

**Subject: 2022-2026 Council Governance Review**

**File Number: ACS2022-OCC-GEN-0030**

**Report to Council 30 November 2022**

**Submitted on November 29, 2022 by M. Rick O'Connor, City Clerk**

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**Ward: Citywide**

**Objet : Examen de la structure de gestion publique du Conseil municipal  
pour 2022-2026**

**Dossier : ACS2022-OCC-GEN-0030**

**Rapport au Conseil le 30 novembre 2022**

**Soumis le 29 novembre par M. Rick O'Connor, greffier municipal**

**Personne ressource : Kiel Anderson, gestionnaire, Politiques et activités  
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**Quartier : À l'échelle de la ville**

## **REPORT RECOMMENDATION(S)**

- 1. That at its meeting of November 30, 2022, Council receive the Mayor's delegation of certain assigned statutory powers under the *Municipal Act, 2001*, as set out in Document 24, and receive and table the remainder of this report; and**
- 2. That at its meeting of December 7, 2022, Council consider and approve the following recommendations related to the Council and Committee structure, policies, procedures and other related matters:**

## **PART I – COUNCIL, STANDING COMMITTEES AND RELATED MATTERS**

### **STANDING COMMITTEES, SUB-COMMITTEE AND TRANSIT COMMISSION**

- 1. Approve the following Council Committee structure for the 2022-2026 Term of Council, as described in this report, effective immediately:**
  - a. Agriculture and Rural Affairs Committee;**
  - b. Audit Committee;**
  - c. Community Services Committee;**
  - d. Debenture Committee;**
  - e. Emergency Preparedness and Protective Services Committee;**
  - f. Environment and Climate Change Committee;**
  - g. Finance and Economic Development Committee;**
  - h. Planning and Housing Committee and its associated Sub-Committee:**
    - i. Built Heritage Sub-Committee;**
    - i. Transit Commission; and**
    - j. Transportation Committee;**
- 2. Approve amendments to the Audit Committee Terms of Reference to formalize the budget approval process with respect to the Office of the Auditor General, as described in this report;**
- 3. Approve that, in addition to their existing authority to jointly add debenture by-laws to a Debenture Committee meeting agenda for approval, the Chief Financial Officer/Treasurer and City Manager have the authority to jointly add debenture by-laws to a City Council meeting agenda for approval provided that notice is given at least 48 hours prior to the Council meeting, as described in this report;**
- 4. Approve the following with respect to the Finance and Economic Development Committee, as described in this report:**

- a. **The membership of the Finance and Economic Development Committee; and**
  - b. **Amendments to the Finance and Economic Development Committee's Terms of Reference, to:**
    - i. **Incorporate the former Information Technology (IT) Sub-Committee's mandate with respect to IT matters; and**
    - ii. **Provide that the Committee oversee and make recommendations to Council on the implementation of the Women and Gender Equity Strategy, Reconciliation Action Plan, Anti-Racism Strategy and Corporate Diversity and Inclusion Plan;**
5. **Approve amendments to the Planning and Housing Committee's Terms of Reference to set out the Committee's expanded mandate with respect to housing matters;**
6. **Approve that annual information reports regarding heritage permits issued under delegated authority be routed from the Built Heritage Sub-Committee to Council, as described in this report;**
7. **Approve the following with respect to the Transit Commission, as described in this report:**
  - a. **The membership of the Transit Commission;**
  - b. **Direct staff to begin the process of establishing a transit advisory body composed of public members, including at least one user of Para Transpo; and**
  - c. **Amend the Transit Commission's Terms of Reference to include receiving, considering and referring to Council for approval the annual compliance report from the City's Regulatory Monitor and Compliance Officer;**
8. **Approve the Council, Committee and Commission calendar and meeting locations as described in this report;**

9. Approve that Chairs and Vice-Chairs be appointed until Council considers the 2022-2026 Mid-term Governance Review report, as described in this report;
10. Approve the Nominating Committee mandate and process as described in this report;
11. Approve the Ward- and position-specific appointments set out in Document 2;
12. Approve that the revised Terms of Reference for Standing Committees, the Transit Commission and the Built Heritage Sub-Committee be submitted in draft form to the respective Committees/Commission at their first meeting in 2023 for consideration and recommendation to Council for approval;

