclosing, or is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* (“MFIPPA”). A citizen member shall not use information that is obtained in his or her capacity as a member of the Built Heritage Sub-Committee and that is not available to the general public to further or seek to further the member’s private interest or improperly to further or seek to further another person’s private interest.

In accordance with the rules under MFIPPA and the *Procedure By-law*, citizen members shall not:

- a. Where a matter has been discussed in camera, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the in camera meeting (Subsection 38 (d) of the *Procedure By-law*); and
- b. Disclose or release by any means to any member of the public, any confidential information acquired by virtue of their appointment, in either oral or written form, except when required by law or authorized by Council to do so.

### **III. Conduct at Sub-Committee Meetings**

Citizen members of the Built Heritage Sub-Committee shall conduct themselves with decorum at all Sub-Committee meetings in accordance with the provisions of the *Procedure By-law* (Section 38) being:

No citizen member shall:

- a. Speak disrespectfully of the Reigning Sovereign or the Lieutenant-Governor of any province, or of a Member of Council, a fellow member of the Built Heritage Sub-Committee or staff;
- b. Use offensive words or unparliamentary language;
- c. Speak on any subject other than the subject in debate;
- d. Where a matter has been discussed *in camera*, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the *in camera* meeting;
- e. Disobey the Rules of Procedure, or a decision of the Sub-Committee Chair or of the Sub-Committee on questions of order or practice or upon the interpretation of the Rules of Procedure.

### **IV. Discrimination and Harassment**

All citizen members of the Built Heritage Sub-Committee have a duty to treat members of the public, one another, Members of Council and staff with respect and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The *Ontario Human Rights Code* applies and, where applicable, the City's *Workplace Harassment Policy*.

### **V. Improper Use of Influence**

As an appointed member of a Committee of Council, citizen members of the Built Heritage Sub-Committee are expected to perform the duties of their appointment with integrity, accountability and transparency. Citizen members should not use the status of their position to influence the decision of another individual to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.

In the same manner, and as outlined in the *Provincial Offences Act* – Conflict of Interest Policy, citizen members of the Built Heritage Sub-Committee shall not attempt to influence or interfere, either directly or indirectly, financially, politically or otherwise with employees, officers or other persons performing duties under the *Provincial Offences Act*.

## **VI. Use of Municipal Property and Resources**

In order to fulfill their roles as appointed members of a Committee of Council, citizen members have access to municipal resources such as property, equipment, services, staff and supplies. No citizen member shall use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, websites, or expenses permitted under the Participation Expense Policy) for activities other than purposes connected with the discharge of Sub-Committee duties or City business.

No citizen member shall obtain financial gain from the use or sale of City-developed intellectual property, computer programs, technological innovations, or other patent, trademark, copyright held by the City.

With respect to expenses, falsifying of receipts or signatures by a citizen member is a serious breach of this Code of Conduct and the *Criminal Code of Canada* and could lead to prosecution.

## **VII. Conduct Respecting Staff**

The *Municipal Act, 2001* sets out the roles of Members of Council and the municipal administration, including specific roles for statutory officers such as the Chief Administrative Officer, Clerk, Treasurer, Auditor General and the Integrity Commissioner. The *Ontario Heritage Act, 1990*, as well as the City's Official Plan, set out the role of municipal heritage committee.

The Built Heritage Sub-Committee is expected to advise and assist Council on matters relating to Parts IV and V of the *Ontario Heritage Act, 1990*, and such other heritage matters as Council may specify by by-law or as specified in the City's Official Plan.

Municipal staff is expected to:

- (a) implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- (b) undertake research and provide advice to council on the policies and programs of the municipality; and

- (c) carry out other duties required under the *Municipal Act, 2001* or any Act and other duties assigned by the municipality.

City Council as a whole has the authority to approve budget, policy, governance and other such matters. Under the direction of the City Manager, city staff, and the staff of the Offices of the Auditor General and the Integrity Commissioner, serves Council as a whole and the combined interests of all members as evidenced through the decisions of Council.

Citizen members of the Built Heritage Sub-Committee shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member of Council or citizen member, or a group consisting of Members of Council and/or citizen members.

Citizen members of the Built Heritage Sub-Committee should not:

- Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff;
- Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
- Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties.

## **VIII. Conflict of Interest**

### Guidelines

In addition to the provisions stated in Section I of this Code with respect to conflict of interest, improper use of influence and preferential treatment, a citizen member of the Built Heritage Sub-Committee shall not:

- a) Engage in any business or transaction or have a financial or personal interest that is incompatible with the discharge of his or her official duties;
- b) Place herself or himself in a position where s/he is under obligation to any person who might benefit from special consideration or favour on their part or who might seek in any way preferential treatment;
- c) Accord, in the performance of his or her official duties, preferential treatment to relatives or to organizations in which s/he or his or her relatives have an interest, financial or otherwise;
- d) Deal with an application to the City for a grant, award, contract or other benefit involving his or her spouse, live-in partner, child or parent;
- e) Place herself or himself in a position where s/he could derive any direct or indirect benefit or interest from any matter about which s/he can influence decisions; and

- f) Benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public.

Protocol

For the purposes of this Code, a citizen member has an indirect pecuniary interest in any matter in which the Built Heritage Sub-Committee is concerned, if,

- (a) the citizen member or his or her nominee,
  - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
  - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
  - (iii) is a member of a body, that has a pecuniary interest in the matter; or
- (b) the citizen member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter.

For the purposes of this Code, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member.

The following protocol shall apply to citizen members of the Built Heritage Sub-Committee:

1. (1) Where a citizen member of the Built Heritage Sub-Committee, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Built Heritage Sub-Committee at which the matter is the subject of consideration, the member,
  - a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
  - c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question or recommendation.
- (2) Where the meeting referred to in Subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the citizen member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.
- (3) Where the interest of a citizen member has not been disclosed as required by subsection (1) by reason of the citizen member's absence from the meeting

referred to therein, the citizen member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the Built Heritage Sub-Committee, as the case may be, attended by the citizen member after the meeting referred to in subsection (1).

#### Exceptions

The abovementioned protocol does not apply to a pecuniary interest in any matter that a citizen member may have,

- (a) as a user of any public utility service supplied to the citizen member by the City in like manner and subject to the like conditions as are applicable in the case of persons who are not members;
- (b) by reason of the citizen member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the City;
- (c) by reason of the citizen member purchasing or owning a debenture of the City;
- (d) by reason of the citizen member having made a deposit with the City, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
- (e) by reason of having an interest in any property affected by a work under the *Drainage Act* or by a work under a regulation made under Part XII of the *Municipal Act, 2001*, relating to local improvements;
- (f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;
- (g) by reason of the citizen member being eligible for election or appointment to fill a vacancy, office or position in the council when the council is empowered or required by any general or special Act to fill such vacancy, office or position;
- (h) by reason only of the citizen member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the City or by reason only of the citizen member being a member of a board, commission, or other body as an appointee of a council;
- (i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the citizen member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
- (j) by reason of the citizen member having a pecuniary interest which is an interest in common with electors generally; or
- (k) by reason only of an interest of the citizen member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

## **IX. Conduct Respecting Lobbying**

Citizen members of the Built Heritage Sub-Committee, as members of a Committee of Council, may be approached by various individuals attempting to influence decisions before Committee and Council. While lobbying is an acceptable practice, disclosure of lobbying activities enhances the transparency and integrity of City business.

In accordance with the City's Lobbyist Registry, citizen members of the Built Heritage Sub-Committee shall review the Lobbyist Registry on a monthly basis to confirm that instances where they have been lobbied on a particular matter, including the specific matter and date, have been registered. Where lobbying activity has not been disclosed, the citizen member shall first remind the lobbyist of the requirement to disclose and, should the activity remain undisclosed, advise the Integrity Commissioner of the failure to disclose.

Further, citizen members should ensure that individuals who are lobbying them are aware of their requirement to register as required under the requirements of the Lobbyist Registry. Citizen members should not knowingly communicate with a lobbyist who is acting in violation of the requirements of the Registry. If a citizen member is or at any time becomes aware that a person is in violation of the rules related to lobbying, the citizen member should either refuse to deal with the lobbyist or, where appropriate, either terminate the communication with the lobbyist at once or, if in the citizen member's judgment it is appropriate to continue the communication, at the end of the communication, draw that person's attention to the obligations imposed by the Registry and report the communication to the City Clerk and Solicitor and to the Integrity Commissioner.

Unless pre-approved by the Integrity Commissioner, the acceptance of any gift, benefit, or hospitality from lobbyists with active lobbying registrations or from their registered clients or their employees by citizen members of the Built Heritage Sub-Committee is prohibited.

The principle here is to ensure that companies and individuals who may be seeking to do business with the City do not do so by giving gifts or favours to people in a position to influence vendor approval or decision-making.

## **X. Gifts, Benefits and Hospitality**

Through their work on the Built Heritage Sub-Committee, citizen members are expected to provide advice and assistance to Committee and Council and to do so with both impartiality and objectivity. The acceptance of a gift, benefit or hospitality can imply favouritism, bias or influence on the part of the citizen member. At times, the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to the duties of a Committee of Council.

Citizen members shall not accept gifts that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved. For these purposes, a gift, benefit or hospitality provided with the citizen member's knowledge to a citizen member's spouse, child, or parent that is connected directly or indirectly to the performance of the citizen member's duties is deemed to be a gift to that citizen member.

To enhance transparency and accountability with respect to gifts, benefits and hospitality, citizen members will file a quarterly disclosure statement that will be added to the public Gifts Registry. Citizen members are required to disclose all gifts, benefits, hospitality and sponsored travel received which individually exceed \$30 from one source in a calendar year.

The disclosure statement must indicate:

- a. The nature of the gift, benefit or hospitality;
- b. Its source and date of receipt;
- c. The circumstances under which it was given or received;
- d. Its estimated value;
- e. What the recipient intends to do with the gift; and
- f. Whether the gift will at any point will be left with the City.

In the case of requirement (f) of the disclosure statement, those gifts received by citizen members which have significance or historical value for the City of Ottawa shall be left with City Archives at the end of a citizen member's term on the Sub-Committee.

## **ACCEPTANCE OF EVENT TICKETS**

The City of Ottawa is home to many types of festivals, community, cultural and sports events. The City is also the host site for many federal, provincial, National Capital Commission events. Consequently, citizen members of the Built Heritage Sub-Committee may be expected to attend or may be frequently encouraged to attend by being provided with tickets or invitations.

As with gifts, the acceptance of this kind of benefit can appear to be a means of undue influence. While the choice of venues and events they attend is entirely at the discretion of citizen members of the Built Heritage Sub-Committee, when accepting tickets as a gift or benefit, citizen members shall observe the following limits:

- To further enhance transparency all tickets of a value exceeding \$30 shall be disclosed quarterly in the Gifts Registry, along with the disposition thereof (e.g. who attended with the citizen member, or if donated, to whom or what organization).
- A limit of two tickets for up to two events from one source in a calendar year is permitted and requires disclosure;
- Accepting any tickets for subsequent events from the same source is prohibited.

On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in his or her opinion, create a conflict between a private interest and the public duty of the citizen member or in consultation with the City Archivist whether the gift has significance or historical value for the City. In the event that the Integrity Commissioner makes that preliminary determination, he or she shall call upon the citizen member to justify receipt of the gift or benefit.

Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the citizen member to return the gift or remit the value of any gift or benefit already consumed to the City.

The following are recognized as exceptions and do not require registration:

- (a) compensation authorized by law;
- (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- (c) a political contribution otherwise reported by law, in the case of members running for office;
- (d) services provided without compensation by persons volunteering their time;
- (e) a suitable memento of a function honouring the member;
- (f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the member is either speaking or attending in an official capacity;
- (g) food and beverages consumed at banquets, receptions or similar events, if:

1. attendance serves a legitimate business purpose;
2. the person extending the invitation or a representative of the organization is in attendance; and
3. the value is reasonable and the invitations infrequent;

(h) communication to a member, including subscriptions to newspapers and periodicals;

(i) sponsorships and donations for community events organized or run by a member or a third party on behalf of a member, subject to the limitations set in the Council Expense Policy;

(j) gifts of a nominal value (e.g. baseball cap, t-shirt, flash drive, book, etc.); and

(k) any other gift or personal benefit, if the Integrity Commissioner is of the opinion it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the citizen member in the performance of his or her duties.

The Gifts Registry will be updated on a quarterly basis and posted on the City's website for public viewing.

## **XI. Election-Related Activity**

Citizen members of the Built Heritage Sub-Committee are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and the City's *Election-Related Resources Policy*. The use of municipal resources, both actual municipal property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to any citizen member's personal campaign for office, but also other campaigns for municipal, provincial and federal office.

A citizen member shall not engage in political campaigning of any sort (municipally, provincially or federally) on behalf of the Sub-Committee or as a member of the Sub-Committee.

## **XII. Compliance with the Code of Conduct**

Citizen members of the Built Heritage Sub-Committee are expected to adhere to the provisions of the Code of Conduct. The *Municipal Act, 2001* authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, to impose either of the following sanctions:

- A reprimand.
- Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board, as the case may be, for a period of up to 90 days.

The Integrity Commissioner may also recommend that Council impose one of the following sanctions:

- Written or verbal public apology;
- Return of property or reimbursement of its value or of monies spent;
- Removal from membership of a committee; and
- Removal as chair of a committee.

The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial action at his or her discretion.

**Document 3****Proposed amendments to the Terms of Reference for the Transit Commission**

The Transit Services Department has proposed changes to the Transit Commission's Terms of Reference. The Department has indicated that the proposed amendments and requests for clarification are largely technical and 'housekeeping' in nature. As outlined in the report, staff will include these requested changes in the draft Terms of Reference for the Transit Commission, which like all Standing Committees will review and adopt its Terms of Reference at its first business meeting, before reporting to Council for consideration and approval.

The amendments/clarification proposed by the Department are as follows, with staff comment where provided:

**A. MATTERS FOR WHICH THE COMMISSION IS RESPONSIBLE TO COUNCIL**

The Transit Commission shall:

5. Consult with the Agricultural and Rural Affairs Committee and recommend to Council any changes that would affect taxation in the rural transit ~~zones~~ areas. *(Staff proposal: Add underlined wording)*
10. Provide an Annual Report to Council outlining the accomplishments and performance of the Commission and the exercise of delegated authority. *(Staff comment: Underlined portion should be clarified)*
12. In collaboration with the Transportation Committee, review and make recommendations to Council on transit infrastructure matters, such as transitways and traffic management, so as to achieve the transit goals of the City's Official Plan and the Transportation Master Plan. *(Staff comment: Section 12 should be clarified)*

**B. RESPONSIBILITIES UNDER DELEGATED AUTHORITY OF THE COMMISSION**

The Transit Commission shall have final decision-making authority with respect to the following specific responsibilities:

10. Review and approve all changes to transit network policy and performance standards related to operations. (*Staff proposal: Add underlined wording*)
12. ~~Revise and approve changes to operational performance standards.~~ (*Staff comment: Can consolidate this under #10 above*)
13. Receive and ~~approve the annual Transplan report regarding approve staff recommendations for major service changes.~~ (*Staff comment: Outdated language*)
22. Pursuant with the *Delegation of Authority By-law* (Section – Conferences and Conventions), approve Members' travel and attendance at conferences that are related to the Commission's mandate (i.e. e.g. Canadian Urban Transit Association (CUTA)). (*Staff proposal: Add underlined wording*)

## Document 4

### Ward or Position-Specific Appointments

As outlined in the Governance Report, it is recommended that the Mayor and/or the appropriate Ward Councillor be assigned to the following local board appointments:

- All BIAs (see complete list below)
- Mohr's Landing / Quyon Port Authority (*Councillor E. El-Chantiry, Ward 5 - West Carleton-March*)
- National Arts Centre (*Mayor Watson*)
- Invest Ottawa (*Mayor Watson*)
- Osgoode Care Centre (*Councillor G. Darouze, Ward 20 – Osgoode*)
- Shaw Centre (*Mayor Watson*)
- Ottawa Police Services Board (*Mayor Watson*)
- Ottawa Community Housing Corporation (*Mayor Watson*)

#### Complete List of BIAs (as of November 2014)

- Bank Street (*Councillor C. McKenney, Ward 14- Somerset*)
- Barrhaven (*Councillor J. Harder, Ward 3 – Barrhaven and Councillor M. Qaqish, Ward 22 – Gloucester-South Nepean*)
- Bell's Corners (*Councillor R. Chiarelli, Ward 8 – College*)
- Byward Market (*Councillor M. Fleury, Ward 12 – Rideau-Vanier*)
- Carp Road Corridor (*Councillor E. El-Chantiry, Ward 5- West Carleton-March, and Councillor S. Moffatt, Ward 21 – Rideau Goulbourn*)
- Carp Village (*Councillor E. El-Chantiry, Ward 5- West Carleton-March*)
- Downtown Rideau (*Councillor M. Fleury, Ward 12 – Rideau-Vanier*)
- Glebe (*Councillor D. Chernushenko, Ward 17 – Capital*)
- Heart of Orléans (*Councillor B. Monette, Ward 1 – Orléans and Councillor J. Mitic, Ward 2 – Innes*)
- Kanata North Business Park (*Councillor M. Wilkinson, Ward 4- Kanata North*)
- Manotick (*Councillor S. Moffatt, Ward 21 – Rideau-Goulbourn*)
- Preston Street (*Councillor C. McKenney, Ward 14- Somerset*)
- Somerset Street Chinatown (*Councillor C. McKenney, Ward 14- Somerset*)
- Somerset Village (*Councillor C. McKenney, Ward 14- Somerset*)
- Sparks Street Mall Authority & BIA (*Councillor C. McKenney, Ward 14- Somerset*)
- Quartier Vanier (*Councillor M. Fleury, Ward 12 – Rideau-Vanier and Councillor T. Nussbaum, Ward 13 – Rideau-Rockcliffe*)
- Wellington West (*Councillor J. Leiper, Ward 15 – Kitchissippi*)

- Westboro (*Councillor J. Leiper, Ward 15 – Kitchissippi*)

**Document 5**

**ANNEX A: SUMMARY OF COMMITTEES (2014)**  
**Table 1: Departmental Led Committees with Community Members**

#	Committee Name	Sector Area	Mandate	Community Membership (Agencies and/or residents at large)	City Staff	Term (Start/End)	Frequency
1.	Aboriginal Working Committee (AWC) - Leadership Group	Aboriginal	Approve and direct the collective work of the AWC.	13 Agencies 2 Aboriginal elders	15	Ongoing	Annually
2.	Aboriginal Working Committee - Staff Subgroup	Aboriginal	Work collectively to identify, prioritize, leverage resources and develop solutions to address emerging issues that impact Aboriginal people; and to maximize the effectiveness of services delivered to the Aboriginal community.	9 Agencies 1 Aboriginal elder	20	Ongoing	Bi-monthly
3.	Child Care Modernization Expert Panel	Child Care	Provide feedback to City staff on the development and implementation of the key components of the child care policy framework including: (1) child care system planning; (2) equitable access to child care subsidies and; (3) alignment of directly operated child care services.	5 Residents	4	Ongoing	Monthly
4.	Child Care Stakeholder Reference Group	Child Care	Provide feedback to City staff on the development and implementation of the following: - The key components of the shift from agency based funding to floating subsidies; - The development of per diem rates; - The shift to a contribution process for agencies; - The provider portal for the waitlist management technology.	10 Child Care providers 3 School Board reps Councillor Taylor 1 Community agency	4	Ongoing	Monthly
5.	Child Care Information	Child Care	Provide feedback to City staff on the	3 Child Care	2	Sept 2014 -	Monthly

**ANNEX A: SUMMARY OF COMMITTEES (2014)**  
**Table 1: Departmental Led Committees with Community Members**

#	Committee Name	Sector Area	Mandate	Community Membership (Agencies and/or residents at large)	City Staff	Term (Start/End)	Frequency
	Transition Work Group		development, implementation and improvement of information to parents regarding the child care system.	5 Agencies		Dec 2014	
6.	Community Conversation Reference Group	Community Planning	Guide the planning, implementation and post-Forum review for the annual Community Conversation.	11 agencies 4 Residents	11	September 2014 - June 2015	3 - 4 per year
7.	Employment Ontario Ottawa Network	Employment	Provide leadership in Employment Service delivery to the community ensuring service excellence for our stakeholders.	11 Employment Ontario sites	1	Ongoing	Monthly
8.	Employment Networking Group	Employment	Provide a venue of sharing and collaboration for local community service providers who work with unemployed and underemployed residents of Ottawa.	20 Agencies	2	Ongoing	3 per year
9.	OPT4Jobs Program Committee	Employment	Ensure that the established Joint Implementation Plans between Ontario Works and Ontario Disability Support Program are up to date and support the overall Ministry of Community and Social Service's objective of improving employment outcomes for nondisabled adults referred to and participating in OW employment assistance programs and services.	4 Agencies	3	Ongoing	Monthly
10.	City-Wide Housing Search Network	Homelessness	Networking for housing search workers, funded and non-funded by the City, including sharing best practices, identifying housing capacity, building capacity and effectiveness in community, reducing worker isolation; develop useful front line tools.	12 Agencies	1	Ongoing	4 per year
11.	Domiciliary Hostel	Homelessness	Provide opportunities for Domiciliary Hostel	31 Agencies	2	Ongoing	2 per year

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#	Committee Name	Sector Area	Mandate	Community Membership (Agencies and/or residents at large)	City Staff	Term (Start/End)	Frequency
	Resource Network		service providers to be informed about community resources.				
12.	Street Outreach Managers' Network	Homelessness	Ongoing review of issues and trends, communication, collaboration and staff training needs related to street outreach activities. (funded and non-funded agencies)	9 Agencies	1	Ongoing	Annually
13.	Street Outreach Services Network (Front Line)	Homelessness	Respond to issues and trends pertaining to street clients Communication and collaboration among service providers to maximize resources Distribution of seasonal supplies to clients	9 Agencies	1	Ongoing	11 per year
14.	Community Advisory Board for the federal Homelessness Partnering Strategy funding	Homelessness	A group of representatives of the homelessness services sector that, from 2004 has had input into the development of Ottawa's various Community Action Plans on Homelessness. Input into, and sign-off on periodic spending plans to Economic and Social Development Canada re federal Homelessness Partnering Strategy funding (HPS). Input to allocations of HPS funding through ad hoc Allocation sub-committees or emails to all members.	12 Agencies	4	Ongoing	1 or 2 per year
15.	Violence Against Women (VAW) working group	Housing	Work together to coordinate the placement of women fleeing abuse as well as improve the processes for placement within the emergency shelter system.	2 Agencies	2	Ongoing	Monthly
16.	Homeless Individuals and Families Information	Housing	Committee of Homeless Individuals and Families Information System (HIIFIS)	12 Agencies	2	Ongoing	Bi-monthly

**ANNEX A: SUMMARY OF COMMITTEES (2014)**  
**Table 1: Departmental Led Committees with Community Members**

#	Committee Name	Sector Area	Mandate	Community Membership (Agencies and/or residents at large)	City Staff	Term (Start/End)	Frequency
153	System rep meetings		representatives from all community and family shelters on the use of HFIS. Open discussion re: functionality of tool, upgrades to tool as well as, representative share information with their fellow shelter staff to ensure consistency in use of HFIS. Training requirements also discussed.				
17.	Cornerstone Workgroup	Housing	Discuss maintenance and lifecycle planning for city owned facility.	1 Agency	3	Ongoing	Bi-monthly
18.	Lunchbox Working Group	Housing	Discuss sustainability of the Lunchbox Program within the two family shelters.	2 Agencies	4	Ongoing	Quarterly
19.	YMCA Working Group	Housing	Discuss processes for placement of homeless families by Offsite staff to YMCA. Discussion re: case management concerns.	1 Agency	3	Ongoing	Bi-annual
20.	Housing Stakeholder Advisory Group	Housing	Provide feedback and information sharing opportunities on a variety of operational and policy issues relating to social housing and the roles of the Service Manager, housing providers and The Registry.	12 Agencies	2	Ongoing	Bi-monthly
21.	Centralized wait list working group	Housing	Review the current centralized wait list model and make recommendations for change.	5 Agencies	2	Ongoing	Bi-monthly
22.	Emergency shelter model working group	Housing	Review the current emergency shelter model and make recommendations for changes	7 Agencies	3	Ongoing	Bi-monthly
23.	Local social housing policies and priorities review working group	Housing	Review the 2008 Council-approved social housing priorities and policies and make recommendations for change, amend, delete priorities and policies as needed.	5 Agencies	2	2013 - 2015	Every 6 weeks

**ANNEX A: SUMMARY OF COMMITTEES (2014)**  
**Table 1: Departmental Led Committees with Community Members**

#	<b>Committee Name</b>	<b>Sector Area</b>	<b>Mandate</b>	<b>Community Membership (Agencies and/or residents at large)</b>	<b>City Staff</b>	<b>Term (Start/End)</b>	<b>Frequency</b>
24.	Below Market Rent Affordable Housing Working Group	Housing	Develop below market rent policies for affordable housing	8 Agencies	2	Ongoing	Quarterly
25.	Housing System Working Group (HSWG)	Housing	Guide the implementation of the 10 Year Housing and Homelessness Plan	14 Agencies	4	Ongoing	Monthly
26.	Housing System Working Group Advocacy sub-group	Housing	Develop and implement an advocacy plan for the 10 Year Housing and Homelessness Plan	6 Agencies	3	Ongoing	Every 6 weeks
27.	Seniors Roundtable Working Group	Housing	Plan and implement a round table discussion that focuses on how to facilitate the development of affordable housing for older adults	3 Agencies	5	April – November 2014	Monthly
28.	City of Ottawa Immigration Network	Immigration	Inform City policy and program development and decision-making regarding immigration; Create opportunity for City strategies to be developed within the context of the broader community/ Ottawa Local Immigration Partnership goals.	1 Agency	20	1 year	Quarterly
29.	Seniors Roundtable	Older Adults	Provide feed-back to City staff on the implementation of the City of Ottawa Older Adult Plan (OAP). Act as the City's primary mechanism for engaging residents on issues affecting older adults.	17 Agencies	7	2012 - Q1 2015	Quarterly
30.	Community Development Framework Steering Committee	Residents	Provide strategic direction and support to the CDF secretariat and to address systemic issues.	24 Agencies	2	Ongoing	Quarterly
31.	Community	Residents	Identify and respond to the needs of	19	2-7	Ongoing	Quarterly

**ANNEX A: SUMMARY OF COMMITTEES (2014)**  
**Table 1: Departmental Led Committees with Community Members**

#	Committee Name	Sector Area	Mandate	Community Membership (Agencies and or residents at large)	City Staff	Term (Start/End)	Frequency
	Development Framework- Neighborhood Tables		residents in CDF priority neighborhoods.	Neighborhoods (resident & community stakeholders)			
32.	Community Hub Advisory Committee	Social Services	Liase on issues related to the Community Hub.	19 Agencies	3	Ongoing	As needed
33.	Violence Against Women (VAW) Working Group	Women	Work with the Violence Against Women sector to coordinate services and develop/review policies.	9 Agencies	1	Ongoing	Quarterly
34.	Ottawa Youth Engagement Committee (OYEC)	Youth	Monitor the progress of the Youth Summit Action Plan (YSAP) and to advise City staff on the implementation of YSAP initiatives. Act as a consultative youth body to City staff on issues over and above the Youth Summit Action Plan. Identify new priorities important to youth and implement strategies to increase the youth voice within City Departments. Champion/promote/mark the committee to all youth in Ottawa.	2 Agencies 15 Residents	3	2 Year term	Monthly
	<b>Sub Total</b>		<b>≈ 359</b>	<b>≈ 149</b>			

**ANNEX A: SUMMARY OF COMMITTEES (2014)**  
**Table 2: Community Led Committees with City Representative**

#	Committee Name	Sector Area	Mandate	Community Membership (Agencies and/or residents at large)	City Staff	Term (Start/End)	Frequency
1.	Leveraging Our Strengths	Capacity Building	A group of partner agencies organize an annual conference to promote understanding of collective impact initiatives and showcase local initiatives which have the potential to make large scale social change.	5 Agencies	1	Ongoing	As needed
2.	Ottawa Child and Youth Initiative: Growing Up Great - Research and Evaluation Task Group	Children and Youth	Provide research and evaluation support to the Growing Up Great initiative.	8 Agencies	2	Ongoing	Monthly
3.	Ottawa Child and Youth Initiative: Growing Up Great - Council of Partners	Children and Youth	Foster a community where all children and youth in Ottawa grow up great because they live in safe and caring environments, where their fundamental needs are met, where they benefit from opportunities to develop their competencies, and where they prosper in stable and nurturing relationships.	18 Agencies	2	Ongoing	4-6 per year
4.	Ottawa Neighbourhood Study Steering Committee	Community Data	Provide data on strengths and challenges for each neighbourhood in Ottawa. By all working together we can improve the neighbourhoods in which we live.	4 Agencies 3 Residents	3	Ongoing	Every 6 weeks
5.	Labour Market Service Delivery Committee	Employment	Share information that will help to build and enhance labour market planning capacity in Ottawa.	8 Agencies 2 Universities 3 Colleges 3 Provincial reps 1 Federal rep	1	Ongoing	Quarterly
6.	Poverty and Hunger	Food Security	Increase access to healthy foods in	10 Agencies	2	Ongoing	Every 2

**ANNEX A: SUMMARY OF COMMITTEES (2014)**  
**Table 2: Community Led Committees with City Representative**

#	<b>Committee Name</b>	<b>Sector Area</b>	<b>Mandate</b>	<b>Community Membership</b> (Agencies and/or residents at large)	<b>City Staff</b>	<b>Term</b> (Start/End)	<b>Frequency</b>
7.	Work Group		neighbourhoods with limited availability.	3 Residents			
7.	Grantmaker's Table	Funding	Forum for collaboration, sharing best practice amongst local funders	10 Agencies	1	Ongoing	6 per year
8.	United Way Community Investment Committee	Funding	Assist Community Services Cabinet of UW by recommending investment	19 Agencies	1	Ongoing	6 per year
9.	United Way Priority Assessment Group (Agency Capacity)	Funding	Assist Community Services Cabinet of UW by recommending investment	10 Agencies	1	Ongoing	5 per year
10.	Research & Evaluation Committee of the Alliance to End Homelessness, and Report Card Subcommittee	Homelessness	Identify local research priorities Support local research Transfer that knowledge to the community at large	10 Agencies	1	Ongoing	Monthly
11.	Alliance to End Homelessness Steering Committee	Homelessness	Community based committee for advocacy and research on issues of homelessness.	20 Agencies	1	Ongoing	Ongoing
12.	Housing Loss Prevention Network	Homelessness	Ongoing review of activities of the Housing Loss Prevention Network Issues and trends in relation to residents at risk of losing their housing Contractual obligations, review of statistics and financial position Collaboration with other systems and networks	12 Agencies	1	Ongoing	4 per year
13.	Broadening the Base Committee	Housing	Bring together the faith and social housing sectors to develop innovative ways to build affordable housing on lands owned by religious organizations	30 Agencies	1	Ongoing	Bi-monthly

**ANNEX A: SUMMARY OF COMMITTEES (2014)**  
**Table 2: Community Led Committees with City Representative**

#	Committee Name	Sector Area	Mandate	Community Membership (Agencies and/or residents at large)	City Staff	Term (Start/End)	Frequency
14.	Ottawa Social Housing Network Supply Committee	Housing	Bring social housing providers together to explore ways to develop more affordable housing	25 Agencies	1	Ongoing	Bi-monthly
15.	Canadian Centre for Disability Studies Visitability Task Force	Housing	Promote visitable housing among housing providers and developers and residents in the City of Ottawa	10 Agencies	2	2014-2016	Bi-monthly
16.	Alliance to End Homelessness	Housing	Eradicate homelessness and advocate for funding from all sectors of government. Produce yearly report card on homelessness efforts in the city. City role is ex-officio.	8 Agencies	2	Ongoing	Monthly
17.	Home Take Over Committee Crime Prevention	Housing /Crime Prevention	Increase awareness of the issue and ways to assist agencies/ support workers in addressing the issues with clients.	13 Agencies 1 Resident	4	Ongoing	Bi-monthly
18.	Bell and Eccles Working Group	Housing Support Services	Address community concerns and stabilize the area.	5 Agencies 6 Residents	6	Ongoing	As requested by Councillor
19.	The Ottawa Local Immigration Partnership (OLIP)	Immigration	Collaborative community initiative designed to strengthen Ottawa's capacity to welcome immigrants and improve integration outcomes related to economic, social, political, and civic participation.	80 Agencies 5 Residents	12	Ongoing	Council: Semi annually Executive: Bi-Monthly
				Sector Tables: Semi Annually			Subgroups:

**ANNEX A: SUMMARY OF COMMITTEES (2014)**  
**Table 2: Community Led Committees with City Representative**

#	Committee Name	Sector Area	Mandate	Community Membership (Agencies and/or residents at large)	City Staff	Term (Start/End)	Frequency
20.	Equity Project (OLIP)	Immigration	Promote equitable access to social, health, and education services for immigrants and racialized populations	19 Agencies	2	2 years	Monthly
21.	United Way Successful Aging Strategic Council	Older Adults	Represent the City in the Successful Aging Initiative	11 Agencies	1	Ongoing	Quarterly
22.	Age Friendly Ottawa Steering Committee	Older Adults	NOTE: The former Age Friendly Ottawa Steering Committee has dissolved at the end of Phase I. The Council on Aging is currently developing a new governance structure for Phase II which will most likely include a Steering Committee. The Terms of Reference have not been released yet but the mandate will likely be to provide the overall strategic direction for the project and oversee the progress on the implementation of the age-friendly action plan.	4 Residents	To be determined	To be determined	To be determined
23.	Ottawa Community Support Coalition	Seniors	Network of community support providers	40 Agencies	2	Ongoing	6 per year
24.	Ontario Disability Support Program (ODSP) Committee	Social Services		8 Agencies	1	Ongoing	
25.	City for All Women Initiative Steering Committee	Women	Engage women across diversity on government issues.	8 Agencies	2	Ongoing	Monthly
26.	Youth Futures Champions Table	Youth	Sustain the vision and mission as well as confirm goals and objectives of the Youth Futures program based on the	4 Agencies	4	Ongoing	Quarterly

**ANNEX A: SUMMARY OF COMMITTEES (2014)**  
**Table 2: Community Led Committees with City Representative**

#	Committee Name	Sector Area	Mandate	Community Membership (Agencies and/or residents at large)	City Staff	Term (Start/End)	Frequency
			recommendations of the Coordinators Table. Provide the appropriate standards to support and facilitate the implementation of programs. Develop a long-term financial plan, which ensures the stability and endurance of the program. Provide overall direction to the Youth Futures Coordinators Table.				
27.	Youth Futures Coordinating Table	Youth	Manage the execution of the Youth Futures program in accordance with the program goals, as defined by the Champions Table.	4 Agencies	5	Ongoing	Monthly
	<b>Sub Total</b>			<b>≈ 433</b>	<b>≈ 64</b>		

**ANNEX A: SUMMARY OF COMMITTEES (2014)****Summary**

- Sub Total of Committees Led by City  
= 34 City committees
- Sub Total of Committees Led by the Community  
= 27 Community committees
- **Total Committees with City Staff**  
= **61 Committees**
- Sub Total Agencies/Residents Involved in Committees Led by City  
= 359 Agencies/Residents
- Sub Total Agencies/Residents Involved in Committees Led by Community  
= 433 Agencies/Residents
- **Total Agencies/Residents Involved in Committees**  
= **792 Agencies/Residents**
- Sub Total Staff Involved in Committees Led by City  
= 149 City Staff
- Sub Total Staff Involved in Committees Led by Community  
= 64 City Staff
- **Total Staff Involved in Committees**  
= **213 City Staff**

**Document 6**

# 2014 Annual Report of the Integrity Commissioner

## COMMISSIONER'S REMARKS

This is my second annual report as Integrity Commissioner for the City of Ottawa. I was appointed on August 29, 2012 as the City's "three-in-one" commissioner: Integrity Commissioner, Lobbyist Registrar and Meetings Investigator. The City's Lobbyist Registry was launched on September 1, 2012, and the Code of Conduct for Members of Council and its related policies were enacted on July 1, 2013. The details of these foundational measures are documented in my first annual report.

This year, the behaviour of Members of several municipal councils in Ontario has been in the spotlight. Elected officials' personal conduct, misuse of corporate resources, alleged contravention of codes of conduct, and abuse of closed meetings have made headlines both provincially, and internationally.

One could bemoan these events, regarding the alleged misdeeds as reason to distrust our elected officials and public institutions. I believe, however, that recent media attention to matters of elected officials' conduct, the public reaction and the response of municipalities have demonstrated a renewed commitment to integrity.

That elected officials face increased public scrutiny on ethical issues "...tells me one important thing – in today's political world, ethics matter", wrote Ontario Integrity Commissioner Lynn Morrison in her 2012-2013 Annual Report.<sup>11</sup> Indeed, over the past year, members of the public, the media, and public office holders alike have participated in a dynamic public conversation on the ethical expectations we hold for our local representatives. The pieces we have put in place with respect to Members' integrity – codes of conduct, proactive disclosure of gifts received, and policies governing Members' spending, to name but a few – have served as important points of reference for that conversation.

As I write this, debate in the Ontario Legislature has begun on Bill 8 2014, *An Act to promote public sector and MPP accountability and transparency by enacting the Broader Public Sector Executive Compensation Act, 2014 and amending various Acts*. When this legislation is proclaimed it will be a major legislative leap for transparency and accountability for the public office holders throughout Ontario.

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<sup>11</sup> Morrison, Lynn. "Office of the Integrity Commissioner of Ontario Annual Report 2012-2013", p. 2.

While writing ethics laws, codes of conduct and transparency policies are together the genesis of any ethics regime, the best way to keep these “pieces” useful and relevant is to keep the conversation going. In her 2005 Report on the Toronto Computer Leasing Inquiry, Justice Denise E. Bellamy wrote: “(v)alues must be more than ‘ethical art’: a nicely framed code of conduct hanging on the wall (...) (t)hey should animate everyday decisions by everyone at all levels of activity.” The only way to realize our codified commitments, Bellamy indicates, is to weave them into the everyday “ethical culture” of our institutions.<sup>12</sup>

Over the past year, conversations on matters of ethics have occurred at the City of Ottawa on a day-to-day basis. I’m pleased to report that the most substantial part of my mandate as Integrity Commissioner has been to provide advice and interpretation on the Code of Conduct for Members of Council in response to Members’ inquiries and of the public at large.

Members are asking “can I...”, or “should I...” on a regular basis, and are coming to my office *before* making their decisions. That my core function has been to participate in such conversations, and not to investigate Code of Conduct complaints, indicates that a culture of integrity has taken root.

In my capacity as Lobbyist Registrar, staff and I have been having daily conversations with lobbyists, City staff and Members of Council in order to uphold the requirements of the City of Ottawa’s Lobbyist Registry By-law. A major function of my office over the past year has been to conduct a compliance audit of the Lobbyist Registry. The aim of the audit has been to ensure that registered lobbyists have disclosed all necessary information with respect to their lobbying activities. Over the course of the audit, when a profile was discovered to have incomplete and/or unclear records of lobbying, my office contacted and worked with registered lobbyists to educate them on the requirements of the Lobbyist Registry By-law. We have found a willingness to learn and comply with the By-law on the part of all Lobbyist Registry stakeholders.

Reflecting on the past year, I can report we have built on strong foundations by realizing our goals for the year: to focus on the educational and advisory function of my office, and to achieve greater compliance with the Lobbyist Registry By-law.

I would like to acknowledge the ongoing support and dedication of the City Clerk and Solicitor, the Deputy City Clerk, and of the staff of their office. Though the team is small,

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<sup>12</sup> Madame Justice Denise E. Bellamy, *Toronto Computer Leasing Inquiry*, Volume 2: Good Government: 25.

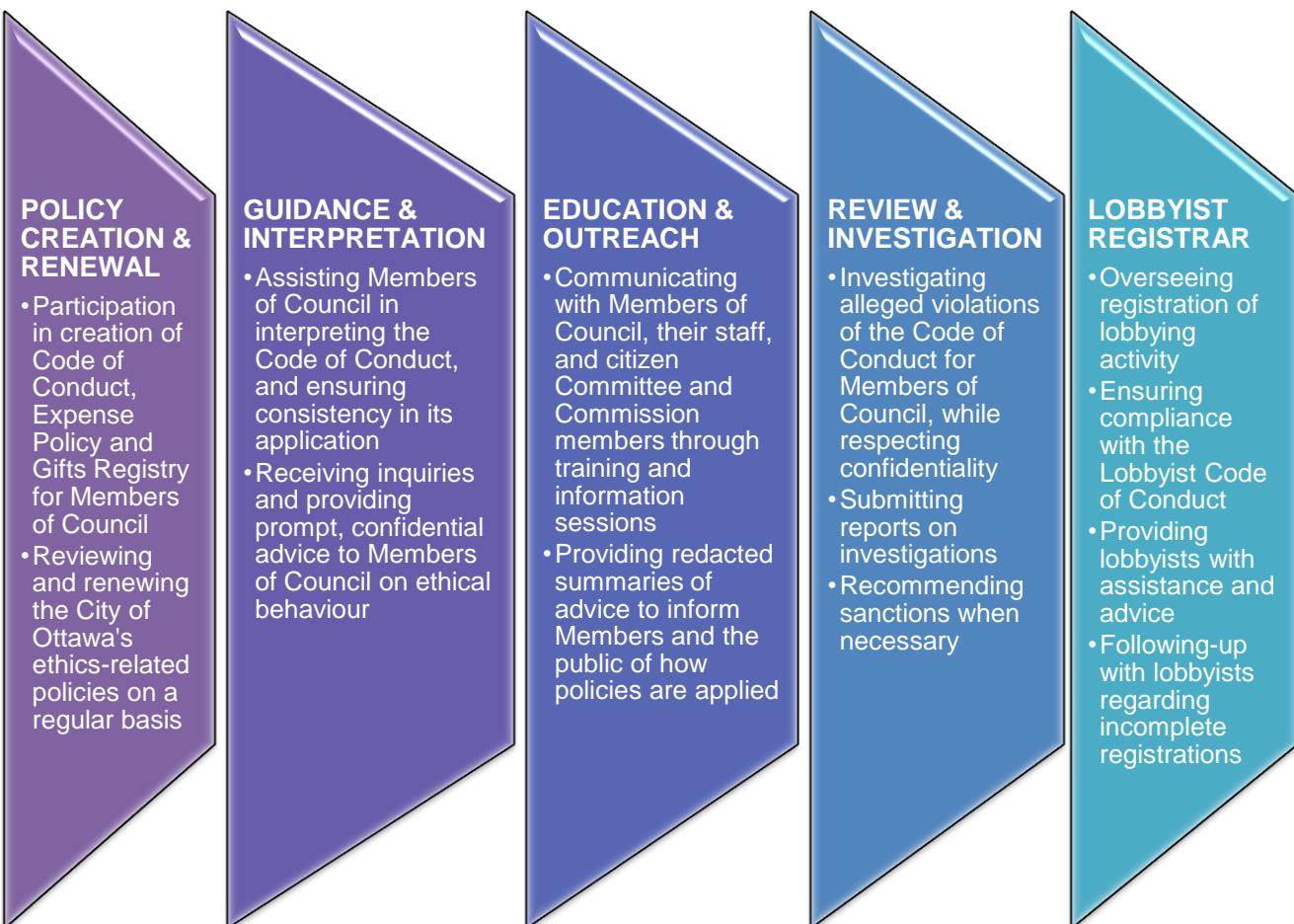
their achievement in developing the Office of the Integrity Commissioner from idea to realization and now, into our second full year of operations, is noteworthy.

I look forward in the coming year to becoming acquainted with the new Members of the City of Ottawa's 2014-2018 Council, as well as continuing to support those returning Members in their renewed mandate.

Robert Marleau, Integrity Commissioner, City of Ottawa

## KEY FUNCTIONS AND ACTIVITIES OF THE OFFICE

### KEY FUNCTIONS AND ACTIVITIES



## **Integrity Commissioner**

## MANDATE

The statutory role of the Integrity Commissioner is set out in Section 223.3 of the *Municipal Act, 2001*:

### Integrity Commissioner

223.3(1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to,

- (a) the application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them;
- (b) the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them; or
- (c) both of clauses (a) and (b).

As Integrity Commissioner, I have the powers of inquiry and delegation as well as a duty of confidentiality and reporting requirements as follows:

- I report directly to Council on matters related to the Code of Conduct and other policies, rules or procedures related to ethics for Council, the Built Heritage Sub-Committee and the Transit Commission;
- I have the power to undertake investigation into complaints alleging contraventions of the applicable code of conduct while respecting confidentiality; and
- My reports are public and I am permitted to disclose necessary information related to the findings while maintaining confidentiality. I can make recommendations to City Council relating to Code of Conduct breaches, but only Council can sanction one of its Members.

Council also has the authority to assign additional powers and duties to the Integrity Commissioner.

## OVERVIEW

As part of the 2010-2014 Governance Review, City Council endorsed Mayor Jim Watson's initiative for the development of an Accountability Framework for Members of Council. The portions of the Accountability Framework that fall within the Integrity Commissioner mandate include the Code of Conduct for Members of Council and its related policies (the *Council Expense Policy* and the *Community, Fundraising and Special Events Policy*), all of which came into effect on July 1, 2013.

Additionally, the Code of Conduct for Members of Council, Section X, contains provisions governing Members' acceptance of gifts, benefits and hospitality. To enhance transparency and accountability with respect to gifts, benefits and hospitality, Members are required to disclose all such items received, including sponsored travel, which individually exceed \$30 from one source in a calendar year. In October, 2013, Members of Council began the regular public disclosure of this information in the Gifts Registry posted on ottawa.ca.

## EDUCATION AND OUTREACH

In addition to my statutory role as Integrity Commissioner, I have a responsibility to provide education and advice on the application of the Code of Conduct for Members of Council ("the Code"). The Code applies to Members of Council and citizen members of the Transit Commission and Built Heritage Sub-Committee (when acting in their official capacity).

The City of Ottawa's Code is a hybrid of a rules-based, and a values-based code. As such, it establishes high-level ethical standards but also provides some specific rules designed to enhance public trust and accountability.

The Code was not designed to provide for every scenario a Member of Council may encounter; rather, it establishes a model of ethical behaviour that forms the starting point of an ongoing conversation on matters of ethics and integrity. The Code is one part of a living Accountability Framework that is reviewed and renewed on a regular basis.

As the Code came into effect on July 1, 2013, this was the first full year in which it was in place. I noted in my last annual report that, since the Code had been enacted, many Members of Council and their staff had taken advantage of my education and advice function. I am pleased to report that providing advice and interpretations in response to

inquiries of Members of Council and their staff continues to be the core function of my mandate as Integrity Commissioner.

As part of my ongoing focus on providing education and advice, in response to Members' inquiries, I seek to not simply provide an answer (e.g. "yes, under the Code, it is permissible to attend X event"), but to also explain my interpretation with clear reference to the Code's provisions. I believe such exchanges with Members of Council, their staff, City Staff, and members of the public forward an ongoing conversation on ethics that has changed, and continues to change, the culture of accountability and integrity at the City.

The Office of the Integrity Commissioner seeks to report and make accessible to the public interpretations on common inquiries. This year, my office published an interpretation bulletin on ottawa.ca to clarify the obligations of Members of Council or their staff, when acting on the Member's behalf, when they are in a position where they may receive gifts, benefits or hospitality.

This year, my office has also sought to build dialogue with those of other Ontario municipal Integrity Commissioners, as well as with the Office of the Integrity Commissioner of Ontario and those of Federal accountability officers. Maintaining a cross-jurisdictional conversation on best practices is vital to the continued success of the City's Accountability Framework.

## **COMPLAINT INVESTIGATION AND ADJUDICATION**

Anyone who identifies or witnesses behaviour or an activity that they believe to be in violation of the Code of Conduct may pursue the matter either through the informal or formal complaint procedures. All complaints received are handled in accordance with the Complaint Protocol. There is no fee charged for making a complaint.

In my 2013 Annual Report, I noted that a complaint relating to a matter between a Member of Council and a constituent was still pending. This complaint was resolved through the informal process.

For the period of October 1, 2013 to October 31, 2014, I have received ten complaints, all of which were sent to my office by members of the public. All of those were deemed outside of my jurisdiction, and most often fell within the jurisdiction of the City Clerk and Solicitor, the Auditor General, or the City Manager.

As Municipal elections in Ontario were held on October 27, 2014, the restriction set out in Part B; Section 8 of the Complaint Protocol regarding the Integrity Commissioner's receipt of complaints was in effect:

### **No Complaint Prior to Municipal Election**

8. Notwithstanding any other provision of this Protocol, no complaint may be referred to the Integrity Commissioner, or forwarded by the Clerk for review and/or investigation after the last meeting of Council in July, in any year in which a regular municipal election will be held.

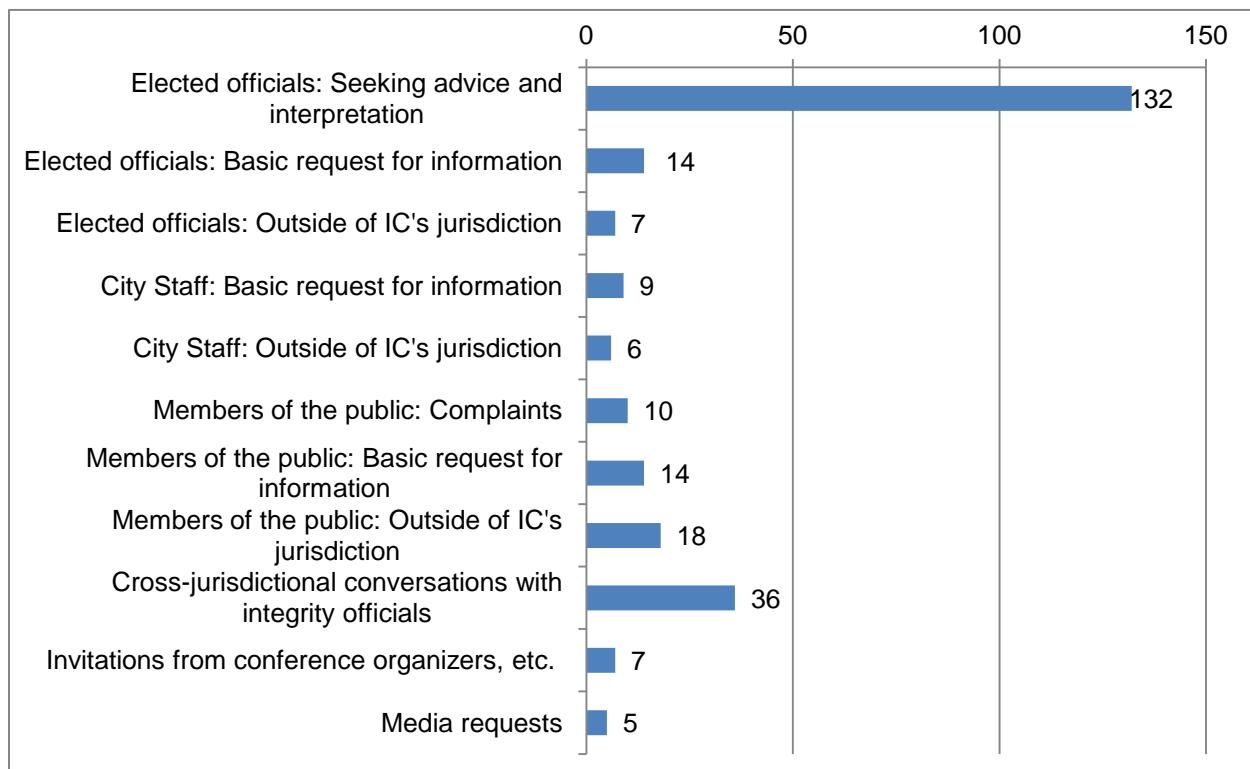
In 2014, the last meeting of Council in July occurred on July 9<sup>th</sup>.