#### **OTHER COMMITTEES OF COUNCIL**

13. Approve the membership of the Committee of Revision as described in this report;

#### **ADVISORY COMMITTEES AND RELATED BODIES**

14. Approve the following with respect to Advisory Committees and other City of Ottawa advisory bodies, as described in this report:
  - a. Direct the City Clerk to bring forward to the Finance and Economic Development Committee and Council in Q2 of 2023 a report and recommendations regarding matters relating to advisory bodies such as Advisory Committees, Council Sponsors Groups, Community Advisory Tables and the proposed new transit advisory body;
  - b. That the Advisory Committees and their membership established during the 2018-2022 Term of Council shall continue on an interim basis, with the Advisory Committees meeting as required in the format outlined in this report should staff or Council have a need to consult with them on time-sensitive matters within their respective mandates, until Council considers the City Clerk's report and recommendations with respect to advisory bodies;
  - c. That despite clause (b), recruitment and appointment for the membership of the mandatory statutory Accessibility Advisory Committee shall proceed in accordance with the timelines and

process of the City's broader public recruitment process in early 2023; and

- d. The meeting schedule and reporting relationship for the Accessibility Advisory Committee;

15. Approve the following with respect to public appointments to Advisory Committees and other bodies:

- a. Amendments to the Appointment Policy as described in this report and in Document 3; and
- b. The revised Advisory Committee Participation Expense Policy as described in this report and in Document 4;

#### **OTHER COUNCIL AND STANDING COMMITTEE CHANGES AND UPDATES**

16. Approve the 2023-2026 tax- and rate-supported budget process, as outlined in this report;

17. Approve the continuation of electronic participation in hybrid Council, Standing Committee and Sub-Committee meetings, as described in this report;

18. Receive the list of closed outstanding Inquiries from the 2018-2022 Term of Council, attached as Document 5;

19. Approve that Council-appointed public members be required to complete the City's mandatory training with respect to the *Accessibility for Ontarians with Disabilities Act, 2005* and the *Occupational Health and Safety Act*, as described in this report;

20. Approve amendments to the standard Council and Committee report template to include the mandatory and "mandatory if applicable" Implications sections described in this report; and

21. Approve that City Council meeting and voting records shall be made available through the City of Ottawa open data catalogue, as described in this report;

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

- 1. Receive the 2022 Annual Report of the Integrity Commissioner, attached as Document 6;**
- 2. Approve amendments to the Code of Conduct for Members of Council [By-law No. 2018-400], the Code of Conduct for Members of Local Boards [By-law No. 2018-399], and the Code of Conduct for Citizen Members of the Built Heritage Sub-Committee [By-law No. 2018-401] as described in this report and in Documents 7 to 9;**
- 3. Approve amendments to the Community, Fundraising and Special Events Policy as described in this report and in Document 10;**
- 4. Approve amendments to the *Lobbyist Registry By-law* [By-law No. 2012-309] as described in this report and in Document 11, including the Complaint Protocol attached as Document 12; and**
- 5. Approve that memoranda issued to Council by the Senior Leadership Team and Associate General Managers shall be posted to ottawa.ca, as described in this report;**

## **PART III – LOCAL BOARDS**

- 1. Receive the updated listing of local boards in Document 13 and the status report on the compliance of local boards with respect to their *Municipal Act, 2001* policy requirements, as described in this report;**
- 2. Approve the interim appointment of the current public members on the Board of Health pending finalization of the selection process for the appointment of public members for the full 2022-2026 Term of Council;**
- 3. Approve that the Chairs of the Ottawa Board of Health and the Ottawa Police Services Board each be provided with a half Full-time Equivalent (FTE) position to support their roles, to be funded by existing resources, as described in this report;**
- 4. Approve the following with respect to the Ottawa Investment Board:**
  - a. Receive the update on the Ottawa Investment Board; and**

- b. Delegate the authority to appoint the members of the Ottawa Investment Board to the Selection Panel as described in this report; and
- 5. Direct staff to bring forward to the Planning and Housing Committee and Council in Q2 of 2023 a report and recommendations that will provide for the Ottawa Community Lands Development Corporation to focus on identifying and delivering surplus land and development opportunities for new affordable housing projects, as described in this report;