### **INQUIRIES AND ADVICE**

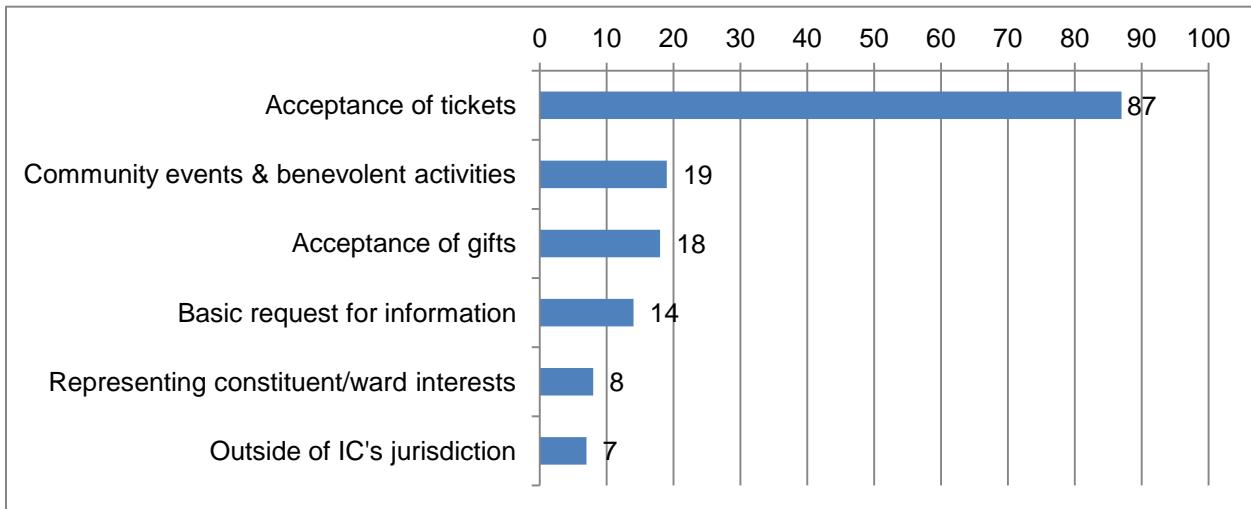
Providing written advice and interpretations to inquiries Members of Council and their staff send to [integrity@ottawa.ca](mailto:integrity@ottawa.ca) continues to be the core function of my Integrity Commissioner mandate.

Most inquiries received this year were from Members of Council and their staff seeking advice and interpretation of Code of Conduct provisions.

### **Origin and Nature of Inquiries Received by the Office of the Integrity Commissioner:**



**Nature of inquiries received by the Office of the Integrity Commissioner from Members of Council:**



The following are samples of inquiries I have received and the interpretation or advice that has been provided. The redacted summaries have been provided in an effort to ensure the Code is applied consistently and to assist Members with applying the Code to real life situations.

It is important to note that each inquiry is accompanied by its own specific context and facts. The following anonymized summaries should not be relied upon as rulings nor be considered a substitute for calling or writing my office when in doubt.

**Acceptance of Tickets**

Guidelines for the acceptance of tickets as outlined in the Code of Conduct are as follows:

- Tickets/hospitality/benefits may not be accepted from lobbyists or their clients and employees with active lobbying files;
- A limit of two tickets for up to two events from one source in a calendar year is permitted and requires quarterly disclosure in the Gifts Registry; and
- A ticket with an estimated value exceeding \$30 that is not exempted based on the Member's representative role requires disclosure, along with the disposition thereof (e.g. who attended with the Member, or if donated, to whom or what organization).

**Inquiry:**

Members of Council were provided all-event tickets for themselves and a guest to attend a series of sporting events to take place over four days. How does the Code of Conduct apply to these tickets?

**Interpretation:**

If Members accept the tickets, they must disclose them on the Gifts Registry. The name of the individual with whom each Member attended the events must also be disclosed.

The basis of the Integrity Commissioner's assessment is as follows:

- The event does not relate directly to the Member's representative role, and is therefore not exempt from disclosure on that basis; and
- The website for the event states that tickets range in price from \$125 to \$185 per ticket. As the tickets exceed the \$30 monetary threshold for disclosure, if accepted, the tickets would require disclosure in the Gifts Registry.

**Inquiry:**

A Member of Council was invited to attend an annual fundraising event for a not-for-profit organization within the Member's ward. The invitation was for the Member and a guest, and was to include a dinner. If the Member were to attend, would the Member be required to disclose the tickets on the Gifts Registry?

**Interpretation:**

The annual fundraising event is to support the organization's activities as well as community events that it undertakes throughout the year. As such, the event qualifies as one for which the Member would be attending in an official capacity.

Additionally, as there are no files in the Lobbyist Registry associated with the organization, the prohibition in Section IX of the Code of Conduct against accepting any gift, benefit or hospitality from lobbyists with active registrations does not apply.

In establishing the Code of Conduct, consideration was given to the representative role of Members of Council particularly as it relates to their attendance at a variety of events including many types of festivals as well as community, cultural and sporting events. The oversight applied in the area of tickets was not meant to unduly limit a Member's ability to attend such events.

## **Participation in Community Events**

Community Events are events for which Members themselves seek and receive donations or sponsorships to organize events that benefit their ward, a specific community within their ward, or a local charity.

For example, in undertaking a community event, a Member may seek sponsorship from a local business for an annual community breakfast. Other examples of community events include winter carnivals, seniors' teas, and events associated with celebrations such as Canada Day or Christmas.

As outlined in the *Community, Fundraising and Special Events Policy*, when undertaking community events, Members shall observe the following parameters:

- Unless pre-approved by the Integrity Commissioner, Members shall not solicit or accept donations from lobbyists or their clients or their employees with active files in the Lobbyist Registry.
- Members shall report on these activities as part of Public Disclosure on an annual basis.
- In an election year, Members must not seek donations and sponsorships for any event that has not been staged in the previous two years, and shall not accept donations or stage any new event supported by donations and sponsorships after she or he has filed nomination papers for election.

### **Inquiry:**

A Member is seeking sponsorship for an annual event that has been held for the past several years. Although the event occurs in an election year, it falls outside of the 60-day “blackout period” leading up to, and including Voting Day, as described in the City’s *Election-Related Resources Policy*. What kind of restrictions are there on soliciting sponsorship for this annual event?

### **Interpretation:**

When seeking a sponsor for an event, the Member is encouraged to be mindful of important provisions of the *Community, Fundraising and Special Events Policy* (“the Policy”) and the *Election-Related Resources Policy* (“the ERRP”). The ERRP is enforced by the City Clerk and Solicitor.

Under Section 2 of the Policy, without pre-approval from the Integrity Commissioner, a Member may not solicit or accept donations from lobbyists or their clients or their employees with active files in the Lobbyist Registry.

This provision complements the prohibition in the Code of Conduct on Members' acceptance of any gift, benefit, or hospitality from lobbyists, their clients or employees with active files. If a Member has a compelling reason to accept sponsorship from a lobbyist, their client or employees with active files, the Member may contact the Integrity Commissioner.

The Member must also be aware of what action is permitted during an election year. Section 2 of the Policy provides the following instruction with respect to this matter:

- In an election year, a Member of Council must not seek donations and sponsorships for any event that has not been staged in the previous two years nor accept donations or stage any new event supported by donations and sponsorships after he or she has filed nomination papers for election to any office in the City of Ottawa.

As the Member's event had been staged in the previous two years, the above-stated prohibition does not apply.

Finally, the Member must also be mindful of the prohibition in the ERRP on the use of Members' budgets to sponsor any advertisements for the 60-day period prior to, and including, Voting Day. Although the event itself falls outside of this period, the Member must not use corporate resources and/or the Member's budget to advertise for the event during the blackout period.

To confirm, the Member may seek a sponsor for the annual event, and will not be in breach of the ERRP or the Policy as long as the Member:

- Does not seek sponsorship from lobbyists, their clients or their employees with active files in the Lobbyist Registry, and
- Does not use corporate resources and or his/her Member's budget to advertise for the event during the blackout period of August 28<sup>th</sup> – October 27<sup>th</sup>, 2014 (Voting Day)

## **Support for Benevolent Activities**

A Member undertakes a benevolent activity when he or she assists a third party entity, such as a charity, in activities run by or benefitting that entity. If a Member lends his or her name in support of a charity's fundraising campaign – for example, "The annual Jane Doe hockey tournament, benefitting community youth sports programs" – he or she is undertaking a benevolent activity. Other examples of benevolent activity include:

- Accepting honorary roles in organizations, such as that of an honorary Chair of a fundraising campaign.
- Signing letters to donors inviting them to a fundraising event for a new community playground.

### **Inquiry:**

A not-for-profit organization in a Member's ward asked the Member to serve as honorary co-chair of a community fundraising campaign. Responsibilities of the Member's position would include helping lead fundraising among local businesses. Would the Member's participation in the initiative contravene the Code of Conduct?

### **Interpretation:**

In taking on the role of honorary co-chair of the community fundraising campaign, the Member would be operating within the terms of the Code of Conduct and the *Community, Fundraising and Special Events Policy* ("the Policy").

Section 3 of the Policy addresses Members' involvement with organization such as charities and non-profits, and provides guidelines regarding the use of influence and the solicitation of funds:

Members of Council are called upon to assist and support various charities, service clubs, and other non-profit and community-based associations. For example, Members support their communities in a variety of ways including, but not limited to:

- Accepting honorary roles in organizations;
- Lending their names to organizations and events to assist in fundraising; and
- Encouraging community and corporate donations to registered charitable, not-for-profit, or other community-based groups.

By accepting the honorary role and lending his/her name to assist in fundraising and encouraging donations, the Member will be operating within the accepted terms of the Policy.

The purpose of the accountability measures set out in the Code of Conduct and the Policy is to ensure the separation of support of charitable and community events from any benefit that might accrue to the Member on a personal level. The Member will not be in breach of either the Policy or the Code as long as the Member is not involved in any activity that might be, or be perceived to be, in support of his/her own private interests.

### **Acceptance of Gifts**

Guidelines for the acceptance of gifts as outlined in the Code of Conduct are as follows:

- The acceptance of a gift, benefit or hospitality can imply favouritism, bias or influence on the part of the Member; however
- At times, the acceptance of a gift, benefit or hospitality occurs as part of the social protocol or community events linked to the duties of an elected official and their representative role
- Members of Council are required to disclose all gifts, benefits, hospitality and sponsored travel received which individually exceed \$30 from one source in a calendar year.

#### **Inquiry:**

A Member of Council received a gift basket from an organization that has active lobbying files in the City's Lobbyist Registry. How should the Member manage this situation?

#### **Interpretation:**

Under the Code of Conduct, Section IX (Conduct Respecting Lobbying), unless pre-approved by the Integrity Commissioner, Members of Council and their staff are prohibited from accepting any gift, benefit, or hospitality from lobbyists with active lobbying files or from their registered clients or their employees.

Furthermore, lobbyists are directed under the Lobbyist Code of Conduct to conduct their relations with public office holders with integrity and honesty, to avoid both the deed and the appearance of impropriety, and to not knowingly place a public office holder in breach of his/her code of conduct.

As the lobbyist has active files in the Lobbyist Registry, the Member cannot accept a gift from the organization.

It is recommended that the Member thank the lobbyist for the gift, but advise them that, under the Code of Conduct, Members of Council are prohibited from accepting such gifts from lobbyists with active files. This will provide the lobbyist with written confirmation that the Member did not, and cannot, accept the gift. The Member can then arrange to have the gift returned to the lobbyist, perhaps by offering to return it in person the next time a representative of the organization is at City Hall.

**Inquiry:**

A Member of Council and the Member's family attended the opening dinner for a new restaurant in the Member's ward. The Member did not incur any cost at the event. Should the Member declare the meal as a gift on the Gifts Registry?

**Interpretation:**

As the restaurant is in the Member's ward, provided that the value of the dinner was reasonable and this was the first such invitation the Member received from the restaurant, the event falls under one of the recognized exceptions to registration, as outlined in Section X of the Code of Conduct:

(g) food and beverages consumed at banquets, receptions or similar events, if:

1. attendance serves a legitimate business purpose;
2. the person extending the invitation or a representative of the organization is in attendance; and
3. the value is reasonable and the invitations infrequent.

The Member's acceptance of future such invitations from the same restaurant would, however, require disclosure pursuant to the Code of Conduct provisions regarding gifts, benefits and hospitality in excess of \$30.

**Representing Constituent/ward interests**

**Inquiry:**

A community organization is applying for funding from a government agency, and asked a Member of Council to write a letter in support of its application. Would writing a letter of support constitute improper use of influence or a conflict of interest, or otherwise contravene the Code of Conduct for Members of Council?

**Interpretation:**

As long as the targeted agency is not a quasi-judicial body, writing letters of support or recommendation on behalf of community groups or organizations does not contravene the Code of Conduct. The Member was provided with some guidelines for writing such letters:

- Ensure that the wording of the letter is specific. For example, address the letter to the grant-awarding body, or to a particular individual, not “To Whom it May Concern.” Make specific reference to the name of the organization, and the particular reasons why support and/or recommendation are being offered. This way, the recipient can only use the letter for the intended purpose.
- Make sure to address and send the letter directly to the body awarding the funding. This step will ensure you maintain control over the letter’s use.
- It is permissible for letters in support of a community organization to be on constituency office letterhead.
- Finally, you are not obliged to provide a letter of support for the organization. Only do so if you feel you have sufficient knowledge of the organization, and are comfortable lending your name in its support.

**Inquiry:**

The Chairperson of a not-for-profit corporation requested that a Member of Council arrange a meeting with City staff to discuss a potential tax exemption under the *Municipal Act, 2001*. The corporation is located in the Member’s ward, and the Member had been appointed by the City of Ottawa Council as one of several directors of the corporation. Can the Member of Council participate in discussions between the corporation and City staff? Further, if the matter were to rise to Council, would the Member be required to declare a conflict of interest?

**Interpretation:**

It is the view of the Integrity Commissioner that the Member would not be in conflict if he were to participate in discussions between the corporation and City staff regarding the possibility of a tax exemption. Rather, the Member would be undertaking this action as part of his municipal duties, as director, to manage the corporation’s facilities.

The Code of Conduct complements existing federal and provincial legislation governing the Conduct of Members of Council, including the *Municipal Conflict of Interest Act* (“the

Act"). It is outside of the Integrity Commissioner's jurisdiction to provide advice on provincial legislation; however, the Member may review the Act if he so desires.

From the perspective of the Code of Conduct, the Integrity Commissioner sees no conflict of interest or improper use of influence. Consequently, also from the perspective of the Code of Conduct, should the exemption be granted and the matter rise to Council for approval, the Member of Council would not be required to declare a conflict of interest.

## **CONCLUSION**

I have no recommendations related to the Code of Conduct for Members of Council at this time.

## **Lobbyist Registry**

## **MANDATE**

As Lobbyist Registrar, the Integrity Commissioner is responsible for general compliance with the Lobbyist Registry By-law (“the By-law”) in addition to oversight and administration of the Lobbyist Registry.

The Lobbyist Registry is an online bilingual tool that documents instances of substantive communications between individuals who lobby public office holders, such as Members of Council and/or City staff, in a centralized database that is easy to access and search by the public and interested stakeholders.

The requirements of the Registry and the position and duties of the Lobbyist Registrar are set out in By-law 2012-309 which was approved in accordance with Section 223.9 of the *Municipal Act, 2001*.

## **OVERVIEW**

At its meeting of July 11, 2012, Council approved the establishment of the Lobbyist Registry and the Lobbyist Code of Conduct, as part of its Accountability Framework. On August 29, 2012, Council enacted and passed By-law 2012-309, establishing both the Registry, and the position and duties of the Lobbyist Registrar. On the same day, I was appointed Integrity Commissioner, Lobbyist Registrar and Meetings Investigator.

The Lobbyist Registry was launched shortly thereafter on September 1, 2012. The Registry application was developed in-house by City Information Technology (IT) staff and the costs absorbed within IT’s existing budgets. Those costs consisted mostly of staff time, as no hardware or software was required for the development or launch of the application. IT repurposed an existing application to create a very simple lobbyist registry system, with a focus on user-friendliness, simplicity and transparency.

The Lobbyist Registry and its By-law were designed to ensure not only the transparency of City business, but that such business is also conducted in an ethical and accountable manner. In defining what items must be entered into the Lobbyist Registry, the By-law focuses on the type of communication, as opposed to defining who falls under the definition of a lobbyist. Specifically, except for certain exempted persons and organizations and exempted activities, communication that falls under the definition of lobbying must be disclosed through the Lobbyist Registry.

Lobbying occurs when an individual representing a financial or business interest, or the financial interest of a not-for-profit with paid staff, communicates with a Member of Council or City staff to try to influence a decision on governmental matters that are

outside of standard processes. This definition of lobbying is meant to capture substantive and/or meaningful forms of communication in either a formal or informal setting.

In its first year of implementation, I focused on the education and promotion of the Lobbyist Registry. This past year, my office expanded its goals to encapsulate another important facet of the Lobbyist Registry By-law: compliance. As part of my commitment for 2014 outlined in my first annual report, my primary goals have been to continue my mandate of education, and to promote and encourage greater compliance and understanding of the Lobbyist Registry By-law, including the Lobbyist Code of Conduct, amongst all stakeholders.

## **OPERATIONS**

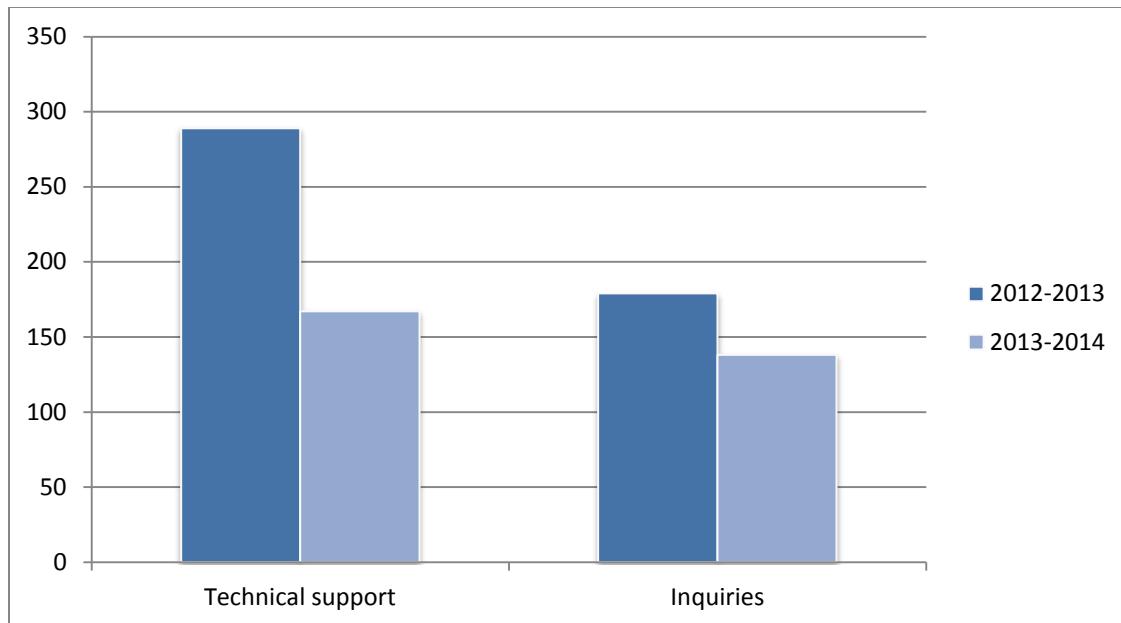
Supporting the Lobbyist Registry on a part-time basis is a support assistant employed by the City Clerk and Solicitor's Department. Specifically, the support provided to the Lobbyist Registry is in the form of administrative and technical assistance, such as approving registrations, responding to inquiries, monitoring compliance and intervening when necessary, as well as providing technical support. Staff supporting the Lobbyist Registry also assists the Integrity Commissioner in communicating with Lobbyist Registry stakeholders through notices, interpretation bulletins and individualized correspondence as well as group presentations.

Immediately following the Registry's launch on September 1, 2012, we encountered a few technical issues with the tool, resulting in an influx of requests for technical assistance. Over the course of the past year, we have observed a significant decrease in requests for technical support. In my view, this is a result of fewer complex technical issues with the system.

While registered lobbyists are still seeking technical support from my Office, it is commonly due to technical issues encountered on the user's end, such as:

- Forgotten username and/or password;
- Locked account due to repeated inputs of wrong password;
- Internet browser (in)compatibility view settings.

### Nature of Requests Received by the Office of the Lobbyist Registrar:



The majority of inquiries received so far have been from registered lobbyists seeking interpretations of the Lobbyist Registry By-law.

The following are samples of inquiries I have received and the interpretation that has been provided. It is important to note that each inquiry is accompanied by its own specific context and facts. The following anonymized summaries should not be relied upon as rulings nor be considered a substitute for calling or writing my office when in doubt.

#### Inquiry:

Recently, the City of Ottawa contacted my company to discuss working together on project X. We have since met and conducted business on project X. I would like to know if the Registry requires that I update our activity with the City of Ottawa, if the City made first contact with our company.

#### Interpretation:

Pursuant to section 4(i) of the Lobbyist Registry By-law, “communication with a public office holder by an individual on behalf of an individual, business or organization in direct response to a written request from the public office holder” is exempt from the Lobbyist Registry. As such, communication initiated by a public office holder does not require disclosure through the Lobbyist Registry. Should you meet and then expand the communication’s scope (beyond the original intent) or promote additional services, this would in fact be considered lobbying and require disclosure.

**Inquiry:**

Our company will occasionally meet with Members of Council to inform them of work that is being conducted in their ward so that they can answer constituent questions with respect to this work. In such cases, all permits and planning have been approved by the City of Ottawa. Does this constitute lobbying?

**Interpretation:**

These communications, as you describe them, do not appear to be captured by the Lobbyist Registry By-law. More specifically, the definition of lobbying is as follows:

"any communication with a public office holder by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development, introduction, passage, defeat, amendment or repeal of a by-law, motion, resolution or the outcome of a decision on any matter before Council, a Committee of Council, or a Ward Councillor or staff member acting under delegated authority."

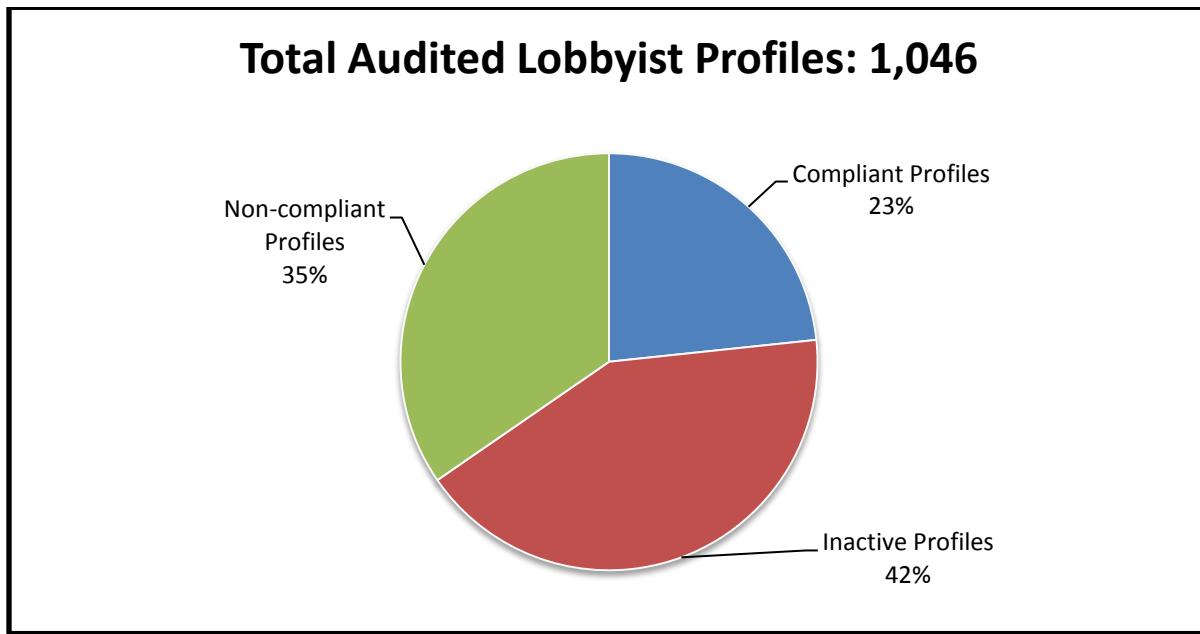
Accordingly, it does not appear to me that there is any intent to influence any legislative action and therefore these meetings do not require registration.

**Compliance Audit**

In December 2013, my office began a compliance audit of the Lobbyist Registry. As stated in my first annual report, my primary goal for 2014 was to encourage greater compliance, with a focus on the quality of entries and compliance with the 15 business day deadline for the registration of lobbying activities.

Individuals who lobby the City are expected to register with the Lobbyist Registry within 15 business days of the communication occurring, and disclose their lobbying activities in a transparent and accountable manner, in accordance with the Lobbyist Code of Conduct. Pursuant to Section 3 of the Code "Disclosure of Identity and Purpose", lobbyists are required to identify the specific subject matter of their communication and on behalf of whom they are lobbying, when submitting a lobbying file. They are subsequently required to add their lobbying activity against said lobbying file, in which they disclose who was lobbied, the method of their communication and the date the lobbying occurred.

As of October 31, 2014, 1,046 profiles in the Registry were audited. Every registered lobbyists' profile was reviewed to ensure their records of lobbying were accurate and clear.



#### *Non-Compliant Profiles*

Out of 1,046 audited profiles, 362 were found to be in contravention of the Lobbyist Code of Conduct, specifically of Section 3 “Disclosure of Identity of Purpose”:

### 3. DISCLOSURE OF IDENTITY AND PURPOSE

- (1) Lobbyists communicating with a public office holder shall disclose the identity of the individual or organization on whose behalf they are acting, as well as the reasons for the communication.
- (2) Lobbyists shall register the subject matter of all communication with public office holders that constitutes lobbying under the Lobbyist Registry By-law.

It is important to note that these were minor contraventions, as the majority of the profiles found to be non-compliant were genuine user mistakes and/or misunderstandings of the tool.

My office identified four common minor infractions over the course of this year's audit.

### 1) Misunderstanding the By-law's definition of lobbyist

The Lobbyist Registry requires that new registrants disclose what type of lobbyist they are, in accordance with the three types of lobbyists defined by the By-law: Consultant lobbyist, In-house lobbyist and Voluntary unpaid lobbyist. This was the most prevalent misinterpretation of the By-law among registered lobbyists. Individuals commonly registered as "Consultant lobbyists", where they should have registered as "In-house lobbyists".

### 2) Lobbying files with no registered lobbying activities

To uphold the Lobbyist Registry By-law and Lobbyist Code of Conduct's intent for transparency and accountability, registered lobbyists are required to disclose the subject matter of their lobbying, on behalf of whom they are lobbying, as well as the details surrounding the lobbying activity (person lobbied, method and date of communication). Lobbyists found to not have disclosed the details of their communications were contacted to determine whether or not lobbying had in fact occurred on this file. As a result of these conversations, staff determined that many empty lobbying files were pre-registered by mistake, with the intention of eventually lobbying on the disclosed subject matter. In such cases where lobbying did not ensue, the lobbying files were deleted. If, on the other hand, substantive communications were found to have taken place, said registered lobbyists were required to populate their lobbying files immediately.

### 3) Lobbying files with incomplete and inaccurate record of the subject matter

When creating a lobbying file, lobbyists choose a subject matter from a drop-down menu that lists common issues on which public office holders are lobbied, such as planning, economic development, transportation, etc. Furthermore, they are required to outline the specific subject matter of their lobbying in their own words, in the "Issue" field of their lobbying file. The quality of these entries was another common issue, as they lacked in specificity, leading to inaccurate and incomplete records of their lobbying. For example, if staff found an entry in the issue field such as "re-zoning", the lobbyist was contacted and encouraged to include the location and type of "re-zoning" for a more transparent and accurate account of their lobbying communications.

### 4) Information entered in the wrong field

In addition to listing their subject matter when creating a lobbying file, registered lobbyists are also required to disclose the name of the individual on behalf of whom they are lobbying – whether they represent themselves, their own company, or a client. At

this step, a number of registered lobbyists mistakenly input the name of the City of Ottawa public office holder(s) they have lobbied. This misinterpretation leads registered lobbyists to inadvertently not disclose the names of their clients.

My office followed up on every profile found to have a minor contravention. So far, 52 percent of those profiles have been rectified to meet the expectations of lobbyists in accordance with their Code of Conduct. Among those who amended and updated their profiles into compliance, I witnessed a willingness to comply and learn.

My office also encountered a couple of obstacles. The contact information in some profiles seems to have expired, some for reasons unknown, others we discovered had moved on to other employment. Other registered lobbyists simply did not respond to the informal request to update and amend their lobbying files.

My office is working to find those whose contact information has expired to ensure their lobbying files are amended in accordance with the Code. Furthermore, I will be following up with those who have not yet responded with a more formal request.

#### *Inactive Profiles*

Forty-two percent of the audited profiles were found to be inactive, in other words, without any registered lobbying files and/or activities. Staff discovered that profiles remained inactive mostly due to the misunderstood notion of pre-registration. Individuals who lobby the City are often under the impression pre-registration is required which is common in other jurisdictions; however, the City of Ottawa By-law only requires that lobbyists enter their communications within 15 business days of them taking place or in the case of a new lobbying entity to create a new profile within that 15 business day period.

With this feedback, my office began to personally touch base with each new registrant to confirm their registration type, highlight their obligations as newly registered lobbyists and to clarify the purpose of creating lobbying files and registering lobbying activities.

I launched the compliance audit to ensure every Lobbyist Registry entry was a complete and accurate record of the lobbying activities taking place at the City of Ottawa. Screening each registered profile allowed my office to personally educate registered lobbyists on their obligations and expectations in accordance with the By-law and Code of Conduct.

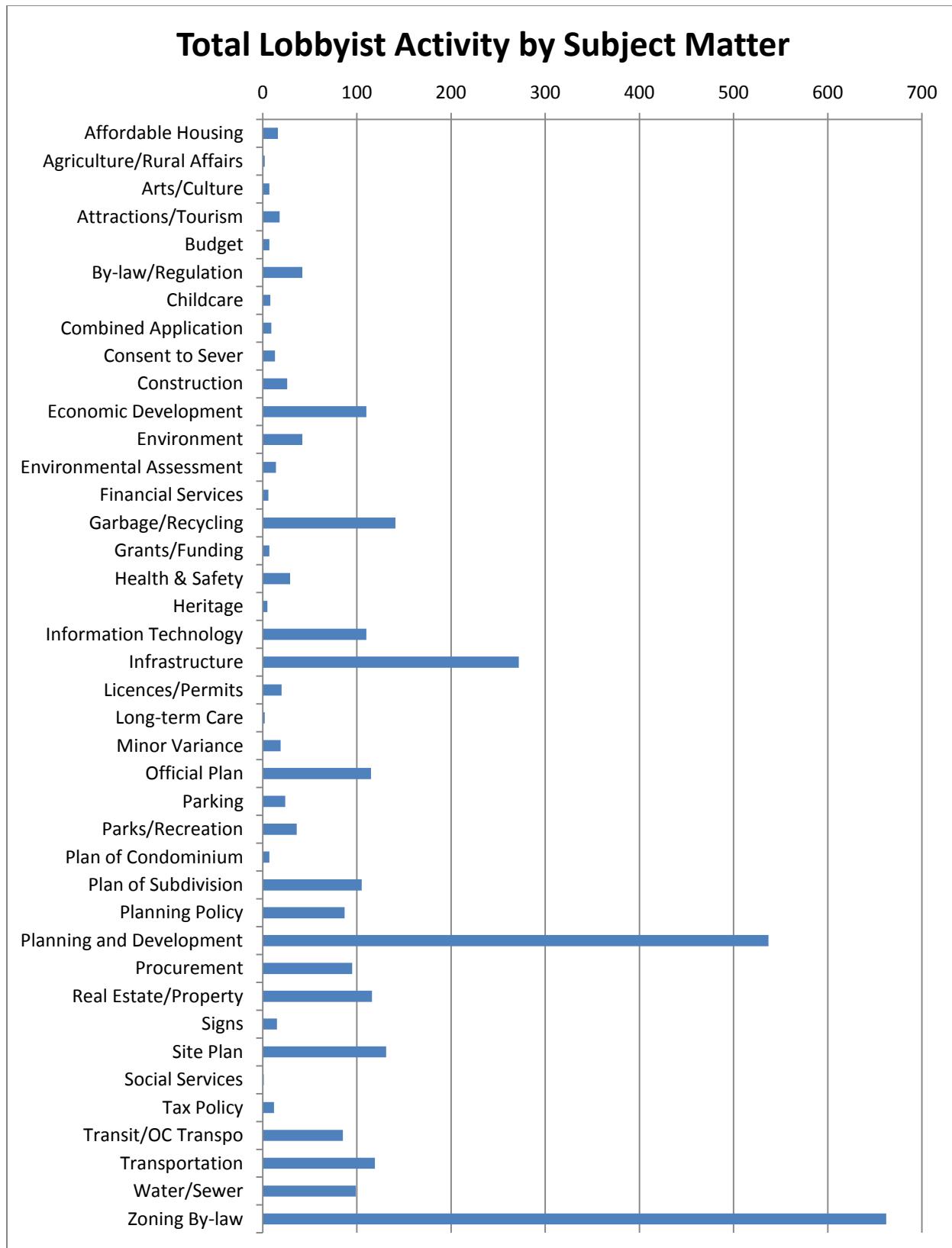
### **Registration Activity**

In its first year, the Lobbyist Registry witnessed a surge of registrations, with an average of 56 registrants per month, resulting in 748 approved lobbyists by September 30, 2013. Registrations have slowed over the course of the past year, with a decreasing average of 23 profiles being approved per month, bringing the number of total registered lobbyists to 1,051 by October 31, 2014.

	<b>September 1, 2012 – September 30, 2013</b>	<b>October 1, 2013 – October 31, 2014</b>	<b>Current*</b>
<b>Registered Lobbyists</b>	748	303	1,051
<b>Consultant Lobbyists</b>	464	84	461
<b>In-house Lobbyists</b>	247	207	544
<b>Voluntary, Unpaid Lobbyists</b>	37	12	46
<b>Lobbying Files</b>	786	356	1,142
<b>Lobbying Activities</b>	1,958	1,215	3,173

\*Current numbers pulled on October 31, 2014.

A common mistake identified in the compliance audit was the misunderstanding of the By-law's definition of 'lobbyist'. Over the course of the audit, many profiles were rectified to correctly reflect the type of lobbyist: consultant, in-house, or voluntary unpaid. As a result, the current total numbers for consultant lobbyists, in-house lobbyists and voluntary, unpaid lobbyists are not consistent with registration numbers of the first and second year.



### **Improving the Lobbyist Registry Tool**

In early April 2014, another comprehensive update was launched in order to address two outstanding issues. Changes to the Lobbyist Registry tool included providing users the ability to create profiles and register clients with international addresses, as well as an update to the interface to provide users the ability to close a lobbying file.

The need to mark lobbying files as "closed" was identified as important by users of the Registry, as well as by Members of Council and their staff, given the obligations placed on all concerned in the Code of Conduct for Members of Council and related policies with respect to "active" lobbying files.

Pursuant to Section IX (Conduct Respecting Lobbying) of the Code of Conduct for Members of Council, the acceptance of any gift, benefit, or hospitality from Lobbyists with active lobbying files, or from their clients or their employees by Members of Council or their staff is prohibited. In turn, pursuant to the Lobbyist Code of Conduct, lobbyists shall not knowingly place public office holders in a breach of their codes of conduct.

When a lobbying file is created, its status is marked "active" from the outset. A lobbying file remains active as long as lobbyists continue to lobby public office holders and register their lobbying activities against said file. With the new update, when all substantive communications have concluded and no further lobbying is anticipated or required on a lobbying file, lobbyists can now mark it as "closed". For example, if a lobbyist has a lobbying file directly related to a specific planning application and the application has received all of the necessary approvals, the relevant file should be closed. Lobbying on a file is no longer permitted once it has been closed. This update also provides users of the Registry the ability to search and identify the status of each public lobbying file as "active" or "closed".

At the same time of the update, I held a Lobbyist Registry Stakeholder session. Approximately sixty registered lobbyists attended. I devoted a portion of the presentation to receiving comments, questions and constructive feedback on the registered user's experience. In order to amass general feedback on the Lobbyist Registry in a simple fashion, the attendees were asked to fill out a straightforward questionnaire designed by my office.

Upon compiling the data and feedback from the questionnaire it was determined that the majority of attendees consult the Lobbyist Registry information provided to them online, and are satisfied with the quality of service and information provided by our office. It was also expressed that the rules governing lobbying at the City of Ottawa are

still not well understood by lobbyists and public office holders alike. This has also been the experience of my office in dealing with those who lobby and those who are lobbied. Specifically, public office holders commonly, and mistakenly, request that lobbyists pre-register their intended lobbying activities, or register simple requests for meetings and/or information. Both of these situations are not captured under the definition of 'lobbying' in accordance with the Lobbyist Registry By-law.

Following this feedback, with the assistance of the City Manager and the City Clerk and Solicitor's offices, a simple communication was extended to all City of Ottawa network users to clarify that the Lobbyist Registry By-law does not require any form of pre-registration before a meeting, contact or lobbying activity occurs.

## **CONCLUSION**

While the compliance audit conducted by my office highlighted various misapprehensions of the registration tool and By-law, I believe there continues to be a great willingness among lobbyists and public office holders to understand and comply with the Lobbyist Registry By-law. Increasingly, lobbyists are contacting my office proactively for advice and to seek interpretations of the By-law. In my two years since becoming Registrar, I have witnessed a growing understanding of lobbying as a legitimate activity that is part of one's right to communicate with their elected officials and municipal staff.

The audit also permitted us another educational platform, where we were able to reach registered lobbyists on an individual level to raise awareness about their obligations in accordance with the By-law and Code. By doing so, lobbyists were also provided with another avenue to present us with their feedback. Similar to the feedback received at the Stakeholder Session, the notion of pre-registration as a leading misconception emerged.

I believe the way to debunking many of the misconceptions outlined in this section is through continued education and outreach. This past year, we have reached out to all Lobbyist Registry stakeholders through mass communications and by posting interpretation bulletins and notices online on a wide variety of relevant topics, such as the obligations of registered lobbyists under the Lobbyist Code of Conduct, the importance of marking a lobbying file closed, and establishing a best practice with respect to lobbying Members-elect.

I will continue to educate and promote better understanding of the Lobbyist Registry and its By-law among those who lobby and those who are lobbied, as the City of Ottawa's

commitment to accountability and transparency around lobbying remains one of my top priorities.

## **Meetings Investigator**

## MANDATE

The *Municipal Act, 2001* provides that all meetings of Council, its committees or local boards shall be open to the public, except as provided through eight discretionary exemptions. Section 239 of the Act permits closed meetings of City Council, a local board or a committee of either, to discuss the following:

1. The security of the property of the municipality or local board
2. Personal matters about an identifiable individual, including municipal or local board employees
3. A proposed or pending acquisition or disposition of land by the municipality or local board
4. Labour relations or employee negotiations
5. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
6. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose
7. A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

Further, meetings of City Council, a local board or a committee of either may be closed to the public if:

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

Anyone who wishes to question the appropriateness of a meeting of Council, its committees or local boards (with some exceptions) that was closed in full or in part may request an investigation under Section 239.1 of the Act.

Section 239.2 of the Act outlines my authority as Council-appointed Meetings Investigator. Operating in an independent manner and respecting confidentiality, I investigate on receipt of a complaint made to me by any person in respect of a meeting or part of a meeting that was closed to the public. I determine whether an investigation

is warranted and, if so, conduct an investigation and submit my findings and recommendations to an open meeting of City Council or the local board. In carrying out these functions, I may exercise such powers and perform such duties as may be assigned to me by Council. As prescribed in Section 239.2(5) of the Act, I operate with regard to the importance of:

- My independence and impartiality as investigator;
- Confidentiality with respect to my activities; and
- The credibility of the investigative process.

## **OVERVIEW**

Since September 2013, I have received one request for investigation of a closed meeting. Upon review, I determined that the matter did not constitute a complaint regarding a closed meeting, but was a complaint about a matter outside of my jurisdiction. As such, it was not within my mandate to undertake an investigation.

The City of Ottawa is a leader in the province in open meetings. Members of Council and City Staff continue to be committed to holding open meetings and to disclosing as much information publicly as possible. For that reason, as in 2013, I can report that the Meetings Investigator function has been the lightest of my three-part mandate.

City Council and its Committees went into closed session a total of four times in the last quarter of 2013:

- Members of the Auditor General Hiring Panel moved *in camera* during their meetings of October 7 and 10, 2013, to consider:
  - personal matters about an identifiable individual, including staff;
  - labour relations or employee negotiations; and
  - the receiving of advice that was subject to solicitor-client privilege, including communications necessary for that purpose.

The Panel considered these matters in order to select candidates to interview for the position of City Auditor General, as well as to consider matters related to contract negotiations.

- Members of the Finance and Economic Development Committee moved *in camera* during the meeting of November 5, 2013, in order to consider matters related to collective bargaining mandates.

- At its meeting of December 11, 2013, Council moved *in camera* to consider matters related to an individual's employment contract.

From January 1<sup>st</sup>, 2014 to October 31<sup>st</sup>, 2014, inclusive, Council and its Committees went into closed session a total of four times:

- Members of the Transit Commission moved *in camera* during the meeting of March 26, 2014, in order to receive an update on a tentative collective agreement.
- On May 6, 2014, the Finance and Economic Development Committee moved in closed session to receive an update related to collective bargaining.
- On June 3, 2014, Members of the Finance and Economic Development Committee moved in closed session to receive information on the Airport Parkway Pedestrian and Cycling Bridge project. The item was discussed *in camera* as it had to do with ongoing litigation, advice subject to solicitor-client privilege, as well as labour relations and employee negotiations.
- During the July 9, 2014 joint meeting of the Finance and Economic Committee and the Audit Sub-Committee, Members of the Joint Committee moved *in camera* to consider the Office of the Auditor General Audit of procurement practice related to the source separated organics contract.

## **CONCLUSION**

I have no recommendations related to open and closed meetings at this time.

## **Outreach, 2015 Goals and Financial Statement**

## **EDUCATION, OUTREACH AND MEDIA RELATIONS**

Over the course of the past year, I have continued to place education at the forefront of my mandate as the Integrity Commissioner for the City of Ottawa. I have been steadily busy educating stakeholders, including working with registered lobbyists to facilitate compliance with the Lobbyist Registry By-law, and providing advice and interpretation to Members of Council and their staff. In the coming years, I endeavor to continue to prioritize my education and outreach functions. Below is a list of events that took place in the last year:

### **Meetings with Stakeholders**

- One-on-ones with all Members of Council
- Lobbyist Registry sessions with City staff:
  - Real Estate Partnership & Development Office
  - Economic Development
- Meetings with representatives of the following organizations/associations:
  - Consulting Engineers of Ontario
  - Andrew Fleck Child Care Services

### **Education**

- Lobbyist Registry Presentation to Housing Services Branch; November 19, 2013
- Lobbyist Registry Presentation to Real Estate Partnership & Development Office; January 31, 2014
- Lobbyist Registry Presentation to various Childcare organizations; February 10, 2014
- Lobbyist Registry Stakeholder Session; April 7, 2014
- Lobbyist Registry Session for Consulting Engineers of Ontario; June 18, 2014

### **Outreach (and Presentations)**

- English Presentation to Ethics Class at University of Ottawa; November 6, 2013
- French Presentation to Ethics Class at University of Ottawa; November 7, 2013
- Ethics Class presentation at Carleton University; November 26, 2013
- City of Ottawa's Code of Ethics seminar with Mayor, at Carleton University; February 10, 2014
- Ethics class presentation at Carleton University; March 3, 2014
- Ethics class presentation at University of Ottawa; March 31, 2014
- Kiwanis Speaking Engagement; April 23, 2014
- Accountability Framework presentation to Regional and Single Tier Clerks; April 11, 2014

- Accountability Framework presentation to Kenyan Parliamentarians; June 4, 2014
- Accountability Framework presentation to the Senate of Canada Executives and Administration; May 14, 2014

## **Media Relations**

- Interview with Lobby Monitor; November 12, 2013
- Interview with The Ottawa Citizen; November 13, 2013
- Interview with CFRA; November 13, 2013
- Interview with the Ottawa Citizen; April 7, 2014
- Interview with Hamilton Spectator; May 29, 2014
- Interview with Hamilton Spectator; September 9, 2014

## **Conferences**

- 35<sup>th</sup> Annual COGEL Conference in Québec City; December 8 – 11, 2013
- Sharpening Your Teeth Training Conference in Toronto; January 20 – 22, 2014
- Lobbyists Registrars and Commissioners Network (LRCN) Conference in Ottawa; February 3, 2014
- Integrity Commissioners Meeting in Caledon, ON; April 29, 2014

## **Publications**

- Marleau, Robert. "A Commitment to Integrity and Transparency: The City of Ottawa's Accountability Framework" *The Guardian* (a publication of The Council on Governmental Ethics Laws [COGEL]). Vol 35, Issue 1 (June 18, 2014): 5.

## **GOALS FOR 2015**

To date, my office has strived to provide honest advice, thorough interpretations and a wide-range of support in a timely manner to all those who are affected by the Accountability Framework. In doing so, we have cultivated a dynamic, honest and frank conversation. I believe that it is the fostering of such a dialogue that has made the Accountability Framework a success at the City of Ottawa.

My goals for the upcoming year are summarized in the following categories:

### **Education**

Education of new Members of Council and their staff will be a chief focus this year. I plan to hold training sessions for new Members and their staff on such matters as the

Code of Conduct for Members of Council, the Lobbyist Registry and the requirements of the Lobbyist Registry By-law, including the Lobbyist Code of Conduct.

My office will also put in place a system for sharing information with Members of Council on relevant news stories, public reports and other public items related to matters of ethics in Ontario municipalities. These experiences can identify issues that the City of Ottawa has not yet contemplated as well as emerging best-practices.

This information-sharing initiative will build upon processes already in place, and therefore not require the use of any additional resources. Specifically, my office is already in frequent contact with other municipal accountability officers in the province, and this dialogue facilitates a productive sharing of information on non-confidential matters. Additionally, staff of the Clerk's office also currently monitors for material on integrity and ethics-related matters in Ontario municipalities.

### **Compliance**

With the compliance audit of the Lobbyist Registry now complete, key misunderstandings of the Lobbyist Registry tool and By-law have been identified. As a result, staff will work with new lobbyists as they register, complete their profiles and enter lobbying activity, in order to ensure that all information supplied is in compliance with the Lobbyist Registry By-law.

The quality of entries in the Lobbyist Registry will remain a priority, however, in the upcoming year a greater emphasis will be placed on the compliance with the fifteen business day deadline for entering lobbying activity.

### **Recommendations for legislative improvements**

As 2014 was an election year for Ontario municipalities, the 2014-2018 City Council is undergoing the customary end of term/beginning of term governance review. With that said, this 2014 annual report does not contain recommendations for legislative and policy changes relating to the Accountability Framework's components. Instead, said recommendations can be found in the 2014-2018 Council Governance Review report.

## FINANCIAL STATEMENT

The Integrity Commissioner's remuneration consists of a \$25,000 annual retainer and a per diem of \$200 per hour to a daily maximum of \$1,000.

The following is a breakdown of the period of September 1, 2013 to September 30, 2014.

	<b>Sept. 2013 – Dec. 2013</b>	<b>Q1 2014</b>	<b>Q2 2014</b>	<b>Q3 2014</b>	<b>TOTAL</b>
<b>Retainer*</b>	\$25,000	-	-	\$25,000	\$50,000
<b>Salary**</b>	\$25,744	\$17,910	\$11,702	\$11,802	\$67,158
<b>Ancillary Costs (parking, cell phone, business travel)</b>	\$2,053	\$1,271	\$1,568	\$645	\$5,537
<b>Hours logged</b>	126.5 hrs	88 hrs	57.5 hrs	58 hrs	330 hrs

\*annual retainer every September

\*\*includes tax less eligible municipal rebates

As noted in my first annual report, it was anticipated the first year of my mandate would require significant time allotted to my advisory and educational roles, and that my hours would decrease in the second year of my term as Integrity Commissioner for the City of Ottawa. As a result of the part-time status of my position and the ongoing support of the Clerk's Office Staff, my average workload has decreased to a monthly average of 25 hours in 2013-2014, from 48 hours in 2012-2013.

**Document 7****An Update on Ottawa's Agencies, Boards, Committees and Commissions****Background**

A number of amendments to the *Municipal Act, 2001* came into effect on either January 1, 2007, or January 1, 2008, and provided Ontario's 444 municipalities with 11 areas of broad authority including:

1. Governance structure of the municipality and its local boards.
2. Accountability and transparency of the municipality and its operations, and of its local boards and their operations.
3. Financial management of the municipality and its local boards.

The amendments to the *Act* also required that local boards have a procedure by-law, including public notice of meetings, as well as "adopt and maintain" policies with respect to the sale and other disposition of land, the hiring of employees and the procurement of goods and services. Most local boards are also subject to the open meeting requirements in Section 239 of the *Act* and the City's Meetings Investigator who investigates complaints as to whether or not a local board has met its own procedure by-law regarding meetings that are closed to the public. For the City of Ottawa, the Integrity Commissioner acts as the City's Meetings Investigator.

On November 5, 2007, the City Solicitor submitted a report to Council that provided a review of Ottawa's local boards (ACS2007-CMR-LEG-0007) in order to determine which entities fall within the category of a local board, as well as their obligations under the revised *Municipal Act, 2001*. The methodology set out in that 2007 report (which summarized the four factors that courts consider when determining whether or not a particular entity, not expressly identified in the *Municipal Act, 2001*, is a "local board") has been applied by the Ontario Ombudsman in his closed meeting reports. In the Council Governance Review 2010-2014 (ACS2010-CMR-CCB-0106), an update was provided that set out any changes to the governance structure of the local boards identified in the 2007 report, and identified any new local boards created since the 2007 report. The status of each local board with respect to its compliance with obligations under the *Act* was updated at the time of the 2010-2014 Mid-term Governance Review (ACS2013-CMR-CCB-0011).

The purpose of this review is to provide Council with an update on any changes to the governance structure of the local boards identified in the previous reports, as well as to identify any new local boards created since the Council Governance Review 2010-2014.

The Council Governance Review 2014-2018 also provides a status report on the compliance of the City's Agencies, Boards and Commissions with respect to their *Municipal Act, 2001* policy requirements.

**(1) ENTITIES THAT QUALIFY AS “LOCAL BOARDS” OF THE CITY OF OTTAWA**

**(i) Business Improvement Areas**

Business Improvement Areas (“BIAs”) are expressly characterized as local boards under the *Municipal Act, 2001*. Section 204(2.1) of the *Act* states that “a board of management [of a BIA] is a local board of the municipality for all purposes.”

The following is a list of the 18 BIAs and one Mall Authority currently existing in Ottawa:

Bank Street BIA  
Barrhaven BIA  
Bells Corners BIA  
ByWard Market BIA  
Carp Village BIA  
Carp Road Corridor BIA  
Downtown Rideau BIA  
Glebe BIA  
Heart of Orleans BIA  
Kanata North BIA  
Manotick BIA  
Preston Street BIA  
Somerset Street Chinatown BIA  
Somerset Village BIA  
Sparks Street BIA/Sparks Street Mall Authority  
Quartier Vanier BIA  
Wellington West BIA  
Westboro Village BIA

**(ii) City of Ottawa Superannuation Fund**

The Board of the City of Ottawa Superannuation Fund (the “Fund”) meets the test for being a local board under the *Act*. The Fund was established under provincial law rather than federal legislation. The purpose of the Fund is to carry on the affairs of the municipality, as it deals with municipal pensions for people who were employees of the City of Ottawa prior to 1966 (pre-OMERS). The Fund has a degree of autonomy as well as some decision-making capabilities. The Fund is under municipal control, although it must still comply with federal and provincial laws regarding pension benefits and income tax. With respect to the process for selection of board members, the Fund adheres to the appointment policy whereby three board members are appointed by City Council and other board members are appointed by various other bodies.