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

- 1. Approve amendments to the *Auditor General By-law* as described in this report;
- 2. Approve amendments to the *Delegation of Authority By-law* as described in this report and in Document 14;
- 3. Approve amendments to the *Procedure By-law* as described in this report and in Document 15;
- 4. Approve amendments to the *Procurement By-law* as described in this report;
- 5. Approve amendments to the *Accountability and Transparency Policy* as described in this report and in Document 16;
- 6. Approve amendments to the *Council-Staff Relations Policy* as described in this report and in Document 17;
- 7. Approve amendments to the *Council Expense Policy* as described in this report and in Document 18;
- 8. Approve amendments to the *Delegation of Powers Policy* as described in this report and in Document 19;
- 9. Receive information regarding the approach the City Clerk will take to amend the *Records Management Policy* and associated policies, procedures and practices further to the Ottawa Light Rail Transit Public Inquiry;

- 10. Approve amendments to the Routine Disclosure and Active Dissemination Policy as described in this report and in Document 20; and**
- 11. Approve amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures as described in this report and in Documents 21 and 22;**

#### **PART V – OTHER MATTERS**

- 1. Approve the following with respect to the appointment of Deputy Mayors for the 2022-2026 Term of Council:**
  - a. That Deputy Mayors be appointed in accordance with a rotation list composed of all Members of Council, as described in this report; and**
  - b. That the City Clerk be delegated the authority to amend the rotation list, with the concurrence of the Mayor and the impacted Members of Council, by placing an amending by-law directly on a Council agenda, as described in this report;**
- 2. Approve that the following Council Liaison positions be established for the 2022-2026 Term of Council, as described in this report:**
  - a. Council Liaison for Anti-Racism and Ethnocultural Relations Initiatives;**
  - b. Council Liaison for Veteran and Military Issues;**
  - c. Council Liaison for Women and Gender Equity; and**
  - d. Council Liaison for the Anishinabe Algonquin Nation Civic Cultural Protocol and Implementation Plan;**
- 3. Approve voluntary home/personal security measures for Members of Council, to be funded through existing funds in the Council Administration Budget, as described in this report;**
- 4. Receive the 2018-2022 Term of Council's recommendation with respect to reviews of ward populations and growth numbers;**
- 5. Approve the updated Councillors' Office Manual attached as Document 23;**



6. Approve in principle the Full-time Equivalent (FTE) position for Council Support Services to support human resources-related matters for elected officials' offices, to be funded by existing resources, as described in this report;
7. Approve that transit-related matters referred to the 2022-2026 Governance Review process by the 2018-2022 Term of Council be considered at the first meeting of the Transit Commission for the 2022-2026 Term of Council, as described in this report; and
8. Approve that the City Clerk be delegated the authority to implement changes to all related processes, procedures, policies and Terms of Reference, and to bring forward by-laws as required to implement Council's decisions further to the approval of this report and to reflect the current organizational alignment.

## **RECOMMANDATIONS DU RAPPORT**

1. Qu'à sa réunion du 30 novembre 2022, le Conseil prenne acte de la délégation de certains pouvoirs au maire prescrits en vertu de la *Loi de 2001 sur les municipalités*, comme il est présenté dans le Document 24 et prenne connaissance du reste du rapport et le dépose; et
2. Qu'à sa réunion du 7 décembre 2022, le Conseil étudie et approuve les recommandations suivantes liées à la structure du Conseil et des comités, aux politiques, aux procédures et à d'autres affaires connexes :

## **PARTIE I - CONSEIL MUNICIPAL, COMITÉS PERMANENTS ET QUESTIONS CONNEXES**

### **COMITÉS PERMANENTS, SOUS-COMITÉ ET COMMISSION DU TRANSPORT EN COMMUN**

1. Approuver la structure suivante en ce qui a trait aux comités du Conseil pour le mandat 2022-2026 du Conseil, comme il est décrit dans le présent rapport, ainsi que son entrée en vigueur immédiate;
  - a. Comité de l'agriculture et des affaires rurales;
  - b. Comité de la vérification;
  - c. Comité des services communautaires;