**(iii) Committee of Adjustment**

The Committee of Adjustment (the “COA”) meets the test for being a local board under the *Act*. The COA was established by the City and is exercising power under the *Planning Act*. The COA is a quasi-judicial tribunal appointed by City Council and is independent and autonomous from the City Administration. The COA derives its jurisdiction from the *Planning Act*. Under Section 44 of the *Planning Act*, “If a municipality has passed a by-law under section 34 [zoning by-laws] or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.”

The Committee’s mandate is to:

- Consider and make decisions on applications for Minor Variances from the provisions of a Zoning By-law.
- Consider and make decisions on applications for Consent to “sever” a property, or for any agreement, mortgage or lease that extends for more than 21 years.
- Consider and make decisions on applications for Permission, which deal with the enlargement or extension of a building or structure that is legally non-conforming, or a change in non-conforming use.
- Consider and make decisions on applications for Validation of Title and Power of Sale.

The COA and its application processes are separate and distinct from other municipal development approval processes, and one or more of these processes may occur at the same time. The Committee consists of 15 members, who are divided into three panels of five members each. Each panel hears applications for a different geographic area of the city.

**(iv) Crime Prevention Ottawa**

The entity known as Crime Prevention Ottawa (“CPO”) likely falls within the definition of “local board” in Subsection 1(1) of the *Act*. CPO was established by City Council in 2005 (Motion 27/66, February 1, 2005) as a responsibility centre for crime prevention, based on the September 2004 report entitled “*Community Crime Prevention: Investing in a Safer Ottawa*”. In March 2007, the Community and Protective Services Committee received a report (ACS2007-CCS-CPS-0006) that sought to have CPO adopt a hybrid model of corporate governance. The Terms of Reference reflect the concept that Crime Prevention Ottawa is a “hybrid body half way between an independent Non-Government Organization (NGO) and a City body”. CPO was incorporated on August 8, 2008, as a corporation without share capital.

CPO has a distinctly local character as it is an initiative that contributes to crime reduction and enhanced community safety in Ottawa through collaborative evidence-based crime prevention. It also provides funding to community organizations to address issues related to crime prevention. The purpose of the funding is to support community initiatives that address gaps in service, helping to prevent crime and victimization within the community and respond to identified crime priorities within the City.

CPO may exist as a local board while being incorporated, as long as it ensures that both its obligations under the *Municipal Act* and the *Corporations Act* are being met. Over time, CPO has moved more towards a greater interdependence with the City of Ottawa as a result of administrative efficiencies.

On July 11, 2012, Council approved a modification to the Terms of Reference for CPO to allow for a total of 16 members on the board of directors, including eight institutional members and eight general representative members (seven community representatives and one academic), as set out in report ACS2012-

CMR-CPS-0008. The stated purpose was to increase the community connections of the Board and to increase the number of Board members available for committee work.

**(v) Manotick Mill Quarter Community Development Corporation**

The establishment of the Manotick Mill Quarter Community Development Corporation (“Manotick Mill Corporation”) was approved by City Council on November 28, 2007 (ACS2007-BTS-RPM-0045). However, as a result of the Auditor General’s report on the Carp River Watershed Study (ACS2008-OAG-BVG-0002), the creation of the corporation was delayed as Council first required City staff to investigate best practice studies regarding the disposal and development of municipal properties.

The Manotick Mill Corporation was incorporated as a not-for-profit corporation on August 24, 2009 and the City of Ottawa is the sole shareholder. The main object of the corporation is to implement the vision for a “Mill Quarter” centered on Manotick’s historic Dickinson Square. As part of this implementation, the Corporation will “plan, subdivide and develop properties within the Mill Quarter to accommodate commercial tourist and heritage uses including commercial accommodation, boutiques, galleries, craft and other specialty outlets, museums, restaurants and studios.”

The Manotick Mill Corporation board of directors consists of the City Manager, one representative of Dickinson Square Heritage Management Inc., one representative of Watson’s Mill Manotick Inc, a minimum of five City Council directors as well as a maximum of two “directors at large”.

Subsection 21(1) of the *Municipal Services Corporations Regulation 599/06* under the *Municipal Act, 2001* states that corporations created by a municipality pursuant to the powers conferred upon municipalities under Section 203(1) of the *Municipal Act, 2001* (the power to establish corporations) are not local boards for the purposes of any Act. However, Subsection 21(2) of *Regulation 599/06* states that such corporations are deemed to be local boards for the purposes of Subsection 270(2) of the *Municipal Act, 2001*. This means that the Manotick Mill Corporation is required to adopt and maintain policies with respect to the sale

and disposition of land, the hiring of its employees and its procurement of goods and services.

**(vi) Municipal Service Boards**

Municipalities in Ontario are permitted under Section 196 of the *Act* to establish municipal service boards to control and manage a broad range of municipal services such as public utilities, waste management, transportation systems, parking, culture, parks and recreation and heritage facilities. Pursuant to Section 197(3) of the *Act*, municipal service boards are deemed to be “local boards of the municipality for all purposes.” At the present time, the City of Ottawa has no municipal service boards.

**(vii) Ottawa Community Lands Development Corporation**

The establishment of the Ottawa Community Lands Development Corporation (“OCLDC”) was approved by City Council on October 10, 2007 (ACS2007-BTS-RPM-0008). However, as a result of the Auditor General’s report on the Carp River Watershed Study (ACS2008-OAG-BVG-0002), the creation of the corporation was delayed as Council first required City staff to investigate best practice studies regarding the disposal and development of municipal properties.

The OCLDC was incorporated as a not-for-profit corporation on August 6, 2009, and the City of Ottawa is the sole shareholder. Some of the objects of the Corporation are to “promote and undertake community improvement in the City by planning, subdividing and developing sites owned or held by the City for residential, industrial, commercial, institutional, public, recreational, religious, charitable and other uses.” Additional objects of the OCLDC are to “improve, beautify and maintain municipally-owned land, buildings and structures in the City as designated and approved by the City for the benefit of the community.”

The board of directors of the OCLDC consists of the City Manager who is an *ex officio* non-voting director as well as a minimum of five City Council directors and a maximum of three non-City Council directors.

Subsection 21(1) of the *Municipal Services Corporations Regulation 599/06* under the *Municipal Act, 2001* states that corporations created by a municipality

pursuant to the powers conferred upon municipalities under Section 203(1) of the *Municipal Act, 2001* (the power to establish corporations) are not local boards for the purposes of any Act. However, Subsection 21(2) of *Regulation 599/06* states that such corporations are deemed to be local boards for the purposes of Subsection 270(2) of the *Municipal Act, 2001*. This means that the OCLDC is required to adopt and maintain policies with respect to the sale and disposition of land, the hiring of its employees and its procurement of goods and services.

**(viii) Board of Health for the City of Ottawa Health Unit**

The Board of Health for the City of Ottawa Health Unit is the Board of Health for the City of Ottawa established under Section 48 of the *Health Protection and Promotion Act* (Ontario) and Section 12 of the *City of Ottawa Act, 1999*. It is one of the entities specifically mentioned in Subsection 1(1) of the *Municipal Act, 2001*, which expressly states that it is a “local board” for the purposes of that Act.

Therefore, this entity qualifies as a “local board”. However, boards of health are subsequently exempted from the specific statutory requirements in the *Municipal Act, 2001*, as set out in the following provisions of the *Act*:

- Subsection 10 (6);
- Subsection 216 (3); and
- Section 223.1.

**(ix) Ottawa Police Services Board**

The Ottawa Police Services Board is one of the entities specifically mentioned in Subsection 1(1) of the *Municipal Act, 2001*, which expressly states that it is as a “local board” for the purposes of that Act. Furthermore, pursuant to the *City of Ottawa Act, 1999*, when the amalgamated City was created effective January 1, 2001, all the police services boards of the former municipalities were dissolved and all of their assets and liabilities accrued to the Ottawa Police Services Board.

Therefore, this entity qualifies as a “local board”. However, police services boards are subsequently exempted from the specific statutory requirements in the *Municipal Act, 2001*, as set out in the following provisions of the *Act*:

- Subsection 10 (6);
- Subsection 216 (3);

- Section 223.1;
- Subsection 238 - 239.2; and
- Section 269 Policies.

**(x) Ottawa Public Library Board**

The Ottawa Public Library Board is also caught specifically under Subsection 1(1) of the *Municipal Act, 2001*. However, in a manner similar to the Ottawa Police Services Board, the City's public library board is expressly exempt from the specific statutory obligations, as set out in the following provisions of the *Act*:

- Subsection 10 (6);
- Subsection 216 (3)
- Section 223.1
- Subsection 238 - 239.2; and
- Section 269 Policies.

**(xi) Property Standards and License Appeals Committee**

On December 8, 2010, through its approval of recommendations set out in the Council Governance Review 2010-2014 (ACS2010-CMR-CCB-0106), Council established a License and Property Standards Committee.

Under the previous model, the City had a License Committee that reviewed cases relating to license suspensions, revocations, refusals and renewals brought forward by the Chief License Inspector, and made final and binding decisions respecting license suspensions and revocations as well as the imposition of conditions as a requirement for obtaining, continuing to hold or renewing a license. The License Committee had been composed of six Members of Council. Panels of three members formed the Committee for each hearing.

The City also had a Property Standards Committee that conducted similar hearings for the purposes of considering appeals by property owners or occupants served with an Order under the *Building Code Act* and who were not satisfied with the terms and conditions of the order. The Property Standards Committee was composed of three citizen members, appointed by Council.

On December 8, 2010, Council approved the Council Governance Review 2010-2014, which recommended that the mandates of the two Committees be merged,

and that a License and Property Standards Committee of five citizen members be established to hear cases with respect to both licensing and property standards appeals.

The report provided that the Committee would be modeled after the Committee of Adjustment as a committee of qualified citizen members with specific rules of procedure tailored to the specific operation of the Committee. Meetings of the Committee would be scheduled for a specific date, time and place to ensure that quasi-judicial hearings are conducted as expeditiously as possible and that legislative timeframes are adhered to.

The Property Standards and License Committee officially began its work in June 2012. On February 13, 2013, Council approved a recommendation in the 2010-2014 Mid-term Governance Review (ACS2013-CMR-CCB-0011) to rename the Property Standards and License Committee as the Property Standards and License Appeals Committee, in recognition of its quasi-judicial nature.

The *Act* provides that “local boards” include any committee “established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities”. On this basis the City of Ottawa’s Property Standards and License Appeals Committee constitutes a local board of the City, and meets the test for being a local board. The Committee was established by the City and is exercising power under the *Building Code Act*. The Committee is a quasi-judicial tribunal appointed by City Council and is independent and autonomous from the City Administration, deriving its jurisdiction from the *Building Code Act*. Under Section 15.6 of the *Building Code Act*, “A by-law passed under section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish.”

## **(2) ENTITIES THAT DO NOT QUALIFY AS “LOCAL BOARDS” UNDER THE ACT**

In contrast to the above-noted “local boards”, the following are those entities that do not constitute “local boards” under the *Municipal Act, 2001*.

### **(i) Advisory Committees**

Given the criteria, it would appear at first glance that the City's various Advisory Committees may also fall under the general definition of "local board" as defined in the *Municipal Act, 2001*. However, there is one fundamental difference between Advisory Committees and the above-mentioned entities that do qualify as local boards under the Act. Advisory Committees act as consultative groups whose primary role is to provide advice on specific issues. As such, they do not have decision-making abilities. The definition of "local board" set out in Subsection 1(1) of the *Act* states that, in order to be considered a local board, an entity must be "established or exercising any power under the Act with respect to the affairs or purposes of one or more municipality". Therefore, it is determined that the City's Advisory Committees do not fall under the category of "local board" pursuant to the *Act*.

While Advisory Committees do not qualify as "local boards", they are nonetheless subject to the Meetings Investigator's jurisdiction pursuant to subsection 239.1 of the *Municipal Act, 2001*. As such, the Meetings Investigator has the power to investigate complaints as to whether an Advisory Committee has adhered to its own procedure by-law regarding meetings that are closed to the public.

**(ii) Central Canada Exhibition Association**

The Central Canada Exhibition Association ("CCEA") does not satisfy the criteria required in order to qualify as a "local board" under Subsection 1(1) of the *Act*.

The CCEA works to encourage awareness of agriculture and related industries within the community. The CCEA does not, however, "exercise any power under any Act with respect to the affairs of the municipality", as stipulated in the definition of "local board" under the *Act*. Although there are Members of Council who are appointed to the CCEA board of directors, the CCEA lacks the connection to the City that is necessary to meet the "local board" common law test.

**(iii) Children's Aid Society Board of Directors**

The Children's Aid Society Board of Directors ("CAS Board") is regulated by the Ontario Ministry of Community and Social Services (the "Ministry"). Across Ontario, approximately 60 societies were established and governed by the *Child and Family Services Act* (the "CFSAct").

While Section 7(1)(b) of the *CDSA* empowers the Minister to enter into agreements with municipalities for the provision of services, the Ottawa CAS is funded and controlled by the Government of Ontario and not the City.

With respect to the provision of services, Section 7(1) of the *CDSA* states that the Minister may “provide services and establish, operate and maintain facilities for the provision of services,” and may “make agreements with persons, municipalities and agencies for the provision of services, and may make payments for those services and facilities out of legislative appropriations.”

With respect to funding under Section 7(2) of the *CDSA*, the *CDSA* states that the Minister “may make grants and contributions, out of legislative appropriations, to any person, organization or municipality for consultation, research and evaluation with respect to services and for the provision of services”. Therefore, as the various CAS Boards are governed, controlled and funded by the Province and not the municipalities in which they are located, they do not qualify as a “local board” under the *Municipal Act, 2001*.

Further, Section 20(2) of the *CDSA* defines a CAS as follows:

A society shall be deemed to be a local board of each municipality in which it has jurisdiction for the purposes of the *Ontario Municipal Employees Retirement System Act, 2006* and the *Municipal Conflict of Interest Act*.

The above provision states that the CAS is only a “local board” for the purposes of the *Ontario Municipal Employees Retirement System Act* and the *Municipal Conflict of Interest Act*. Since it is only these two statutes that are expressly named, it is unlikely that the Legislature intended the CAS Boards to be considered a “local board” for the purposes of the *Municipal Act, 2001*. This conclusion is further borne out by a more detailed examination of the respective definitions for a “local board” in the revised *Municipal Act, 2001* as previously referenced in this report. For example, while the definition of local board in Subsection 1(1) does not mention the Children’s Aid Society, the definitions of local board in Subsection 10(6), Section 216, and Section 223.1 all expressly exclude a CAS.

**(iv) Conservation Authorities**

Conservation authorities are expressly identified as not being “local boards” under the definition found in Subsection 1(1) of the *Municipal Act, 2001*. Therefore, the Mississippi Valley Conservation Authority, the Rideau Valley Conservation Authority and the South Nation Conservation Authority are not considered “local boards”.

This conclusion is further borne out by the respective definitions of “local board” in the *Municipal Act, 2001*. For example, Subsection 1(1) and Section 269 both expressly exclude a conservation authority from the definition of local board.

**(v) Hydro Ottawa Holding Inc.**

Hydro Ottawa Holding Inc. is not a “local board” under the *Act*. It is a privately held corporation incorporated under the Ontario *Business Corporations Act*, whose sole shareholder is the City of Ottawa. Moreover, its subsidiaries Hydro Ottawa Limited and Energy Ottawa Inc. are also not subject to the provisions of the *Municipal Act, 2001*.

Briefly, the *Electricity Act, 1998*, allowed municipalities to incorporate a corporation under the *Business Corporations Act* for the purpose of generating, transmitting, distributing or retailing electricity. However, Subsection 142(6) of the *Electricity Act, 1998* provides that such a corporation “...shall be deemed not to be a local board, public utilities commission or hydro-electric commission for the purposes of any Act”.

**(vi) Invest Ottawa**

On July 14, 2010, Council approved “Partnerships for Prosperity”, which is the City’s Five-Year Economic Development Strategy (ACS2010-ICS-CSS-0011). On July 13, 2011, Council approved the report titled Economic Development Strategy Implementation Plan (ACS2011-ICS-CSS-0007), which detailed the implementation and spending plan for a series of economic development initiatives and tools that resulted as part of the strategy. In 2011/2012, the Ottawa Centre for Regional Innovation (“OCRI”) was restructured into Invest Ottawa.

On its website, Invest Ottawa is described as “the City’s primary partner in economic development delivery,” and an arm’s length organization that “carries out economic development programs and initiatives in the areas of entrepreneurial mentorship, startup development, business incubation services, commercialization, targeted sector development, investment attraction, business retention, expansion, and global trade development.”

The Mayor of the City of Ottawa is the co-chair of Invest Ottawa’s board of directors. The City is the primary funder of Invest Ottawa and through a multi-year agreement and annual operating plans, it will oversee Invest Ottawa’s execution of its mandate.

Previously, it had been determined that Invest Ottawa’s predecessor, OCRI, was unlikely to be a “local board” under the *Municipal Act, 2001*. OCRI was a non-profit partnership organization that was incorporated under the *Canada Corporations Act* as a federal corporation without share capital. It was described on its website as a “member-based economic development corporation for fostering the advancement of the region’s globally competitive knowledge-based institutions and industries.”

Despite the fact that OCRI had a municipal character – City of Ottawa Councillors sat on OCRI’s board of directors and OCRI received an annual operating grant from the City of Ottawa, there were other factors which led to the conclusion that OCRI would not be considered a “local board”. Approximately 80% of OCRI’s annual operating budget was generated from a variety of other sources such as federal and provincial governments, membership fees, professional development programs and private sector contributions.

Furthermore, although OCRI provided the City with quarterly reports regarding its operations pursuant to the partnership funding agreement entered into with the City, OCRI acted independently of the City and Council.

**(vii) Mohr’s Landing/Quyon Port Authority**

It is suggested that the Mohr’s Landing/Quyon Port Authority (“Port Authority”) does not fall under the category of “local board” under the *Municipal Act, 2001*.

To begin with, the Port Authority is a federally incorporated entity comprised of board members elected by both the City of Ottawa and the Municipality of Pontiac, Quebec. The ferry service itself operates over a navigable waterway, between two different provinces. The property and business of the Port Authority is managed by the board of directors, which has a high degree of autonomy and decision making authority. As such, it is an inter-provincial entity, which lacks a distinctly local/municipal character.

Furthermore, the operator of the ferry service receives all the user charges, as none are given to the municipalities. Further, as of September 16, 1999, the Port Authority began to receive funding from the Government of Canada for a period of 20 years. The federal funding was obtained as a result of the divestiture of various ferry landings by the federal government, including Mohr's Landing and Quyon Port.

Finally, there is no mention of whether a municipal by-law is required to dissolve the Port Authority. However, in the event of dissolution, all of the Port Authority's remaining assets shall be distributed to the two municipalities in equal portions, and the Mohr's Landing port facilities shall become the property of the City of Ottawa, while the Quyon port facilities shall become the property of the Municipality of Pontiac. For all of the above reasons, it is determined that this entity does not qualify as a local board under the *Act*.

**(viii) Osgoode Care Centre**

The Osgoode Care Centre ("OCC") is a non-profit, charitable corporation, which essentially provides a local facility to accommodate elderly people requiring nursing home care. The OCC addresses community concerns to meet the needs of the aging population in the City of Ottawa. The entity therefore meets the test of "having a local or municipal character" required to be considered a local board under the *Act*.

Article 3 of the OCC By-law states that the OCC board of directors shall be composed of "one director who shall be an elected member of City of Ottawa Council". Members are appointed to the board at the OCC's annual meetings.

Given the other criteria required in order to fall under the category of "local board" under the *Act*, it would appear that the OCC does not qualify. The dissolution

process for instance does not meet the requirement as set out in the *Act*. The OCC is not an entity that requires a City by-law in order to dissolve. Furthermore, the OCC By-law stipulates that the OCC board of directors may exercise all powers and may make any rules necessary for the management and operation of the OCC as required by the *Corporations Act* and consistent with the OCC By-law. There is no link to, or control by, the City of Ottawa. Further, the OCC was not created under provincial legislation or by-law, and is completely independent of the municipality in terms of operations and control of the OCC. In light of the above, the Osgoode Care Centre does not qualify as a “local board” under the *Municipal Act, 2001*.

**(ix) Ottawa Tourism and Convention Authority, Inc.**

The Ottawa Tourism and Convention Authority, Inc. (“OTCA”) is a non-profit agency that assists the City in the delivery of the Economic Development Program as it relates to local tourism development in Ottawa. Essentially, the OTCA undertakes various initiatives in building the tourism industry in Ottawa as it develops promotional programs and services to attract tourism business to the City. Therefore, while the OTCA does have a local/municipal character, it remains an independent entity that is not under the control of the City. As such, the OTCA does not qualify as a “local board” under the *Act*.

**(x) Innovation Center at Bayview Yards**

On December 11, 2013, Council approved a report recommending the roadmap for the Innovation Center at Bayview Yards (ACS2013-CMR-CMO-0019). A new non-profit corporation was subsequently established called “Innovation Center at Bayview Yards” (“Innovation Centre Corporation”) to oversee the construction, development and operation of an Innovation Center on City owned lands at 7 Bayview Yards. The project is jointly funded by the Province of Ontario and the City of Ottawa.

The facility is scheduled to open as early as 2016 and will provide a focal point for the entrepreneurship community, to foster innovation and support private sector job growth in the City of Ottawa. The Innovation Centre Corporation will manage and oversee the facility which will include an expanded business incubation and acceleration centre, and will house other non-profit and governmental entrepreneurial support agencies, anchor tenants, and private

service firms. The Innovation Centre Board of Directors for the Corporation includes the Mayor of the City of Ottawa.

While the Innovation Center Corporation is supported by the City of Ottawa, the Corporation operates independently from the City and is not considered a “local board” of the City.

**(xi) Ottawa Community Housing Corporation**

In 2002, City Council, as Sole Shareholder of the Ottawa Community Housing Corporation (“OCHC”), passed a Shareholder Direction to define the relationship between the OCHC and the City and to give the board of directors instructions on governance, accountability and the City’s expectations for the OCHC in the form of stated objectives and principles to be followed in doing business (ACS2002-PEO-HOU-0004). Among some of the issues addressed in the Direction were that the OCHC should maintain an arm’s length relationship with the City; however, it shall remain accountable to the City.

Subsection 26(b) of the *Housing Services Act, 2011* states that a local housing corporation is deemed not to be a local board of a service manager or of any municipality. Although Section 269 of the *Municipal Act, 2001* which sets out which local boards are required to adopt and maintain certain policies explicitly includes “a local housing corporation described in Section 23 of the *Social Housing Reform Act, 2000*,” Section 269 of the *Municipal Act, 2001* was enacted prior to Section 26 of the *Housing Services Act, 2011* and therefore, the *Housing Services Act, 2011* prevails.

Therefore, OCHC is not considered a “local board” under the *Municipal Act, 2001* for the purposes of Sections 269 and 270. This means that OCHC is not required to adopt and maintain, pursuant to the *Municipal Act, 2001*, policies with respect to the sale and disposition of land, its hiring of employees and its procurement of goods and services. That said, OCHC is subject to a number of requirements set out in the *Housing Services Act, 2011*, as well as rules made by the City as service manager. These rules may address the operation and activities of OCHC, including such matters as reporting requirements, budgeting and funding, the maintenance of housing project, audits and investigations, the exchange of information and such other matters as the service manager considers appropriate to ensure the performance of the corporation’s duties under the *Housing Services Act, 2011*.

(3) FORMER ENTITIES THAT CEASED FUNCTIONING DURING THE 2010-2014 TERM OF COUNCIL

From a legal perspective, City Council is authorized under Section 216 of the *Municipal Act, 2001* to dissolve a local board.

(i) Cumberland Heritage Village Museum Board

The Cumberland Heritage Village Museum Board had satisfied the criteria required in order to qualify as a local board. However, on February 13, 2013, Council approved recommendations, set out in the 2010-2014 Mid-term Governance Review (ACS2013-CMR-CCB-0011), that the Cumberland Heritage Village Museum Board be dissolved, its by-law repealed and that it be recreated as a Departmental Consultative Group as described in the report. The Cumberland Heritage Village Museum Board has been dissolved.

(ii) Nepean Museum Board

The Nepean Museum Board had satisfied the criteria required in order to qualify as a local board for the purposes of the *Municipal Act, 2001*. However, on February 13, 2013, Council approved a recommendation as part of the 2010-2014 Mid-term Governance Review (ACS2013-CMR-CCB-0011) to dissolve the Nepean Museum Board and create a Departmental Consultative Group. Under this change in governance, the City would take over the management and operation of the Nepean Museum and Fairfields and a Departmental Consultative Group would be established to retain the community input that had been provided by the Board of Trustees. Further, Council approved setting June 30, 2013, as the final date of transfer of operations for the Nepean Museum and Fairfields Historic Site. The Nepean Museum Board has been dissolved.

(iii) Ottawa Centre for Research and Innovation

See Invest Ottawa. The Ottawa Centre for Research and Innovation ("OCRI") was restructured into Invest Ottawa during the 2010-2014 Term of Council.

(iv) Ottawa-Gatineau Film and Television Development Corporation

The Ottawa-Gatineau Film and Television Development Corporation (“Film and Television Development Corporation”) was dissolved during 2011. The Film and Television Development Corporation did not previously qualify as a “local board” under the *Act*. In 2012, the Film and Television Development Corporation was transitioned to the Invest Ottawa Film, Television and Digital Media Office. During 2011, Economic Development staff worked with the Film and Television Development Corporation board of directors to cease and legally dissolve its operations. Economic Development also consulted and worked with the National Capital Commission and the City of Gatineau on the disbanding of the Film and Television Development Corporation and the creation of the new office. To make the best use of shared resources and synergistic business networks, the new office was co-located within Invest Ottawa.