- d. **Comité sur les débentures;**
  - e. **Comité des services de protection et d'urgence;**
  - f. **Comité de l'environnement et de la protection climatique;**
  - g. **Comité des finances et du développement économique;**
  - h. **Comité de l'urbanisme et du logement et son sous-comité :**
    - i. **Sous-comité du patrimoine bâti;**
    - i. **Commission du transport en commun;**
    - j. **Comité des transports;**
- 2. Approuver les modifications au mandat du Comité de la vérification afin d'officialiser le processus d'approbation budgétaire eu égard au Bureau de la vérificatrice générale, comme décrit dans le présent rapport;**
- 3. Approuver qu'outre leur pouvoir actuel d'ajouter conjointement à l'ordre du jour de la rencontre du Comité sur les débentures des règlements autorisant l'émission de débentures aux fins d'approbation, la cheffe des finances/trésorière et le directeur municipal aient le pouvoir d'ajouter conjointement à l'ordre du jour de la rencontre du Conseil municipal des règlements autorisant l'émission de débentures aux fins d'approbation, pourvu qu'un avis à cet effet soit donné au moins 48 heures avant la réunion du Conseil, comme il est décrit dans le présent rapport;**
- 4. Approuver ce qui suit en ce qui concerne le Comité des finances et du développement économique, comme il est décrit dans le présent rapport :**
- a. **La composition du Comité des finances et du développement économique;**
  - b. **Les modifications au mandat du Comité des finances et du développement économique, afin :**
    - i. **D'intégrer le mandat de l'ancien Sous-comité de la technologie de l'information portant sur les TI;**
    - ii. **Que le Comité supervise la mise en œuvre de la Stratégie en matière de condition féminine et d'équité des genres, du Plan**

**d'action en matière de réconciliation, de la Stratégie de lutte contre le racisme et du Plan municipal pour la diversité et l'inclusion et formuler des recommandations au Conseil à cet effet;**

- 5. Approuver les modifications au mandat du Comité de l'urbanisme et du logement afin d'en définir les responsabilités élargies en matière de logement;**
- 6. Approuver que les rapports annuels d'information sur la délivrance des permis en matière de patrimoine en vertu de pouvoirs délégués soient transmis directement du Sous-comité du patrimoine bâti au Conseil municipal, comme il est décrit dans le présent rapport;**
- 7. Approuver ce qui suit en ce qui concerne la Commission du transport en commun, comme il est décrit dans le présent rapport :**
  - a. La composition de la Commission du transport en commun;**
  - b. La directive au personnel de lancer le processus de mise sur pied d'une instance consultative pour le transport en commun, formée de membres du public et comprenant au moins un utilisateur des services de Para Transpo; et**
  - c. Les modifications au mandat de la Commission du transport en commun pour inclure l'étude du rapport annuel de conformité préparé par l'agent de surveillance et de conformité réglementaires et son envoi au Conseil aux fins d'approbation;**
- 8. Approuver les calendriers et lieux des réunions du Conseil, des comités et de la Commission, comme il est décrit dans le présent rapport;**
- 9. Approuver la nomination de présidents et de vice-présidents jusqu'à ce que le Conseil prenne connaissance du rapport de l'examen de mi-mandat de la structure de gestion publique de 2022-2026, comme il est décrit dans le présent rapport;**
- 10. Approuver le mandat du Comité des candidatures et les procédures, comme décrit dans le présent rapport;**

- 11. Approuver les nominations à un poste ou dans un quartier particulier présentées au document 2;**
- 12. Approuver que les mandats modifiés des comités permanents, de la Commission du transport en commun et du Sous-comité du patrimoine bâti leur soient respectivement soumis dans leur version provisoire à leur première réunion en 2023 pour étude et recommandations au Conseil aux fins d'approbation;**

#### **AUTRES COMITÉS DU CONSEIL**

- 13. Approuver la composition du Comité de révision, comme il est décrit dans le présent rapport;**