**(v) Ottawa Municipal Campground Authority**

The Ottawa Municipal Campground Authority (“OMCA”) was a local authority and did satisfy the criteria required to constitute a local board under the *Act*. However, the City stopped operating the Ottawa Municipal Campground during the 2010-2014 Term of Council. The Campground had been located at 411 Corkstown Road, on land leased from the National Capital Commission (“NCC”) at an annual rent of \$1.00.

On July 11, 2012, City Council approved the termination of City operations and programming, including the termination of leasing arrangements with the NCC, at the adjacent Nepean National Equestrian Park, which was located at 401 Corkstown Road (ACS2012-COS-PRC-0009). In August 2012, the NCC issued a Request for Proposals (“RFP”) for the equestrian park. As part of the RFP process, the NCC welcomed submissions that included the lease of the Municipal Campground (though no submission related solely to the campground would be entertained).

On January 17, 2013, the NCC announced the Wesley Clover Foundation (“WCF”) as the preferred proponent to take over the operations of the former Nepean National Equestrian Park. The WCF proposal was designed to include the Equestrian Park as well as the Municipal Campground.

The Ottawa Municipal Campground operation under the OMCA ceased operations in October 2013. In late fall and early winter, staff worked with Board members to pay off outstanding debts, refund deposits for the 2014 season, sell off inventory and generally wind down operations.

On December 31, 2013, the City's lease with the NCC for the property at 411 Corkstown Road ended and was not renewed.

As noted above, all legal commitments pertaining to the OMCA have ended (including, specifically, leasing with the NCC and the contractual relationship between the OMCA Board and the City).

The City is informed that the OMCA has not been officially dissolved. It is the intention of City Operations to bring a report in the new term of Council governance to dissolve the OMCA.

**(vi) Pine View Municipal Golf Club Board of Management**

The Pine View Municipal Golf Club Board of Management ("Pine View") had satisfied the criteria to be considered a local board under the *Act*. On February 13, 2013, Council approved a recommendation as part of the 2010-2014 Mid-Term Governance Review (ACS2013-CMR-CCB-0011) that directed staff "to undertake a review of the Pine View Municipal Golf Course's relationship to the City as part of the Department of Parks, Recreation and Cultural Services' review of the overall direction of City recreation services and mandate, and to report back to the Community and Protective Services Committee and Council."

On August 28, 2013, Council approved report ACS2013-COS-PRC-0008, which provided approval for the City to participate in a Request for Proposal ("RFP") process with the National Capital Commission ("NCC") to identify and select a third-party proponent interested in managing and operating the Pine View Golf Course. Council also authorized the Director of Real Estate Partnership and Development and the General Manager of Parks, Recreation and Cultural Services "to negotiate with the NCC the requirements from the City in order to implement a preferred proposal received through the Request for Proposal process that meets City and NCC objectives."

The NCC worked with the City to explore a new management model for the golf course and conducted the RFP process to gauge third-party interest. The process yielded a successful proponent. Negotiations between the City and NCC resulted in the replacement of the operating model and lease with a new arrangement that included the mutual termination of the City's lease.

At its meeting of February 12, 2014, Council approved Motion 69/5, which provided that "in order to conclude a resolution with the National Capital Commission, City Council approve the Letter of Mutual Termination and the Lease Termination Agreement, dated February 28, 2014, to be executed by the City Manager, and approve the write-off of the outstanding balance of \$1,474,267 for the City advances' to Pine View, to be funded through City-wide reserves."

As noted above, all legal commitments pertaining to Pine View have ended (including, specifically, leasing with the NCC and the contractual relationship between the Pine View Board and the City).

The City is informed that Pine View has not been officially dissolved. It is the intention of City Operations to bring a report in the new term of Council governance to dissolve Pine View.

**(vii) Carp Airport Authority**

The Carp Airport Authority ("CAA") originally operated the Carp Airport on the basis of a head lease from the City.

On May 14, 2004 City Council approved the provisions of an option agreement with West Capital Developments ("WCD") with respect to the potential purchase of the Carp Airport property by WCD from the City. At the same time, Council also approved: (a) the termination of CAA's head lease, which was at that time on a month to month basis; (b) the assignment of the existing sub-leases from CAA to the City; (c) provisions of a management agreement for WCD to assist the City in operating the airport; and (d) provisions for CAA to act as an advisory board and service provider to the City during the option period.

On March 9, 2005, Council approved amendments to the option to purchase and management agreements with WCD, that provided for WCD to operate the airport directly as of December 31, 2006, and Council also approved conveying 0.3m reserves outside and abutting the Core Airport Area to CAA with the reserves to be held in trust by CAA in order to establish separate parcels for the Core Airport Area, Airport Accessory Residential Community and Aerospace Business Park parts of the property. As of December 31, 2006, CAA remained as an advisory body to the City and holder of the 0.3m reserves but no longer as a service provider to the airport.

On October 6, 2010, Ottawa City Council passed a motion authorizing the City Manager to finalize and execute a settlement agreement with West Capital Developments for the purchase and development of the Carp Airport. Upon execution of the settlement agreement, the City Manager had authorization from Council to negotiate and execute a final Agreement of Purchase and Sale with WCD for the Carp Airport (ACS2010-CMR-REP-0050).

On March 24, 2011, the purchase of the Carp Airport property by WCD was completed and the related land transfers, Option to Repurchase Agreement, Municipal Capital Facility and Development Agreement, and associated restrictive covenants were registered on title.

With the transfer of the Airport in 2011, the Carp Airport Authority no longer manages and operates the Carp Airport on behalf of the City. The Carp Airport Authority ceased to exist as a Carp Airport entity with the completion of the sale of the Airport property to West Capital Developments on March 24, 2011.

**(4) ENTITIES THAT ARE NO LONGER APPLICABLE TO THE CITY OF OTTAWA**

**(i) Almonte Hospital Board**

The Almonte Hospital Board was previously determined not to meet the definition of a “local board” under the *Municipal Act, 2001*. Although one Member of Council had been appointed to this Board in 2010, as a result of changes adopted to the Hospital by-laws in June of 2011, the City of Ottawa no longer has representation on this Board.

**Document 8**

<b>TITLE:</b>	<b>Appointment Policy – Citizen Members of City Advisory Committees, Boards and Task Forces, and External Boards, Commissions and Authorities</b>		
<b>ORIGINATING DEPARTMENT:</b>			
<b>ORIGINATING BRANCH:</b>	<b>City Clerk &amp; Solicitor Department</b>		
	<b>Legislative Services Branch</b>		
<b>AUTHORITY:</b>	City Council		
	March 28, 2001, August 28, 2002, December 3, 2003, September 12, 2012		
<b>EFFECTIVE DATE:</b>	<b>March 28, 2001</b>	<b>LAST REVISION DATE:</b>	<b>September 20, 2012</b>

**POLICY STATEMENT**

The Appointment Policy governs the recruitment and selection process for all Council-appointed citizen members to various City of Ottawa committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as external boards and commissions.

**PURPOSE**

The policy outlines a fair and equitable approach and process for recruiting, selecting and appointing citizen members to City committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as external boards and commissions.

To encourage participation, the City will adopt the general concepts of equity,

accessibility and accommodation, to ensure that all citizens have equal opportunity. Membership on City committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as external boards and commissions will, as much as possible, reflect Ottawa's diversity and demographics in such areas as gender, official language, geographic representation, race and disability.

**POLICY DESCRIPTION / APPLICATION**

The following applies for the citizen appointments by City Council to City committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as external boards and commissions where Council is required to make such appointments.

**1.0     QUALIFICATION OF MEMBERS**

- 1.1    All Council-appointees must be residents of the City of Ottawa and must maintain this qualification during their term of office.
- 1.2    All Council-appointees must be at least 18 years of age.
- 1.3    Full time permanent employees of the City of Ottawa are not eligible for positions as citizen members on any City committee or board where Council is required to make such appointments.

**2.     TERM OF OFFICE**

- 2.1    The term of office is generally two or four years and membership is tied to the Term of Council. Members are eligible to serve a maximum of two consecutive terms on the same committee or board (a maximum of 8 years) subject to section 2.2.
- 2.2    A person appointed to fill a partially completed term is appointed to the end of that term of office. Such a member, if appointed for an interim term not exceeding one year, may be eligible for reappointment for two full terms.
- 2.3    Applicants are required to sit out one year after serving two consecutive terms, before being eligible for reappointment on the same committee or board, although may apply to serve on another Committee during that time.
- 2.4    Those members who wish to be reappointed to an additional term must reapply and go through the approved selection process.
- 2.5    Citizen members may serve on only one committee or board at any one time.

- 2.6 Members continue to serve on a committee/board past the expiration of their term until they are re-appointed or replaced (subject to the end-of-term governance review).
- 2.7 Term of office and membership on some external boards, commissions and authorities or quasi-judicial committees may differ as specifically outlined under statute or by-law.
- 2.8 In the case of City of Ottawa Advisory Committees, in order to accept and retain their membership with the Advisory Committee, each member is required to attend at least one (1) orientation session as well as read and sign the Advisory Committee members' Code of Conduct.

### 3. COMPOSITION

- 3.1 The membership of City committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as external boards and commissions shall, as much as possible, achieve a balance between a variety of technical expertise and other representation.
- 3.2 As much as possible, the membership should reflect the diversity and demographics of the City of Ottawa in such areas as gender, official language, geographical representation, race and disability.

### 4. RECRUITMENT

- 4.1 The recruitment for the City's committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as external boards and commissions for which members are required, shall be held early in each Term of Council and again at approximately mid-term.
- 4.2 The principles of equity and accommodation for all candidates shall be adopted and implemented by enforcing application deadlines, selection criteria, and interviewing procedures using the same questions and same evaluation criteria for all candidates.
- 4.3 General Public:

The recruitment and selection process for citizen members will include advertisements for interested applicants placed by the City Clerk's and Solicitor Department, in the daily and/or weekly community newspapers in accordance with the City's advertising policy as well as on the City's website. Advertisements will also be distributed throughout Client Service Centres and libraries. In addition, for specific committees, an effort will be made to tailor the recruitment process specifically, but not exclusively, to the particular groups that are a potential member.

#### 4.4

The advertisements may include the following information:

- a. Function or brief mandate statement of the entities for which recruitment is taking place;
- b. Frequency and time of meetings and where possible any other expectations for participation of members;
- c. City policies that guide the selection process or the operation of the Committee;
- d. Anticipated time commitment;
- e. Information on how to submit an application;
- f. A request for applicants to either select one committee/board of interest, or to prioritize the committees/boards of interest; and
- g. Indication that an individual can be appointed to serve on only one committee, board, task force, sub-committee, commission or quasi-judicial committee, external board or commission at a time.

#### 4.5 Applications

- a. All applications must outline how the applicant's qualifications, specific skills, interests and background are relevant to the committee. They may include a statement of work, life and educational experience and/or a resume.
- b. All applications will be sent to the City Clerk's and Solicitor Department to be processed.
- c. All applications will be acknowledged by the City Clerk's and Solicitor Department.
- d. An initial screening of applications will be conducted. Only those meeting the qualifications set out in Section 1 will be brought forward to the next stage.
- e. All applications must be received by the published deadline in order to be considered.
- f. Applicants shall be encouraged to apply for only the committees/boards they wish to serve on rather than applying to many or all.
- g. Should an applicant choose to apply to more than one committee/board, they will be requested to prioritize their preferences.

#### 4.6 Selection

- a. At the outset of each new term of Council, City Council, upon recommendation of the Nominating Committee, will appoint a minimum of two members of Council to sit on each Selection Panel to review applications and make recommendations to Council. If necessary throughout the term of Council, the applicable Standing Committee or the Nominating Committee will recommend Selection Panel members to City Council.
- b. The Committee Coordinator for the Committee will provide advice and assistance to the Selection Panel.
- c. Each Selection Panel shall meet to determine selection criteria based on the specific expertise needed by the committee, board, external board or commission and the need to reflect the community as detailed under the entity's composition, prepare questions to be asked of each candidate during interviews, and review applications based on these criteria to determine which applicants will be interviewed. Each Selection Panel shall be required to conduct interviews when considering the appointment of new candidates to a committee or board. In the case of members applying for re-appointment, the Selection Panel may choose to waive the interview requirement.
- d. The Selection Panel shall recommend appointments as well as a reserve list of people who will be appointed should a vacancy occur before the end of a term. The reserve list shall be maintained until the next advertisement for vacancies for that particular committee or board. The number of reserve members shall be at the discretion of the Selection Panel.
- e. The City Clerk's and Solicitor Department shall forward the Selection Panel recommendations through a public report to the relevant Standing Committee and Council (or Finance and Economic Development Committee if there is no assigned Standing Committee).
- f. The City Clerk's and Solicitor Department shall advise all applicants of the status of their applications.
- g. Should the Selection Panel receive insufficient applications to fill the number of vacancies, the Selection Panel may request the City Clerk and Solicitor Department extend the application deadline and/or undertake a targeted recruitment process (outreach to specific organizations).

#### 5. ATTENDANCE

- 5.1 Any member of a City committee, board, task force, sub-committee, commission, quasi-judicial committee, external board or commission who is absent from two

(2) consecutive regularly scheduled meetings of the committee, shall be contacted by the committee/board Coordinator to confirm his/her commitment.

5.2 Should the member miss another consecutive meeting, the next qualified reserve member for that committee/board shall automatically be called up to fill the vacancy.

5.3 If no subsequent reserve members remain to fill the position, then the seat shall remain vacant until the next recruitment process. Recruitment shall only be undertaken at another time than the normal process if the number of members on the committee falls to one above quorum, or there is a need to fill vacancies on numerous committees/boards in that the associated costs and staff resources are justified.

5.4 For record and information purposes, the Committee Coordinator will prepare and distribute an “Information Previously Distributed” memorandum to the applicable Standing Committee noting the appointment of the reserve member as a full voting member.

## 6. SUBCOMMITTEES

6.1 City advisory committees and boards may create subcommittees to work on specific areas of their mandate. These subcommittees may be comprised of non-members of the committee/board and do not require Council approval of the appointment. However, the subcommittee must have a minimum of one-third of the members as voting committee members of the main committee or board.

6.2 Minimal administrative support will be provided to subcommittees and is limited to booking rooms and the provision of material if necessary.

## EXCEPTIONS

This Policy shall not apply to incorporated boards where the City is the sole-shareholder (ex. Hydro, Ottawa Community Housing Corporation, Ottawa Community Land Development Corporation) or to boards where the Mayor is delegated the authority to make nominations (ex. Ottawa Airport Authority)

## CONTRAVENTIONS

Failure to comply with this policy may result in inconsistent response, coordination and appointment of citizen members on City of Ottawa committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as external boards and commissions. Inconsistent application may hinder the objectives of open, accessible and impartial practice with respect to citizen appointments.

**CONTACT**

Enquiries should be directed to:

Deputy City Clerk

City Clerk's and Solicitor Department

City of Ottawa

**Document 9****DRAFT Indemnification Policy****POLICY STATEMENT**

It is the policy of the City of Ottawa that all employees and Members of Council should be indemnified for damages and reasonable legal costs incurred in defending themselves in any legal matter brought against them in their capacity as employees/Members, arising out of the good faith discharge of their duties as employees/Members, in accordance with the provisions of this Policy.

**APPLICATION**

This Policy applies to Members of City Council and City of Ottawa employees whose terms and conditions of employment are not governed by a collective agreement. Where an employee's terms and conditions are governed by a collective agreement, the employee's entitlement to indemnification shall be determined by reference to that collective agreement.

**POLICY REQUIREMENTS****CIVIL PROCEEDINGS**

Where a civil action or proceeding is brought against a Member/Employee, which action or proceeding is not otherwise defended by the City Clerk and Solicitor Department on behalf of the City or where, in the sole opinion of the City Clerk and Solicitor, it is appropriate that the City and the Member/Employee have independent legal representation, the City may pay damages or costs awarded against such Member/Employee or reasonable legal expenses incurred by him/her, provided that the action or proceeding arises out of acts or omissions done or made by such Member/Employee in his/her capacity as a Member of Council/Employee of the City of Ottawa.

The amount of any such reimbursement of damages, costs and/or legal expenses shall be determined by the City Clerk and Solicitor, in his/her sole discretion.

## OFFENCES UNDER A FEDERAL/PROVINCIAL STATUTE

Where a Member/Employee is charged with an offence under a federal or provincial statute, arising out of an act or acts done in the performance in good faith of his/her official duties, or where an application has been filed alleging that a Member has contravened the *Municipal Conflict of Interest Act*,

(a) The Member/Employee shall, in the first instance, be responsible for his/her own defence including the retaining of legal counsel or a paralegal.

(b) Where the Member/Employee is acquitted and is seeking reimbursement for legal expenses, the matter shall be referred to the City Clerk and Solicitor for his/her consideration. The amount of any reimbursement shall be determined by the City Clerk and Solicitor, in his/her sole discretion.

(i) The term “acquitted” shall be taken to be the same as a dismissal of the charge(s) and may, in appropriate circumstances, include the withdrawal of the relevant charge(s), but does not include the substitution of another charge to which the Member/Employee pleads or is found guilty.

(ii) Clause (i) shall not be read so as to preclude the reimbursement of funds in circumstances where no charge has been laid and where independent legal advice is necessary, except for a proposed application alleging a Member has contravened the *Municipal Conflict of Interest Act*.

## RESPONSIBILITIES

**Members/Employees** are responsible for:

- Advising the City Clerk and Solicitor as soon as possible after learning that a civil action or other proceeding has been brought against the Member/Employee; and,
- As soon as possible after the conclusion of the civil action or other proceeding, providing the City Clerk and Solicitor with a detailed statement of account outlining the legal expenses incurred by the Member/Employee, in the form directed by the City Clerk and Solicitor.

**The City Clerk and Solicitor** is responsible for:

- Reviewing requests for reimbursement of damages, costs and/or legal expenses submitted by Members/Employees to ensure that the amounts submitted are reasonable in the circumstances, having regard to the factors ordinarily considered by a court, including, but not limited to, the experience, skill and

competence of the lawyer, the complexity of the issues, the importance of the matter and the time expended by the lawyer or paralegal; and,

- Approving the payment of damages, costs and/or legal expenses in accordance with this Policy.

## Document 10

**2014-2018 Governance Review**  
**Procedure By-law – Recommended Amendments**

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
1	Housekeeping	Add new – 2.(1)	“ <u>Bulk Consent Agenda</u> ” means those items carried on consent at a standing committee or the Transit Commission in accordance with Section 79, that may be approved by Council without debate;	
2	Housekeeping	Delete – 2.(2)		“Chief Corporate Services officer” means the official responsible for the Corporate Services Department.
3	Housekeeping	Amend – multiple sections	<i>Municipal Act, 2001</i>	<i>Municipal Act</i>
4	Housekeeping	Amend – 2.(5)	“ <u>Clerk</u> ” or “ <u>City Clerk and Solicitor</u> ” means the position appointed pursuant to Section 228 of the <i>Municipal Act, 2001</i> ;	“ <u>Clerk</u> ” means the position appointed pursuant to Section 228 of the <i>Municipal Act</i> ,
5	Housekeeping	Amend - 2.(6)	“ <u>Committee</u> ” means a committee of Council and includes Standing	“ <u>Committee</u> ” means a committee of Council and includes Standing

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
			Committees, Transit Commission special committees and sub-committees;	Committees, special committees and sub-committees;
6	Housekeeping	Amend – Multiple sections	Where it refers to a Committee or Standing Committee, add “or the Transit Commission”	
7	Per Council Approval – 8 December 2010 2010-2014 Governance Report Rec. I-11)	Amend – 2.(12)	“ <u>Deputy Mayor</u> ” means the designated member(s) of Council appointed to this position pursuant to Section 5;	“ <u>Deputy Mayor</u> ” means the designated member(s) of Council appointed to this position pursuant to the rotation list by-law set out in Section 5;
8	Housekeeping – correct reference to “portfolio” rather than “department”	Amend – 2.(13)	“ <u>Deputy City Manager</u> ” means the official responsible for a portfolio within the City;	“ <u>Deputy City Manager</u> ” means the official responsible for a department within the City;
9	Housekeeping – correct title of <i>Legislation Act, 2006.</i>	Amend – 2(14)	(14) “ <u>Holiday</u> ” means a holiday as defined by the <i>Legislation Act, 2006.</i> , as amended;	(14) “ <u>Holiday</u> ” means a holiday as defined by the <i>Legislation Act, S.O. 2006, c. 21, Sched F</i> , as amended;

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
10	Housekeeping - correcting reference to Communications Department (not Communications Branch).	Amend – 2. (21.1)	“ <u>Public Service Announcement</u> ” means an electronic notice sent in both official languages to the listing of daily newspapers, local and community newspapers and broadcast outlets located within the City of Ottawa maintained by the Corporate Communications Department;	“ <u>Public Service Announcement</u> ” means an electronic notice sent in both official languages to the listing of daily newspapers, local and community newspapers and broadcast outlets located within the City of Ottawa maintained by the Corporate Communications Branch;
11	Proposed Amendment - deleting reference to Debenture Committee  Housekeeping – adding reference to Transit Commission	Amend – 2.(23)	“ <u>Standing Committee</u> ” means a Committee of Council comprised solely of members of Council who are appointed by Council, but includes the Transit Commission;	“ <u>Standing Committee</u> ” means a Committee of Council comprised solely of members of Council who are appointed by Council, but includes the Debenture Committee
12	Per Council Approval – 8 December 2010 2010-2014 Governance Report Rec. I-1)	Add new – 2.(28)	“ <u>Transit Commission</u> ” means the body composed of eight members of Council and four citizen members responsible for overseeing transit operations;	
13	Housekeeping	Add new – 2.(29)	“ <u>Treasurer</u> ” means the position appointed pursuant to Section 286	

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
			of the <i>Municipal Act, 2001</i> ;	
14	Housekeeping - add to lead-in, the relevant section of the <i>Municipal Act, 2001</i> .	Amend - Section 3 - Duties of the Mayor	<p>It shall be the duty of the Mayor to carry out the responsibilities set forth in the <i>Municipal Act, 2001</i> section 225 and 226.1 and:</p>	<p>It shall be the duty of the Mayor to carry out the responsibilities set forth in the <i>Municipal Act, 2001</i> section 225 and:</p>
15	Per Council Approval 8 December 2010 2010-2014 Governance Report Rec. I-11)	Amend – Section 5.	<p><u>DEPUTY MAYOR</u></p> <p>(1) At the first regular meeting of Council in its term, a by-law shall be placed on the agenda to appoint two Members of Council to serve as Deputy Mayors;</p> <p>(2) The Deputy Mayors shall be recommended by the Mayor and approved by Council, to act in the place of the Mayor when the Mayor is absent from the City or absent through illness or the office is vacant;</p>	<p><u>DEPUTY MAYOR</u></p> <p>(1) At the first regular meeting of Council in its term, a by-law shall be placed on the agenda to designate a rotation list for Deputy Mayor;</p> <p>(2) The rotation list shall be comprised of all the members of Council to each serve a limited term as Deputy Mayor in the event that the Mayor is absent and unable to perform the duties of his or her office.</p>

Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
		<p>(3) The responsibilities and scheduling of each Deputy Mayor shall be at the discretion of the Mayor and the Deputy Mayors;</p> <p>(4) Section 74 shall not apply to the Deputy Mayor.</p>	<p>The order for the rotation list be determined by lot drawn by the Clerk;</p> <p>(3) The by-law to designate a rotation list of Deputy Mayors may be amended by a majority of those members present and voting;</p> <p>(4) Subject to subsection (5), the time period to be served as Deputy Mayor may be exchanged between Councillors upon written notice to the Clerk and written agreement of the Councillors concerned;</p> <p>(5) The Clerk may, upon notice to the Councillors concerned, submit a notice pursuant to subsection (4) to Council for approval, and where so submitted, such notice does not take effect until approved by Council;</p> <p>(6) A motion to amend the rotation list of Deputy Mayors may be</p>

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
				<p>made without notice upon the written consent of the Councillors directly concerned.</p> <p>(7) Section 71 shall not apply to the Deputy Mayor.</p>
16	Housekeeping – adding lead-in to Duties of a Member of Council and referencing relevant section of <i>Municipal Act, 2001</i>	Amend – Section 6	<p>6. <u>DUTIES OF A MEMBER OF COUNCIL</u></p> <p>It shall be the duty of a Member of Council to carry out the responsibilities set forth in the <i>Municipal Act, 2001</i> section 224, and:</p> <p>(1) to deliberate on the business submitted to Council;</p> <p>(2) to vote when a motion is put to a vote; and</p> <p>(3) to respect the Rules of Procedure.</p>	<p>6. <u>DUTIES OF A MEMBER OF COUNCIL</u></p> <p>(1) A member of Council shall have the following duties:</p> <p>(a) to deliberate on the business submitted to Council;</p> <p>(b) to vote when a motion is put to a vote; and</p> <p>(c) to respect the Rules of Procedure.</p>

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language	
17	Housekeeping - combining the two sections, correcting the month of elections and rewording for clarity and to reflect current practise – i.e. change “on the second or the fourth Wednesday....” to “on a Wednesday of the month...”	Amend – 8.(2) and 8.(3)	During the months of March, July, August and December and of October in a regular election year, at least one regular meeting of Council shall be held at 10:00 a.m. on a Wednesday of the month determined by the Mayor;	8.(2)	During the months of March, July and August, the regular meeting of Council shall be held at 10:00 a.m. on the second or the fourth Wednesday of each month as determined by the Mayor;
18	Housekeeping - to reflect Subsection 239(3.1) of the <i>Municipal Act, 2001</i>	Add New - 13.(3)	A meeting of Council may be closed to members of the public if the following conditions are both	8.(3)	During the months of December and of November in a regular election year, at least one regular meeting of Council shall be held at 10:00 a.m. on a Wednesday of the month determined by the Mayor.

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			<p>satisfied:</p> <p>(a) The meeting is held for the purpose of educating or training the members; and</p> <p>(b) At the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council;</p>	
19	<p>Housekeeping</p> <p>- adding Manotick Mill Quarter Community Development Corporation and Ottawa Community Lands Development Corporation, in keeping with Subsections 29(1) and (6)</p> <p>- correcting titles of OCHC and HOHI</p>	Amend - 15	<p>15. <u>SHAREHOLDER MEETINGS</u></p> <p>Council, at a regular meeting, may consider reports from the City of Ottawa Community Housing Corporation, Hydro Ottawa Holding Inc., Manotick Mill Quarter Community Development Corporation and Ottawa Community Lands Development Corporation, and the Mayor and</p>	<p>15. <u>SHAREHOLDER MEETINGS</u></p> <p>Council, at a regular meeting, may consider reports from the City of Ottawa Non-Profit Housing Corporation and Hydro Ottawa and the Mayor and Clerk are authorized, upon approval by Council, to sign any necessary resolutions.</p>

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			Clerk are authorized, upon approval by Council, to sign any necessary resolutions.	
20	Per Council Approval 8 December 2010, 2010-2014 Governance Report, Rec. I-11 - to remove reference to the Deputy Mayor Rotation List,	Amend - 17.(1)	If the Mayor or one of the Deputy Mayors does not attend within fifteen minutes after the time appointed for a meeting of the Council, the Clerk shall call the members to order and another member of Council may be appointed Presiding Officer for the duration of the meeting or until the arrival of the Mayor or a Deputy Mayor.	If the Mayor or Deputy Mayor, pursuant to the rotation list established by Section 5, does not attend within fifteen minutes after the time appointed for a meeting of the Council, the Clerk shall call the members to order and the next member listed thereon shall preside over the meeting until the arrival of the Mayor or Deputy Mayor. Should the next listed member not be present, the next member on the list shall be called until a member is present to act.

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
21	Housekeeping - Adding in reference to the relevant legislation	Amend - 23	<p>23. <u>SECRET BALLOT PROHIBITED</u></p> <p>No vote shall be taken in Council by ballot or by any other method of secret voting, unless the Council is in closed session and such vote is permitted to be taken in closed session pursuant to the relevant legislation.</p>	<p>23. <u>SECRET BALLOT PROHIBITED</u></p> <p>No vote shall be taken in Council by ballot or by any other method of secret voting, unless the Council is in closed session and such vote is permitted to be taken in closed session.</p>

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
22	<p>Housekeeping</p> <ul style="list-style-type: none"> <li>- Remove reference to “have printed”</li> <li>- Adding missing sections, correcting titles of sections</li> <li>- Correcting titles – Ottawa Community Housing Corporation and Hydro Ottawa Holding Inc.</li> </ul> <p>Proposed Amendment – adding in Election Compliance Audit Committee, Integrity Commissioner, Ottawa Public Library Board, Ottawa Board of Health and Ottawa Police Services Board, Manotick Mill Quarter Community Development Corporation and Ottawa Community Lands Development Corporation</p>	Amend – 29(1)	<p>The Clerk shall, under the direction of the Mayor, prepare for the use of the members at the regular meetings of Council an Agenda under the following headings:</p> <ul style="list-style-type: none"> <li>(a) Prayer;</li> <li>(b) Announcements/Ceremonial Activities;</li> <li>(c) Roll Call;</li> <li>(d) Minutes of the previous meeting;</li> <li>(e) Declarations of pecuniary interest including those originally arising from prior meetings;</li> <li>(f) Communications;</li> <li>(g) Regrets;</li> <li>(h) Introduction of Reports;</li> <li>(i) Reports from the Auditor-General, Integrity Commissioner, Election Compliance Audit Committee, Hydro Ottawa Holding Inc., Ottawa Community Housing Corporation, Ottawa Public Library Board, Ottawa Board of Health, the Ottawa Police Services Board, Manotick Mill Quarter Community Development Corporation</li> </ul>	<p>The Clerk shall, under the direction of the Mayor, prepare and have printed for the use of the members at the regular meetings of Council an Agenda under the following headings:</p> <ul style="list-style-type: none"> <li>(a) Prayer;</li> <li>(b) Announcements/Ceremonial Activities;</li> <li>(c) Roll Call;</li> <li>(d) Minutes of the previous meeting;</li> <li>(e) Declarations of pecuniary interest including those originally arising from prior meetings;</li> <li>(f) Communications;</li> <li>(g) Regrets;</li> <li>(h) Reports from Auditor-General, Hydro Ottawa and/or City of Ottawa Non-Profit Housing Corporation (s);</li> <li>(i) Postponements and deferrals;</li> <li>(j) Unfinished business;</li> <li>(k) Reconsiderations;</li> <li>(l.1) Introduction of Committee Reports;</li> <li>(l.2) Bulk consent agenda;</li> </ul>

Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
		<p>and/or Ottawa Community Lands Development Corporation;</p> <p>(j) Postponements and deferrals;</p> <p>(k) Unfinished business;</p> <p>(l)</p> <p>(m) Reconsiderations; Committee Reports;</p> <p>(n) Bulk consent agenda;</p> <p>(o) Listing of items approved by Committees under Delegated Authority;</p> <p>(p) Adoption of Reports.</p> <p>(q) Motions of which notice has been given previously;</p> <p>(r) Motions requiring suspension of the Rules of Procedure;</p> <p>(s) Notices of Motion (for consideration at subsequent meeting);</p> <p>(t) Introduction and</p>	<p>(l.3) Adoption of Committee Reports. (2009-267)</p> <p>(m) Motions of which notice has been given previously;</p> <p>(n) Notices of Motion (for consideration at subsequent meeting);</p> <p>(o) Introduction and consideration of by-laws;</p> <p>(p) Confirmation by-law;</p> <p>(q) Inquiries and answers;</p> <p>(r) Adjournment;</p>

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			<p>consideration of by-laws;</p> <p>(u) Confirmation by-law;</p> <p>(v) Inquiries;</p> <p>(w) Adjournment;</p>	
23	<p>Per Council Approval</p> <p>FEDC Report 5, Item 1 – CC 13 April 2011</p> <p>OFFICE OF THE AUDITOR GENERAL (OAG) - 2011</p> <p>WORKPLAN, REPORTING PROTOCOL AND ADMINISTRATION</p> <ul style="list-style-type: none"> <li>- AG reporting</li> </ul> <p>Proposed Amendments</p> <ul style="list-style-type: none"> <li>- Requiring Notice</li> </ul>	Amend – 29(6)	<p>Reports submitted pursuant to clause (1)(i), shall be dealt with as follows:</p> <p>a. Notice of an annual report from the Auditor-General shall be given at the meeting of Council prior to the meeting of the Audit Committee where the report is to be tabled. The annual report will be referred to various Standing Committees as directed by Audit Committee and will subsequently rise to Council</p>	<p>(6) Reports, other than from the Auditor General, submitted pursuant to clause (1)(h) may be submitted directly to Council provided that they have been distributed in accordance with subsection (3).</p> <p>a. Notice of a report from the Auditor General shall be given at the meeting</p>

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
	<ul style="list-style-type: none"> <li>- only for the annual report of the AG</li> <li>- Reference to "Audit Committee" as opposed to Audit Sub-Committee</li> <li>- Adding in requirement for Notice of Annual Report for HOHI, OCHC, MMQCDC and OCLDC AND releasing annual reports with the Agenda 5 calendar days in advance of meeting</li> <li>- Adding in notice requirement for Integrity Commissioner and Election Compliance Audit Committee</li> </ul>		<p>b. for final approval.</p> <p>Notice of a report from the Integrity Commissioner or the Election Compliance Audit Committee shall be given at the meeting of Council prior to the meeting where the report is to be considered by Council and shall be released with the Agenda five calendar days in advance of the Council meeting at which it is to be considered;</p> <p>c. Notice of Annual Reports to the Shareholder for Hydro Ottawa Holding Inc., Ottawa Community Housing Corporation, Manotick Mill Quarter Community Development Corporation and Ottawa Community Lands Development Corporation shall be given at the meeting of Council prior to the meeting where the report is to be considered by Council and shall be released with the Agenda five calendar days in advance of the Council meeting at which it is to be considered;</p> <p>d. All other reports submitted</p>	<p>of Council prior to the meeting where the report is to be tabled with Council. The report shall be considered at the next regular meeting (or special meeting called for that purpose) following the meeting at which the report is tabled.</p>

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			pursuant to clause 1(i) may be submitted directly to Council provided that they have been distributed in accordance with Subsection (3).	
24	Housekeeping	Amend – 29.1	Add the word “Bulk” to the title to read “Bulk Consent Agenda”	
25	Housekeeping - for clarity adding in reference to Consent Agenda section	Amend – 29.1(1)	29.1(1) For each agenda of Council, the Clerk shall prepare a bulk consent Agenda of those items carried on consent at a Standing Committee/Commission meeting in accordance with Section 84.	(1) For each agenda of Council, the Clerk shall prepare a bulk consent agenda of those items carried on consent at a standing committee;
26	Housekeeping - for clarity	Add new - 29.1(7) and delete last clause of 30.(1)	29.1 (7) Following the consent agenda (Section 31), the bulk consent agenda will then be put to Council for approval.	30. <u>CONSENT AGENDA</u>  (1) Upon the adoption of a motion to permit the introduction of the reports of the Standing Committees, the Mayor will proceed through the recommendations in

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
				the reports to determine if it is the will of the Council that the recommendations be adopted without debate or questions. The bulk consent agenda will then be put to Council for approval.
27	Per Council Approval BOH Selection Panel/City Clerk Report – CC 10 March 2011	Add new – 30.1(2)	In the event of a public health emergency, enhanced response and/or communicable disease outbreak, particularly where City resources are required as part of the response, and with the consent of the Mayor or the Chair, the Board of Health is authorized to brief Council or the relevant Standing Committee/Transit Commission, without requiring waiver of the Rules of Procedure. Such briefings may take precedence over regular business on the Agenda, with the consent of the Mayor or the Chair.	

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
28	Housekeeping	Amend - Multiple	Replace "Chief Corporate Services Officer" with "City Clerk and Solicitor"	
29	Housekeeping - add the word "Directions" to the title	Amend - 31	31. DIRECTIONS, INQUIRIES AND ANSWERS	31. INQUIRIES AND ANSWERS
30	Housekeeping 2006 – 2010 Mid Term Governance (rec # Part V, 5.d) 24 June 2009 - to correct an error in the by-law (i.e. section currently refers to "inquiry", when should be "direction")	Delete – 31(4)  Add New – 31(8).	31(8) All Directions to staff shall be in writing and identify the requested timeframe for completion. Such timeframe may be amended by Council either at the meeting at which the Direction is introduced, or without notice, any subsequent meeting.	31(4) An inquiry shall identify the requested timeframe for a response. Such timeframe may be amended by Council either at the meeting at which the inquiry is introduced, or without notice, any subsequent meeting;

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
31	Proposed Amendment - provision for withdrawing an inquiry	Add – 31(6)	Should the Councillor who submitted an inquiry at a Committee, Commission or Council meeting, wish to subsequently withdraw said inquiry before staff provides a response, they must provide a written request to the City Clerk and Solicitor.	
32	Per Council Approval 2010-2014 Mid Term Governance FEDC report 29 (rec # 26), 13 Feb 2013	Add – 31(7)	<p>In each new term of Council, immediately following Council's approval of its Term of Council Priorities, the City Clerk and Solicitor shall review each outstanding motion, direction and inquiry from previous terms of Council and recommend closure, if one of the following reasons applies:</p> <ul style="list-style-type: none"> <li>• Staff believe the intent of the motion, direction or inquiry has been completed through alternate action; or</li> <li>• The intent of the motion, direction or inquiry is no longer in keeping with Council's strategic priorities.</li> </ul>	

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
33	Housekeeping - adding in reference to Bulk Consent Agenda being included in Agenda and specifying "Motion of Which Notice was Previously Given..."	Amend – 32.(1)	<p>(1) Subject to Section 35, not less than five calendar days in advance of each regular meeting of the Council, the Clerk shall cause the following to be delivered to each member:</p> <ul style="list-style-type: none"> <li>(a) Draft Agenda (including the Bulk Consent Agenda);</li> <li>(c) Copy of each report to be considered;</li> <li>(d) Copy of each Motion for Which Notice was Previously Given, to be considered.</li> </ul>	<p>(1) Subject to Section 33, not less than five calendar days in advance of each regular meeting of the Council, the Clerk shall cause the following to be delivered to each member:</p> <ul style="list-style-type: none"> <li>(a) Draft Agenda;</li> <li>(b) Copy of each Committee report to be considered;</li> <li>(c) Copy of each motion to be considered.</li> </ul>
34	Housekeeping - adding reference to e-mail and Council Shared drive	Amend – 32.(3)	Delivery pursuant to subsection (1) shall be to the office of the member at City Hall, via electronic mail or by way of the Council shared drive.	Delivery pursuant to subsection (1) shall be to the office of the member at City Hall
35	Housekeeping	Amend - Multiple	Change "Planning and Environment Committee" to "Planning	

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			Committee".	
36	Housekeeping - to add "(6) Official Plan Amendments to Section 33 (unintentionally left off when first amended)	Amend - 33"	<p><u>PLANNING REFERRALS AND APPEALS - DELIVERY OF REPORTS</u></p> <p>Despite Subsection 34(1)(c), reports from the Planning Committee or Agriculture and Rural Affairs Committee that contain recommendations with respect to:</p> <ul style="list-style-type: none"> <li>(1) Conditions for draft approval of a plan of subdivision;</li> <li>(2) Draft approval of a plan of subdivision;</li> <li>(3) Conditions for draft approval of a plan of condominium;</li> <li>(4) Draft approval of a</li> </ul>	<p>35. <u>PLANNING REFERRALS AND APPEALS - DELIVERY OF REPORTS</u></p> <p>Despite Subsection 34(1)(c), reports from the Planning Committee or Agriculture and Rural Affairs Committee that contain recommendations with respect to:</p> <ul style="list-style-type: none"> <li>(1) Conditions for draft approval of a plan of subdivision;</li> <li>(2) Draft approval of a plan of subdivision;</li> <li>(3) Conditions for draft approval of a plan of condominium;</li> <li>(4) Draft approval of a</li> </ul>

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			<p>plan of condominium;</p> <p>(5) Zoning By-law; or</p> <p>(6) Official Plan Amendments,</p> <p>may be considered by Council provided that the staff report to the Standing Committee was distributed to all members of Council at least five calendar days in advance of the meeting of Council.</p>	<p>plan of condominium; or</p> <p>(5) Zoning By-law,</p> <p>may be considered by Council provided that the staff report to the Standing Committee was distributed to all members of Council at least five calendar days in advance of the meeting of Council.</p>
37	Housekeeping	Add – Title for Section 33.1	“PUBLIC NOTICE OF REGULAR AND SPECIAL MEETINGS”	
38	Housekeeping - to clarify what should be included in <i>In Camera</i> minutes	Add new – 38.	<p>38. <i>IN CAMERA</i> MINUTES</p> <p><i>In Camera</i> minutes shall record:</p> <p>(1) Where the meeting took place;</p> <p>(2) When the meeting started</p>	

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			<p>and adjourned;</p> <p>(3) Who chaired the meeting;</p> <p>(4) Who was in attendance, including the identity of the Clerk or other designated official responsible for recording the meeting;</p> <p>(5) Whether any participants left or arrived while the meeting was in progress and if so, at what time this occurred;</p> <p>(6) A detailed description of the substantive and procedural matters discussed, including specific reference to any documents considered;</p> <p>(7) Any motions, including who introduced the motion and seconders; and</p> <p>(8) All votes taken, and all directions given.</p>	
39	<p>Per Council Approval 2010-2014 Governance Report (Part IV, Rec. #8) 8 Dec 2010 (re Petition Policy)</p> <p>Per Council Approval 2010-2014 Mid-Term</p>	<p>Amend – 35. (3), Add new – (4) and (5)</p>	<p>(3) All communications (except petitions) on any subject within the jurisdiction of a Committee/Commission of Council shall be referred to the appropriate Committee without any motion or debate unless</p>	<p>(3). All communications on any subject within the jurisdiction of a Committee of Council shall be referred to the appropriate Committee without any motion or debate unless otherwise ordered by Council or unless</p>

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
	Governance Report (Part I, Rec. #5) 13 Feb 2013 (re Transit Commission receiving petitions within its mandate).		<p>otherwise ordered by Council or unless the subject matter of the communication has been considered by Council or will be considered at the meeting where the communication is submitted</p> <p>(4) All petitions must be in compliance with the Council-approved Petition Policy and, subject to Subsection (5), shall only be formally accepted by City Council.</p> <p>(5) Petitions within the mandate of the Transit Commission will be listed as a communication on a Transit Commission Agenda.</p>	the subject matter of the communication or petition has been considered by Council or will be considered at the meeting where the communication or petition is submitted
40	Housekeeping - for clarity and in keeping with Robert's Rules of Order, Section 24(7)	Amend – 40.(2)(d)	(d) The Council, if appealed to shall call a vote, without debate on the following question; "Shall the Mayor be sustained?" The Mayor shall be sustained on a tie vote and the decision of Council shall be final. .	(d) The Council, if appealed to, shall call a vote, without debate on the following question; "Shall the Mayor be sustained?", and its decision shall be final.

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
41	Housekeeping - to reflect the rule re speaking time, governing Committees and the current practise)	Amend - 48.(3)	While sitting in Committee of the Whole, the rules governing the procedure of the Council and the conduct of the members thereof shall not be limited, provided that no Member of Council shall speak for more than 5 minutes at one time until all other members wishing to speak have spoken.	While sitting in Committee of the Whole, the rules governing the procedure of the Council and the conduct of the members thereof shall not be limited, provided that no member shall speak more than once until every member who desires to speak has spoken.
42	Housekeeping - to reflect budget process in place since 2011 as approved by Council as part of 2010-2014 Governance Report, Rec 2. Part I, (8)	Amend -49.(1)	Council shall sit as Committee of the Whole to consider the budget reports rising from its Standing Committees, Transit Commission and Boards.	The consideration of the annual budget shall be by the Committee of the whole and not by the Standing Committees of Council.
43	Housekeeping - to reflect budget process in place since 2011 as approved by Council as part of 2010-2014 Governance Report, Rec 2. Part I, (8)	Delete – 49.(3) and (4)		(3) Subject to any motion adopted by the Committee of the Whole, oral submissions by public delegations with respect to the budget shall be heard by the Committee of the Whole. (4) Oral submissions by delegations shall be limited to 5 minutes with oral submissions on behalf of an Advisory Committee being limited to 10 minutes.
44	Housekeeping	Amend – 49.(5)	No Member of Council shall speak	(5) No Member of Council shall

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>	
	- rewording to be consistent with 48.(3)		for more than 5 minutes at one time until all other members wishing to speak have spoken.	speak for more than 5 minutes at one time until all Councillors wishing to speak have spoken.	
45	Housekeeping - to reflect current practise	Delete – 56(3) and Amend 56(4)	Except as provided in subsection (1), all motions shall be in writing, shall commence with the words “Be It Resolved That” and shall be moved and seconded.	(3)  (4)	Except as provided in subsection (1), all motions shall be in writing and signed by the mover and seconder.  All motions shall commence with the words “Be It Resolved that”, and shall be moved and seconded
46	Housekeeping - rewording for clarity	Amend - 58(5)	(5) notwithstanding the standard Rules of Procedure concerning negative resolutions, a motion to replace one or more recommendations in a Committee report with the original report recommendations or the recommendations of another Committee contained in the same report to Council, may be treated as an amendment.	(5)	notwithstanding the standard Rules of Procedure concerning negative resolutions, a motion may be treated as an amendment to a report of a Committee which has the effect of replacing one or more recommendations of the Committee with recommendations on the same point of another

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
				Committee or of officials of the City where such recommendations are found in the same report that is before the Council;
47	Housekeeping – for clarity (i.e. refers to “previous question” – which is more commonly known and previously referred to as the question “Shall the Chair be sustained?”)	Amend - 60(1)(d)	(d) is not in order immediately following the affirmative resolution of a motion “That the question be now put”;	(d) is not in order immediately following the affirmative resolution of a motion for the previous question;
48	Housekeeping - to reflect correct short title of Delegation of Authority By-law	Amend - 66(1)	(1) Subject to the Delegation of Authority By-law, no by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council;	(1) Subject to the Delegation By-law no by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council;

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
49	Proposed Amendment - amending to reflect that Debenture By-laws would go to FEDC or Council	Add new - 69.(4)	<p>(4) Notwithstanding subsections 29(3), 34(1), 81(11) and 89(3) the City Treasurer and the City Manager shall jointly have the right to add debenture by-laws for approval, to a Finance and Economic Development Committee agenda or a Council agenda, provided that notice of at least 48 hours prior to the meeting, is given to all Members of Council and the public. In the event the by-law is to be listed on a Finance and Economic Development Committee Agenda, and notice is given subsequent to the issuance of the meeting Agenda, a revised Agenda will be issued and a public service announcement will be made. If the by-law is to be listed on a Council Agenda, and notice is</p>	

	Reason/Authority for Amendment	Action/Section	Recommended Language		Current Language	
			given subsequent to the issuance of the Draft Agenda, a public service announcement will be issued 48 hours in advance of the Council meeting and the by-law will be included on the final Agenda issued the day before the Council meeting.			
50	Proposed Amendment - to have Nominating Committee recommend Chairs and Vice Chairs of Committees/ Commission to Council.	Amend - 73.(3)	(3)	The Chairs and the Vice Chairs of the Standing Committees, Transit Commission and Sub- Committees shall be recommended to Council by the Nominating Committee pursuant to Subsection 94(9)	(3)	Subject to any such direction, the City Clerk and Solicitor or Committee Coordinator shall preside at the inaugural meeting of any Committee/Commission, and the first meeting following the second anniversary of the inaugural meeting of a

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
				Standing Committee/Commission, to conduct the election of the Chair and Vice-Chair of the Committee/Commission. The inaugural meeting of Standing Committees/Commissions will be held immediately following the adjournment of the Council meeting in which the Nominating Committee Report was considered so as to elect the Standing Committee/Commission Chair and Vice-Chairs and to confirm the Standing Committee/Commission first meeting dates.
51	Housekeeping - to reflect subject to	Amend - 74(2)	(2) to announce the business before the Committee/	(2) to announce the business

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
	subsequent Subsection 84.(2) which stipulates Chair may vary order of Agenda <u>with Committee's approval.</u>		Commission and the order in which it is to be acted upon, subject to Subsection 84.(2);	before the Committee/ Commission and the order in which it is to be acted upon;
52	Per Council Approval 2010-2014 Governance Report (Part IV, Rec. #8) 8 Dec 2010  2010-2014 Mid-Term Governance Report (Part I, Rec. #5) 13 Feb 2013 - deleting reference to petitions at Standing Committees and noting subject to 39(4) and (5) – re petitions at Transit Commission	Amend - 74(13)	(13) to receive all communications and announce them to the Committee/Commission, subject to Subsections 39(4)and (5);	(13) to receive all petitions and communications and announce them to the Committee;
53	Proposed Amendment - deleting reference to Debenture Committee	Delete - 76 2(A) and (3);		(2A) Despite subsections (2) and (7), the quorum for the Debenture Committee shall be one-half of all members, with at least one of those members being a member of

	Reason/Authority for Amendment	Action/Section	Recommended Language		Current Language	
					the Council.	
					(3) The membership of the Debenture Committee shall be four including the Mayor.	
54	Per Council Approval Re Transit Commission 2010-2014 Governance Report (Part I, Rec. #1, as amended) re 8 Dec 2010 and re BHSC AC Renewal 12 Sep 2012 and  Proposed Amendment - Deleting reference to Debenture Committee,	Amend - 76 (4)	4)	Only members of the Council shall be appointed to the Standing Committees, Commissions and Sub-Committees of Council save and except the Transit Commission which shall include eight members of Council and four citizen members and the Built Heritage Sub-Committee which shall include four members of Council and three citizen members.	(4)	Only members of the Council shall be appointed to the Standing Committees of Council save and except the Debenture Committee which shall be composed of the Mayor, the Vice-Chair, Audit, Budget and Finance Committee, the City Manager and the Treasurer (2010-67).
55	Housekeeping	Amend -	(c)	Regular meetings of the	(d)	During the months of July,

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
	- correct election month to October and add "March" to correspond with Council - really only applies to Planning Committee	77.(1)(c)	Planning Committee shall be held twice per month except during the months of March, July August December and October in an election year, when only one regular meeting of Planning Committee shall be held.	August, December and November in an election year, one regular meeting of each Committee/Commission shall be held;
56	Proposed Amendments ARAC, FEDC, TRC, ITSC and BHSC meet only once per month, every month. OTC, EC, CPSC meet only in months where 2 council meetings. Audit Committee, Member Services and IT Sub-Committee meet on an as-needed basis.	Add new – 77.(1)(d), (e) and (f).	<p>(d) Regular meetings of the Agriculture and Rural Affairs Committee, Finance and Economic Development Committee, Transportation Committee and Built Heritage Sub-Committee shall be held once every month.</p> <p>(e) Environment Committee, Community and Protective Services Committee and the Transit Commission shall hold regular meetings once per month during the months of January, February, April, May, June, September, October (in a non-election year) and November, and on an as-needed basis at the call of the Chair.</p> <p>(f) The Audit Committee, the IT Sub-Committee and the Member Services Committee shall meet on an as-needed basis at the call of the Chair.</p>	

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
57	Proposed Amendment - deleting Reference to Debenture Committee	Delete -77.(1A)		(1A) Despite subsection (1), the meetings of the Debenture Committee shall be at the call of the Chair.
58	Housekeeping - for clarity – specifically referencing the Boards	Amend -77.(2)	(2) No Committee/Commission, the Ottawa Public Library Board, the Ottawa Police Services Board or the Ottawa Board of Health shall meet while the Council is in session;	(3) No Committee/Commission or Board shall meet while the Council is in session;
59	Housekeeping – unnecessary as AC members are now only allowed 5 minutes to address a Committee as per subsection (7)	Delete - 77.(8)		(8) Notwithstanding subsection (7) while at a Standing Committee meeting if an Advisory Committee Chair, Vice Chair or member(s) designated by the Advisory Committee is asked to comment on, or asks to comment on, a report or report item that is not related to the report submitted by the Advisory Committee, said Advisory Committee representative is then addressing the Standing Committee as a resident and shall therefore limit his or her comments to a total of