#### **COMITÉS CONSULTATIFS ET INSTANCES CONNEXES**

- 14. Approuver ce qui suit en ce qui concerne les comités consultatifs et autres organismes consultatifs de la Ville d'Ottawa, comme il est décrit dans le présent rapport :**
  - a. Que le greffier municipal soit chargé de présenter au Comité des finances et du développement économique et au Conseil au 2e trimestre de 2023 un rapport et des recommandations entourant les divers organismes consultatifs, tels que les comités consultatifs, les groupes de conseillers parrains, les tables de consultation communautaires et le nouvel organisme de consultation sur le transport en commun;**
  - b. Que les comités consultatifs et leur composition établie durant le mandat 2018-2022 du Conseil demeurent provisoirement inchangés et qu'ils se réunissent au besoin selon les modalités prévues au présent rapport si le personnel ou le Conseil ont besoin de les consulter sur des questions urgentes relevant de leurs mandats respectifs, et ce, jusqu'à ce que le Conseil prenne connaissance du rapport et des recommandations du greffier municipal entourant les organismes consultatifs;**
  - c. Que nonobstant la disposition (b), le processus de recrutement et de nomination des membres du Comité consultatif sur l'accessibilité prescrit par la loi se déroule au début de 2023, conformément aux**

échanciers et à la procédure générale de recrutement public de la Ville; et

- d. Le calendrier des réunions et les relations hiérarchiques pour le Comité consultatif sur l'accessibilité;

**15. Approuver ce qui suit en ce qui concerne les nominations publiques aux divers comités consultatifs et autres organismes :**

- a. Les modifications à la Politique sur les nominations de la Ville, comme il est décrit dans le présent rapport et le document 3;
- b. La version révisée de la Politique des dépenses afférentes à la participation aux comités consultatifs, comme il est décrit dans le présent rapport et le document 4;

#### **AUTRES CHANGEMENTS ET MISES À JOUR ENTOURANT LE CONSEIL ET LES COMITÉS PERMANENTS**

**16. Approuver le processus d'établissement des budgets financés par les taxes et les redevances de 2023-2026, comme il est décrit dans le présent rapport;**

**17. Approuver le maintien de la participation par voie électronique aux réunions en mode hybride du Conseil, des comités permanents et des sous-comités;**

**18. Prendre connaissance de la liste des demandes de renseignements du mandat du Conseil 2018-2022 demeurées en suspens, annexée au titre de document 5;**

**19. Approuver l'obligation pour les membres du public d'un comité nommés par le Conseil de suivre la formation municipale obligatoire sur la *Loi de 2005 sur l'accessibilité pour les personnes handicapées de l'Ontario* et sur la *Loi sur la santé et la sécurité au travail*, comme il est décrit dans le présent rapport;**

**20. Approuver les modifications aux modèles des rapports au Conseil et aux comités pour y inclure des sections obligatoires et « obligatoires le cas échéant » décrites dans le présent rapport;**

21. Approuver que les procès-verbaux et les relevés des votes des réunions du Conseil municipal soient accessibles dans le catalogue des données ouvertes de la Ville d'Ottawa, comme il est décrit dans le présent rapport;

## **PARTIE II – RESPONSABILISATION ET TRANSPARENCE**

1. Prendre connaissance du rapport annuel de 2022 de la commissaire à l'intégrité, annexé au titre de document 6;
2. Approuver les modifications au Code de conduite des membres du Conseil [Règlement no 2018-400], au Code de conduite des membres de conseils locaux [Règlement no 2018-399], et au Code de conduite des membres citoyens du Sous-comité du patrimoine bâti [Règlement no. 2018-401] comme il est décrit dans le présent rapport et les documents 7 à 9;
3. Approuver les modifications à la Politique sur les activités spéciales, communautaires et de financement, comme il est décrit dans le présent rapport et le document 10;
4. Approuver les modifications au *Règlement sur le registre des lobbyistes* [Règlement no 2012-309], comme il est décrit dans le présent rapport et dans le document 11, y compris le Protocole régissant les plaintes, annexé au titre de document 12; et
5. Approuver que les notes de service transmises au Conseil par l'équipe de la haute direction et les directeurs généraux adjoints soient affichées dans ottawa.ca, comme il est décrit dans le présent rapport;