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
				up to 5 minutes on any one item;
60	Proposed Amendment -deleting Reference to Debenture Committee,	Delete - 77.(11A)		(11A) Despite subsection (11), two calendar days notice shall be given to members of the Debenture Committee and an Agenda will be provided to the members two calendar days in advance of the meeting;
61	Per Council Approval - 13 April 2011 (FEDC Report 5, Item 3 - Standing Committee Audio-Casting And	Amend - 77(13)	(13) Minutes of Committee/ Commission meetings shall be action minutes only, with the exception of <i>Planning Act</i> matters that require	(13) Minutes of Committee/ Commission meetings shall contain a concise narrative of the consideration of the item together with the motions

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
	Action Minutes – Cost Benefit Analysis		additional detail.	considered and votes taken by the Committee.
62	Housekeeping	Amend - 77.1	Add title to this section – “PUBLIC NOTICE OF COMMITTEE/COMMISSION MEETINGS”	
63	Proposed amendment – deleting reference to Debenture Committee	Delete - 77.2		78. Despite Section 81, notice of a meeting of the Debenture Committee shall be provided via a public service announcement on the City’s website a minimum of two calendar days in advance of the meeting.
64	Proposed amendment – verbal updates in emergency or unforeseen circumstances only	Add new - 78(4)	(4) Verbal updates from the Committee/Commission Chair and/or staff to a Committee/Commission shall only be in order in the event of unforeseen circumstances or an	

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			emergency or in ceremonial or similar circumstances. A report from staff on verbal updates they have provided on such unforeseen circumstances/emergency situations, shall be subsequently provided to the Committee/Commission and shall be appended to the minutes of the meeting.	
65	Proposed amendment – adding “Sub-Committee” to this section to address a procedural problem that has occurred in the past.	Amend – 78(8)	(8) Where a matter is submitted to a Standing Committee /Commission or Sub-Committee and no decision is made by the Standing Committee/Commission or Sub-Committee or no recommendation is made by the Standing Committee	(8) Where a matter is submitted to a Standing Committee/Commission and no decision is made by the Standing Committee/ Commission/ or no recommendation is made by the Standing Committee/ Commission/ as a result of a tie vote, the recommendation to Council

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			<p>/Commission or Sub-Committee as a result of a tie vote, the recommendation to Council shall be that Council consider the matter.</p>	<p>shall be that Council consider the matter.</p>
66	<p>Per Council Approval - 24 June 2009</p> <p>2006-2010 Mid-Term Governance report – items delegated to Committees for Approval. Rec 2, Part I, 1)</p>	<p>Add new - subsections 78. (10) (a) and (b)</p>	<p>10. (a) Items approved by a Committee/Commission under Delegated Authority shall be reported to Council at the next following meeting, in a bulk information item listed on the Council Agenda as “Disposition of Items Approved by Committees/Commission Under Delegated Authority.</p> <p>(b) Items delegated to a Committee/Commission for approval pursuant to the Committee/Commission’s terms of reference or the Delegation of Authority By-law may only be lifted from the bulk information item if so requested in writing by two Members of Council at least one day before the item is to be before Council as part of</p>	

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			the bulk information item and where it is legally possible to amend or reverse the decision taken by the Committee/ Commission.	
67	Per Council Approval - 13 April 2011 (FEDC Report 5, Item 3 - Standing Committee Audio-Casting And Action Minutes – Cost Benefit Analysis (to remove reference to concise narrative minutes)	Amend - 81(2)(c)	(c) to record motions, votes and public delegations through the preparation of meeting minutes in accordance with Subsection 81(15); and	(a) to record motions, votes and public delegations and a concise narrative of the committee discussion in accordance with Subsection 77(13); and
68	Per Council Approval As per Transit Commission Terms of Reference approved by Council 26 January 2011	Add new - 83(2)(c)	(c) Where Joint Committee meetings of the Transit Commission and another Committee of Council are held to consider matters of which transit is a component, citizen members of the Commission shall be non-voting, <i>ex-officio</i>	

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			members of the Joint Committee.	
69	Housekeeping - Amendment repealed on 31 December 2007	Delete - 84(6) and (7)		<p>(6) Despite subsection (3), it shall be in order for the Committee to consider any report submitted pursuant to Recommendation d) of Motion 21/22 adopted by Council on 26 September 2007 provided such report was distributed to the Members of the Committee no later than the day before the meeting of the Committee. (2007-402)</p> <p>(7) Subsection (6) is repealed on 31 December 2007. (2007-402)</p>
70	Housekeeping - election of Nominating Committee has never taken place at	Delete - 87(1)(b)		(b) Election of Nominating Committee pursuant to Section 88;

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>		<b>Current Language</b>
	Inaugural Meeting				
71	Housekeeping – to reflect actual practice of election of Nominating Committee at meeting where Governance Report is considered.	Amend - 88(1)	(1) The Nominating Committee shall be elected at the meeting of Council that considers the Governance Report for the term;	(1) If the Nominating Committee is not elected at the Inaugural Meeting of Council, it shall be elected at the next meeting of Council;	
72	Housekeeping – to clarify the number of members of the Nominating Committee	Amend - 88(2)	(2) The composition of the Nominating Committee shall be no more than eleven (11) Members of Council and the Mayor who shall sit as Chair.	(2) The Composition of the Nominating Committee shall include eleven (11) Members of Council and the Mayor who shall sit as Chair.	
73	Housekeeping -to reflect current practise	Amend - 89 (2)	(2) The Nominating Committee shall convene a meeting to be held at such time as the Mayor shall determine;	(2) The Nominating Committee shall convene a meeting to be held on the Wednesday next following the Inaugural Meeting, or at such other time as the Mayor shall determine;	
75	Housekeeping – amending wording for clarity; and Proposed Amendment - Nominating Committee to recommend Chairs and Vice Chars of	Amend – 89(9)	(9) The Nominating Committee shall submit a report to Council indicating the names of the members to serve on the various Committees of Council, together with their recommendations for the	(9) The Nominating Committee shall submit a report to Council indicating the names of the members to serve on each Standing Committee and all appointments to any other committees, local boards ,	

	Reason/Authority for Amendment	Action/Section	Recommended Language		Current Language
	Committees of Council.		Chairs and Vice Chairs of each, and the names of the members to serve on other bodies, as determined in the Governance Report.		commissions, bodies and organizations.
76	Housekeeping – amending wording for clarity.	Amend - 90(5)	(5) After the initial selection of the membership of Committees in a term of Council, if a vacancy should develop, the City Clerk and Solicitor shall conduct a circulation of interest and the Committee in which the vacancy has occurred may recommend a replacement to Council, a replacement may be made by motion of Council	(5)	After the initial selection of the membership of Committees in a term of Council, if a vacancy should develop, the City Clerk and Solicitor office shall conduct a circulation of interest and the Committee in which the vacancy has occurred may recommend a replacement to Council, a replacement may be made by motion of Council
77	Housekeeping - amending for clarity regarding audible communication devices	Amend - 93	98. <u>COMMUNICATION DEVICES</u>	98. <u>COMMUNICATION DEVICES</u>	

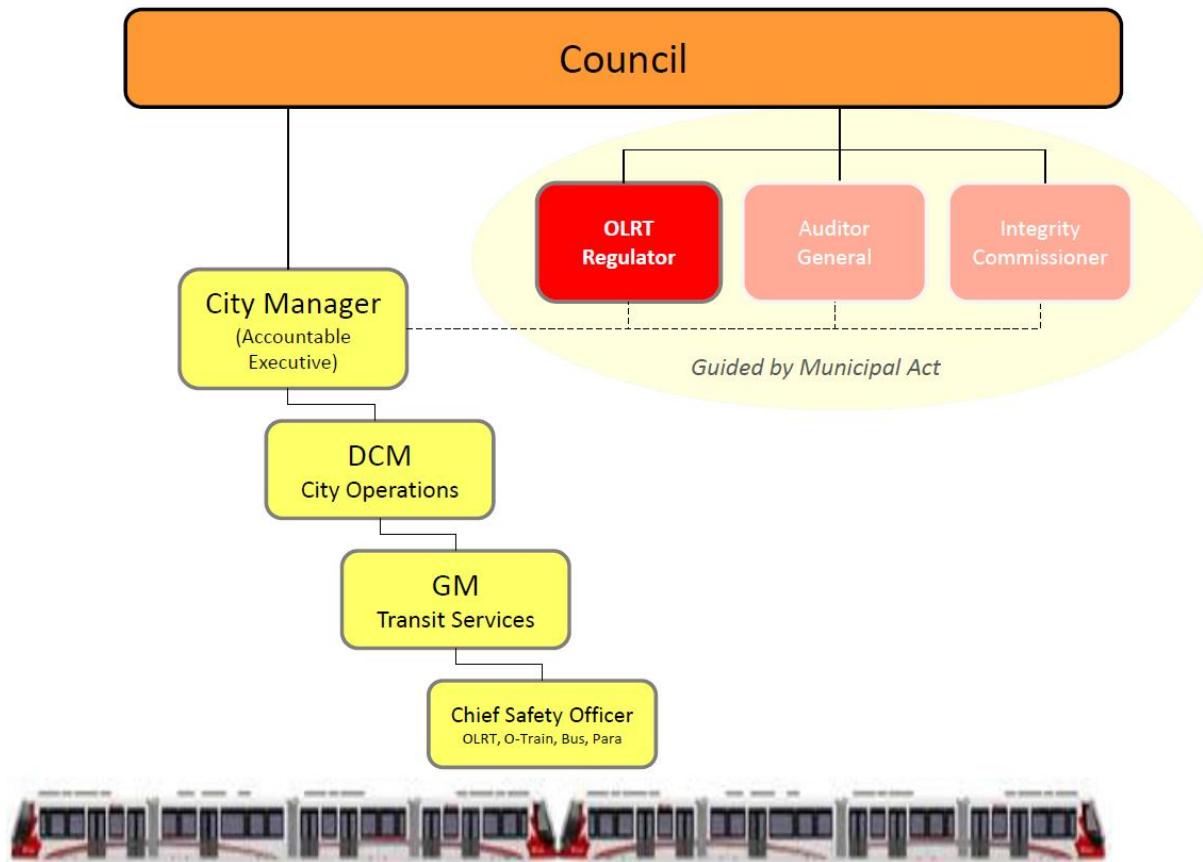
	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
			<p>The use of any audible communication device is prohibited during a Council or Committee/Commission meeting, if in the Mayor's or Chair's opinion, the device is interfering with the meeting.</p>	<p>(1) Subject to subsection (3), at the meetings of Council, the use of cellular phones, audible pagers or any other similar communication device is only permitted in the press gallery section of the Council Chambers;</p> <p>(2) Unless a meeting of a Committee/Commission is taking place in the Council Chambers, in which case subsections (1) and (3) apply, the use of audible cellular phones, audible pagers or any other</p>

	Reason/Authority for Amendment	Action/Section	Recommended Language	Current Language
				<p>similar communication device is prohibited in the room in which the Committee is meeting;</p> <p>(3) Despite subsection (1), the use of any communication device may be prohibited by the Mayor of Council or the Chair of the Committee/Commission if, in the Mayor/Chair's opinion, the device is interfering with any video or audio broadcast of the meeting.</p>

	<b>Reason/Authority for Amendment</b>	<b>Action/Section</b>	<b>Recommended Language</b>	<b>Current Language</b>
78	Housekeeping	Multiple - Re-number Sections, Sub-sections and references to same, as necessary		

## Document 11

# Proposed Regulatory Structure



**Document 12****Office of the Regulator for the Confederation Line**

**THIS AGREEMENT** made effective as of the 1<sup>st</sup> day of October, 2011 FOR REGULATION OF THE DESIGN, CONSTRUCTION, OPERATION, SAFETY AND SECURITY OF OTTAWA LIGHT RAIL TRANSIT SYSTEM.

**BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA ("CANADA")**, as represented by the Minister of Transport

**OF THE FIRST PART****AND:**

**CITY OF OTTAWA** (hereinafter referred to as "**CITY**")

**OF THE SECOND PART**

**WHEREAS**, the CITY is planning the design, construction and operation of a light rail transit system, including the regulatory oversight of related safety and security matters (as defined below; the "**RAILWAY**");

**AND WHEREAS** the planned RAILWAY is a "*railway*" within the meaning of the *Canada Transportation Act*, S.C. 1996 c. 10 ("**CTA**");

**AND WHEREAS**, Section 158 of the CTA provides the MINISTER with the authority to enter into an agreement with a provincial authority to authorize the provincial authority to regulate the design, construction, operation, safety and security of a railway as well as the rates and conditions of service in the same manner and to the same extent as it may regulate a railway within its jurisdiction;

**AND WHEREAS**, pursuant to section 12.17 of the *City of Ottawa Act*, 1999, S.O. 1999, c. 14, Sched. E and the *Municipal Act*, 2001, S.O. 2001, c. 25, the CITY has authority to operate and maintain a passenger transportation system;

**AND WHEREAS**, the MINISTER and the CITY, a provincial authority, agree that the City should be authorized to regulate the design, construction, operation, safety and security of, as well as the rates and conditions of service of, the RAILWAY in the same manner and to the same extent as the CITY may regulate a railway within its jurisdiction;

**NOW THEREFORE THIS AGREEMENT WITNESSETH THAT** in consideration of the mutual terms and conditions hereinafter specified, the PARTIES agree as follows:

**1. DEFINTIONS**

- 1.1 **“CAPITAL RAILWAY”** (O-Train) means the railway owned and operated by the CITY, for which the CITY has been issued a Certificate of Fitness under the CTA;
- 1.2 **“MINISTER”** means the Minister of Transport.
- 1.3 **“MINISTER’S DELEGATE”** means the Deputy Minister, the Assistant Deputy Minister, the Associate Deputy Minister, the Assistant Associate Deputy Minister, the Director General responsible for rail security or the Director General responsible for rail safety.
- 1.4 **“PARTY”** means CANADA or the CITY.
- 1.5 **“PARTIES”** means CANADA and the CITY.
- 1.6 **“RAILWAY”** means any light rail transit system designed, constructed, operated and/or maintained by, or on behalf of, the CITY, including any expansions or modifications made thereto, and located generally within the CITY and between any point in the CITY and any point outside the CITY including any point outside Ontario. For greater certainty for the purposes of this Agreement, RAILWAY does not include the CAPITAL RAILWAY.
- 1.7 **“REGULATIONS”** means the bylaws, guidelines, policies, regulations, rules, standards, safety management systems and/or security management systems, or similar, adopted by the CITY from time to time in relation to the regulation of the design, construction, operation, safety and security of, as well as the rates and conditions of service of, the RAILWAY as provided for in Section 2.2

**2. AUTHORIZATION**

- 2.1 The CITY is authorized to regulate any matters covered by Part III and IV of the *Canada Transportation Act* as well as the *Railway Safety Act* relating to the design, construction, operation, safety and security of the RAILWAY as well as the rates and conditions of service in the same manner and to the same extent as the CITY may regulate a railway within its jurisdiction.
- 2.2 For greater certainty, and without limiting the generality of section 2.1, the CITY may exercise any of the following:

- (a) adopt, enact, modify and administer the Regulations for the RAILWAY as the CITY determines appropriate from time to time;
- (b) approve the design, construction and operation from time to time of any new, supplemental or modified RAILWAY including any extension or modification, crossing, grade separation, tunnel or other RAILWAY related facilities or works; and
- (c) apply the REGULATIONS to any person involved in the design, construction, operation, safety and security and/or use of the RAILWAY including any contract operators, suppliers, contractors or service providers.

2.3 Until this Agreement is terminated, section 2.1 has, for the purpose of the application of the RSA and Parts III and IV of CTA, the effect of treating the RAILWAY as if the Railway is not a “railway” within the meaning of the CTA and RSA.

2.4 This Agreement does not modify, limit or restrict in any way the powers and authorities of the CITY under provincial and municipal legislation, including by way of illustration and for further clarification, the power and authority of the CITY to apply, use and rely upon provincial expropriation legislation for its Railway and related purposes.

### **3. TERMS AND CONDITIONS**

- 3.1 Prior to construction of the RAILWAY, the CITY shall develop, implement and enforce a comprehensive regulatory framework for the safety of the RAILWAY **based on codes, standards, practices, design references, safety principles and guidelines generally recognized and/or adopted by other municipal light rail system operators in respect of similar systems and/or by established professional or technical railway associations, including the American Public Transportation Association (APTA) or International Railway Industry Standard (IRIS) as adapted to North American operating conditions.**
- 3.2 Prior to construction of the RAILWAY, the CITY shall develop, implement and enforce a comprehensive regulatory framework for the security of the RAILWAY **based on codes, standards, practices, design references, construction standards, security principles and guidelines recognized and/or adopted by other municipal light rail operators in respect of similar systems and/or by established professional or technical railway associations, including American Public Transportation Association (APTA) or International Railway Industry Standards (IRIS) as adapted to North American operating conditions.**
- 3.3 Prior to construction of the RAILWAY, the CITY as operator of the RAILWAY will become a signatory to the Memorandum of Understanding

on Security, as renegotiated from time to time, between Transport Canada and the Railway Association of Canada.

- 3.4 The CITY shall assume all responsibility and accountability in respect of the development, implementation and enforcement of the REGULATIONS.
- 3.5 The CITY shall establish procedures that require that compliance with the REGULATIONS be monitored and reported on to the City Manager or designate by an independent internal auditor or other responsible CITY official. The CITY shall ensure that any occurrences or incidences of non compliance with the Regulations are appropriately managed.
- 3.6 The RAILWAY shall not include any crossings at grade with federally regulated railways without the prior written approval of the MINISTER or the MINISTER'S DELEGATE, who may, at their sole discretion, refuse to provide such approval.

#### 4. **REPORTING**

- 4.1 The CITY shall:
  - (a) ensure that a Safety Management System (SMS) audit, based on ISO 19011 Guidelines for Quality and Environmental Management Systems Auditing, or equivalent international standards with respect to all oversight matters related to the safety of the RAILWAY is conducted one year after the RAILWAY's initial operation and thereafter at least every 3 years by a qualified person or organization operating independently from the CITY;
  - (b) within 60 days of each SMS audit, provide the MINISTER with a report, satisfactory in content and form to both PARTIES as determined at least 6 months before the RAILWAY's initial operation and consistent with common industry practice for such audit forms, on the results of the SMS audit; and
  - (c) within 90 days of each SMS audit, provide to the MINISTER a plan for corrective measures the CITY intends to take as a result of the SMS audit, if any, as well as timeline for the implementation of those corrective measures.
- 4.2 The CITY shall:
  - (a) ensure that a Security Management System (SeMS) audit with respect to all oversight matters related to the security of the RAILWAY is conducted one year after the RAILWAY's initial operation and thereafter at least every 3 years by a qualified person or organization operating independently from the CITY;

- (b) within 60 days of each SeMS audit, provide the MINISTER with a report, satisfactory in content and form to both PARTIES as determined at least 6 months prior to the RAILWAY's initial operation and consistent with common industry practice for such audit forms on the results of the SeMS audit; and
- (c) within 90 days of each SeMS audit, provide to the MINISTER a plan for corrective measures the CITY intends to take as a result of the SeMS audit, if any, as well as timeline for the implementation of those corrective measures.

4.3 The CITY shall:

- (a) file with the MINISTER an annual safety and security report (the ANNUAL REPORT) with respect to the RAILWAY, to be first filed one year after the RAILWAY's initial operation and thereafter on or before every March 31 after this Agreement is made; and
- (b) the ANNUAL REPORT will: (i) summarize the safety and security accidents and incidents relative to the RAILWAY from the period since the last ANNUAL REPORT; (ii) outline any changes made by the CITY to the REGULATIONS to specifically address these matters; (iii) describe other remedial measures taken in respect of these matters since the last ANNUAL REPORT; and (iv) generally provide an evaluation of the effectiveness of the Regulations in protecting the safety and security of the public in relation to the RAILWAY.
- (c) Upon the request of the MINISTER, the CITY shall provide to the MINISTER any other reports or information related to the RAILWAY to which the MINISTER would, but for this agreement, be lawfully entitled to request or receive.

5. **SECURITY THREATS**

- 5.1 If the MINISTER becomes aware of a significant security threat to the RAILWAY or the public in any way resulting from or relating to the Railway the PARTIES shall collaborate to ensure that the CITY takes appropriate action to address the risk.
- 5.2 Where the risk has not been addressed to the satisfaction of the MINISTER or the MINISTER'S DELEGATE, the MINISTER or the MINISTER'S DELEGATE may provide instructions to the CITY to address the risk and the CITY shall comply with those instructions from the MINISTER or one of these delegates.

## 6. **LIABILITY AND INDEMNIFICATION**

6.1 CANADA, its officers, servants, employees and/or agents shall not be held liable by the CITY, or its officers, servants, employees and/or agents for any injury, including death to any person, for any loss or damage to property of any person or the environment, or for any obligation of the CITY or anyone else, by reason of this Agreement or the performance or non performance by the CITY of its obligations, or the exercise or the non exercise of its rights, under this Agreement.

6.2 The CITY shall at all times indemnify and save harmless CANADA and its officers, servants, employees and/or agents, from and against all actions, whether in contract, tort, or otherwise, claims and demands, losses, costs, damages, suits or other proceedings by whomsoever brought or prosecuted in any manner against CANADA, its officers, servants, employees and/or agents based upon, or occasioned by any injury to any person, including but not limited to damage to or loss or destruction of property, economic loss or infringement of rights caused by, in connection with, or arising directly or indirectly by reason of this Agreement or the performance or non-performance by the CITY of its obligations, or the exercise or non exercise of the CITY's rights, under this Agreement, including but not limited to:

- (a) the development, adoption, implementation or omission thereof, or the compliance or non compliance with, or the enforcement (or lack thereof), or the manner of enforcement of, the Regulations;
- (b) any negligent omission, willful misconduct, or negligent act or other unlawful or actionable conduct or behaviour of the CITY, its officers, servants, employees and/or agents; and
- (c) any actions taken or not taken by the MINISTER or the MINISTER'S DELEGATE pursuant to section 5 (Security Threats) of this Agreement.

except to the extent to which such claims, demands, losses, costs, damages, actions, suits, or other proceedings relate to, arise from, are caused by or are otherwise connected to any negligent omission, willful misconduct, or negligent or other unlawful or actionable conduct or behavior of an officer, servant, employee, or agent of the CANADA in the performance of his or her duties.

## 7. **DISPUTE RESOLUTION**

7.1 The PARTIES shall attempt to resolve any disputes arising out of or pursuant to this Agreement through collaborative discussions between the PARTIES' representatives. Where the PARTIES' representatives cannot agree on a solution to the dispute, the matter shall be referred to the

Assistant Deputy Minister or Deputy Minister of Transport and Deputy City Manager or City Manager for resolution.

7.2 If the PARTIES are not able to resolve the dispute pursuant to section 7.1 then the matter shall be referred to the MINISTER and to the City Mayor for resolution.

## 8. **COMMUNICATIONS**

8.1 The PARTIES shall use reasonable efforts at all times to coordinate any press release or public announcement relating to this Agreement as early as possible with the other PARTY.

8.2 The PARTIES shall use reasonable efforts at all times to endeavor to ensure that the form and content of any press release or public announcement will be approved by the other PARTY.

8.3 Except in the event of an unforeseen and urgent circumstances, the PARTIES agree that all press releases and public announcements will be bilingual.

8.4 Each PARTY shall provide copies of all communications which have not been subject to the coordinated efforts described in 8.1 to the other PARTY as soon as possible after the issuance of the communication.

## 9. **AGREEMENT**

9.1 This Agreement constitutes the whole Agreement and shall be binding upon both PARTIES as of the effective date of October 1, 2011. No prior document, negotiation, provision, undertaking or agreement in relation to the subject of the Agreement has legal effect.

## 10. **AMENDMENTS**

10.1 Proposals for changes to this Agreement may be made at any time by either PARTY and appropriate amendments made as agreed upon by the PARTIES in writing.

## 11. **BENEFITS**

11.1 This Agreement shall enure to the benefit of **THE CITY OF OTTAWA** and **HER MAJESTY THE QUEEN** in right of Canada. This agreement may not be assigned.

## 12. **TERMINATION**

12.1 This Agreement shall terminate:

(a) On a date determined by the MINISTER, in its sole discretion;

- (b) Upon the CITY providing 150 days written notice of termination to the MINISTER; or
- (c) On a date agreed upon by the PARTIES.

13. **NOTICE**

13.1 All information or documents required or desired to be given pursuant to this Agreement may be given to the CITY by delivery or mail addressed to:

Deputy City Manager  
Infrastructure Services and Community Sustainability  
110 Laurier Avenue West  
Ottawa, ON  
K1P 1J1

Telephone: (613) 580-2424 (ext. 12230)  
Facsimile: (613) 560-6028

13.2 All information, reports or other documents required or desired to be given pursuant to this Agreement may be given to the MINISTER by delivery or mail addressed to:

Director General  
Rail Safety  
Transport Canada  
427 Laurier Avenue West, 14<sup>th</sup> Floor  
Ottawa, ON K1A ON5

Telephone: (613) 998-2984  
Facsimile: (613) 990-1169

13.3 Except for matters arising under Part V of the CTA, any enquiries, complaints, or other communications that may be directed to or otherwise received by CANADA or its representatives from any person in relation to the RAILWAY or the Regulations, including any noise or vibration or similar complaints received by the Canada Transportation Agency, shall be forwarded by CANADA to the CITY to the following address:

Deputy City Manager  
Infrastructure Services and Community Sustainability  
City of Ottawa  
110 Laurier Avenue West  
Ottawa, Ontario

K1P 1J1  
Tel: (613) 580-2424

**14. GOVERNING LAW**

14.1 This Agreement shall be governed by and shall be construed in accordance with the Laws of Ontario, and the Laws of Canada applicable therein.

**15. COUNTERPART SIGNING**

15.1 This Agreement may be signed in counterpart by the Parties.

**IN WITNESS WHEREOF** the parties here to have executed this Agreement.

**SIGNED, SEALED AND DELIVERED on behalf of the City of Ottawa in the presence of:**

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Witness

The City of Ottawa; as represented by  
the Mayor

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Date

**SIGNED, SEALED AND DELIVERED on behalf of Her Majesty the Queen in right of Canada in the presence of:**

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Witness

Her Majesty the Queen in Right of  
Canada as represented by the Minister  
of Transport

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Date