## **PARTIE III - CONSEILS LOCAUX**

1. Prendre connaissance de la liste à jour de conseils locaux dans le document 13, ainsi que du rapport sur leur état de conformité relativement à leurs obligations aux termes de la *Loi de 2001 sur les municipalités*, comme il est décrit dans le présent rapport;
2. Approuver la reconduction sur une base intérimaire des actuels membres du public siégeant au Conseil de santé en attendant la fin du processus de nomination des prochains membres du public pour la totalité du mandat 2022-2026;

3. Approuver d'accorder à chacun des présidents du Conseil de santé d'Ottawa et de la Commission de services policiers d'Ottawa un demi-employé équivalent temps plein pour les appuyer dans leur fonction et financé à même les ressources existantes, comme il est décrit dans le présent rapport;
4. Approuver ce qui suit en ce qui concerne le Conseil d'investissement d'Ottawa :
  - a. Prendre connaissance de la mise à jour relative au Conseil d'investissement d'Ottawa;
  - b. Déléguer au Comité de sélection le pouvoir de nommer les membres du Conseil d'investissement d'Ottawa, comme il est décrit dans le présent rapport;
5. Charger le personnel de soumettre au Comité de l'urbanisme et du logement et au Conseil au cours du 2e trimestre de 2023 un rapport et des recommandations pour faire en sorte que la Société d'aménagement des terrains communautaires d'Ottawa recense et trouve des terrains excédentaires et des possibilités d'aménagement pour de nouveaux projets de logement abordable, comme il est décrit dans le présent rapport;

#### **PARTIE IV – MODIFICATIONS À DIVERS RÈGLEMENTS ET POLITIQUES, ET QUESTIONS CONNEXES**

1. Approuver les modifications au *Règlement sur le vérificateur général*, comme il est décrit dans le présent rapport;
2. Approuver les modifications au *Règlement sur la délégation de pouvoirs*, comme il est décrit dans le présent rapport et dans le document 14;
3. Approuver les modifications au *Règlement de procédure*, comme il est décrit dans le présent rapport et dans le document 15;
4. Approuver les modifications au *Règlement sur les approvisionnements*, comme il est décrit dans le présent rapport;
5. Approuver les modifications à la Politique de responsabilisation et de transparence, comme il est décrit dans le présent rapport et le document 16;

- 6. Approuver les modifications à la Politique sur les relations entre le Conseil et le personnel, comme il est décrit dans le présent rapport et le document 17;**
- 7. Approuver les modifications à la Politique sur les dépenses du Conseil, comme il est décrit dans le présent rapport et dans le document 18;**
- 8. Approuver les modifications à la Politique sur la délégation de pouvoirs, comme il est décrit dans le présent rapport et le document 19;**
- 9. Prendre connaissance de l'approche qu'utilisera le greffier municipal pour modifier la Politique de gestion des dossiers de la Ville et les politiques, procédures et pratiques correspondantes dans la foulée de l'enquête publique sur le transport en commun par train léger à Ottawa;**
- 10. Approuver les modifications à la Politique de divulgation systématique et de diffusion active, comme il est décrit dans le présent rapport et le document 20;**
- 11. Approuver les modifications à la Politique et aux procédures de recrutement, de nomination et d'administration des contrats des titulaires d'une charge créée par une loi, comme il est décrit dans le présent rapport et les documents 21 et 22;**

## **PARTIE V – AUTRES QUESTIONS**

- 1. Approuver ce qui suit en ce qui concerne la nomination des maires suppléants pour le mandat du Conseil de 2022-2026 :**
  - a. Que les maires suppléants soient nommés à tour de rôle à partir d'une liste de roulement composée de tous les membres du Conseil, comme il est décrit dans le présent rapport;**
  - b. Que le greffier municipal ait le pouvoir délégué de modifier l'ordre de roulement, avec l'accord du maire et des membres du Conseil concernés, en plaçant directement à l'ordre du jour du Conseil un règlement modificateur, comme il est décrit dans le présent rapport;**
- 2. Approuver l'établissement des postes suivants d'agents de liaison du Conseil pour le mandat 2022-2026 du Conseil, comme il est décrit dans le présent rapport :**



- a. **Agent de liaison du Conseil pour les initiatives de lutte contre le racisme et de relations ethnoculturelles;**
  - b. **Agent de liaison du Conseil pour les questions relatives aux anciens combattants et d'ordre militaire;**
  - c. **Agente de liaison du Conseil pour la condition féminine et l'équité des genres;**
  - d. **Agent de liaison du Conseil pour le Protocole culturel civique relatif à la nation algonquine Anishinabe et au plan de mise en œuvre;**
3. **Approuver des mesures volontaires de sécurité personnelle et à domicile pour les membres du Conseil, financées à même le budget administratif actuel du Conseil, comme il est décrit dans le présent rapport;**
4. **Prendre connaissance des recommandations du mandat de 2018-2022 du Conseil relatives à l'examen des données démographiques des quartiers;**
5. **Approuver le Manuel administratif des conseillers actualisé annexé au titre de document 23;**
6. **Approuver en principe un poste équivalent à temps plein pour les services de soutien au Conseil afin de soutenir les membres en matière de ressources humaines, le tout financé à même les ressources existantes, comme il est décrit dans le présent rapport;**
7. **Approuver que les questions reliées au transport en commun soulevées dans l'examen de la structure de gestion publique du mandat de 2018-2022 du Conseil soient étudiées à la première réunion de la Commission du transport en commun du mandat 2022-2026 du Conseil, comme il est décrit dans le présent rapport;**
8. **Approuver que soit conféré au greffier municipal le pouvoir délégué de mettre en œuvre les modifications apportées aux procédures, aux processus, aux politiques et aux mandats, et de présenter au besoin les règlements municipaux requis afin de donner suite aux décisions du Conseil après l'approbation du présent rapport et de manière à refléter l'actuelle structure organisationnelle.**

## EXECUTIVE SUMMARY

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 arm's-length agencies, boards and commissions. It also includes the regulatory tools that govern those bodies, such as the *Procedure By-law*, *Delegation of Authority By-law*, *Procurement By-law* and various policies and procedures. As municipalities are the level of government that is closest to residents, the governance structure is designed to enable formal direct community input into decision-making through measures such as citizen Advisory Committees, public delegations to elected representatives on Standing Committees, and the inclusion of public members on the Built Heritage Sub-Committee.

Since amalgamation, the City has conducted comprehensive reviews of the governance structure twice in each term of Council. The first Governance Review takes place at the beginning of a term of Council and traditionally is when major changes are made to the governance structure, such as the establishment or elimination of Standing Committees. Approximately halfway through the term, the Mid-term Governance Review typically "tweaks" the governance structure to address any issues that have arisen in the interim.

This is the report on the first Governance Review for the 2022-2026 Term of Council. The 2022-2026 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 related processes are focused and aligned with identified City priorities.

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

In keeping with past Governance Reviews, recommendations were generally developed through interviews conducted with Members of Council by the City Clerk and the

Manager, Policy and Business Operations. The City Clerk also met with the Chairs and Vice-Chairs of the City's Advisory Committees, and sought input from senior staff. In addition, relevant legislative changes that came into force since the 2018-2022 Mid-term Governance Review were reviewed. This includes Bill 3, the *Strong Mayors, Building Homes Act, 2022*, which received Royal Assent on September 8, 2022, and provides the Mayors of the City of Ottawa and City of Toronto with additional powers beyond those previously set out in either the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as described in this report.

Consistent with past practice, the report indicates where there was consensus for a recommendation among Members of Council. The report also indicates where a recommendation may originate with the Mayor and/or staff. In some instances, staff are bringing forward recommendations that arose after the consultations with Members of Council were complete. Staff believe that these recommendations align with the principles set out above. In addition, there are a number of recommended "housekeeping" amendments, which are changes involving existing processes that need to be "cleaned up," or where new direction or updates are suggested.

As in previous Governance Reviews, the City Clerk worked closely with the Mayor in finalizing the recommendations in this report. In addition to the new powers of the Mayor provided in Bill 3, fundamental responsibilities of the "Head of Council" under subsections 225(c) and (c.1) of the *Municipal Act, 2001* include, "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 Council's responsibilities to ensure that 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 ...".

As noted in this report, the *Municipal Act, 2001* as amended by Bill 3 assigns powers to the Mayor with respect to determining committee structure and appointing Committee Chairs and Vice-Chairs. In order to provide for Council to consider matters set out in this report, the Mayor has delegated these powers to Council in accordance with relevant legislative provisions, as set out in Document 24.

Highlights of some of the recommendations are provided below:

## Part I – Council, Standing Committees and related matters

- The Mayor recommends the following changes to the Committee structure:
  - The proposed Community Services Committee would be responsible for the “community services” mandate of the former Community and Protective Services Committee. The former Committee’s “emergency and protective services” mandate would be addressed by a separate Emergency Preparedness and Protective Services Committee. Ongoing work with respect to matters such as emergency management and response, by-law reviews, special events and matters related to Ottawa Paramedic Service “level zero” events and offload delay at Ottawa hospitals is expected to add to the Emergency Preparedness and Protective Services Committee’s workload.
  - The Standing Committee on Environmental Protection, Water and Waste Management would be renamed the Environment and Climate Change Committee for the purposes of clarity and to highlight the mandate of the Committee with respect to matters such as climate change.
  - The mandate of the former IT Sub-Committee would be incorporated into the mandate of the Finance and Economic Development Committee (FEDCO). A low number of meetings held by the former Sub-Committee during the 2018-2022 Term of Council suggests there was not enough of a workload to support the Sub-Committee’s mandate.
  - The mandate of the Planning and Housing Committee (former Planning Committee) would include additional housing matters, as reflected in the proposed new name for the Committee. Given recent legislative changes that have been enacted or proposed by the Province of Ontario that would have significant impacts on municipal financing, planning processes and operational matters related to the development of housing in the City of Ottawa, the Mayor has identified a need to ensure that housing affordability is fully integrated into staff’s work and Council’s decision making on planning and housing matters going forward. As a result, the Mayor is recommending that the Planning and Housing Committee’s mandate maintain responsibility for the City’s Affordable Housing Strategy, transit-oriented development and all related housing policy initiatives, and expand to include capital funding of social and affordable housing

programs, the Long Range Financial Plan for Housing and reports pertaining to the Ottawa Community Lands Development Corporation (OCLDC), further to the proposed changes for OCLDC outlined in this report. Matters related to housing policies and to the ongoing administration of emergency shelters, community housing and homelessness programs would remain with the Community Services Committee.

- The Transit Commission would be composed of elected officials for the 2022-2026 Term of Council, with staff directed to begin a process to establish a transit advisory body composed of public members, including at least one user of Para Transpo.
- Other Committee-related changes are proposed to improve processes with respect to matters such as debenture by-laws and annual information reports regarding heritage permits issued under delegated authority, to update Terms of Reference to reflect and/or formalize current practices, and to address departmental/project alignments.
- Recommendations are made with respect to the Council, Committee Commission calendar and meeting locations, with proposed changes largely resulting from statutory amendments relating to planning matters.
- The Mayor recommends Council return to a formal practice of reviewing and reaffirming Committee Chairs and Vice-Chairs through the Mid-term Governance Review process. As in past years, this would provide a scheduled opportunity for any changes to be made should Members decide to pursue different opportunities. It also provides an opportunity for Members to gain procedural experience should any Chair/Vice-Chair openings arise.
- The report sets out the recommended Nominating Committee mandate and process, as well as Ward- and position-specific appointments.

### **Advisory Committees and related bodies**

- Further to recent decisions by the Ontario Divisional Court and the Ontario Ombudsman, it is recommended that Council direct the City Clerk to bring forward a report and recommendations in Q2 of 2023 regarding matters relating to advisory bodies such as Advisory Committees, Council Sponsors Groups, Community Advisory Tables and the proposed new transit advisory body.

Various interim measures are proposed for Advisory Committees – which would continue to meet as required should staff or Council have a need to consult with them on time-sensitive matters within their respective mandates – and recommendations are included regarding the membership, meeting schedule and reporting relationship for the Accessibility Advisory Committee (through FEDCO).

- Proposed amendments to public appointment-related policies include changes meant to increase diversity in public membership.

### **Other Council and Standing Committee changes and updates**

- Recommendations are included for the 2023-2026 tax- and rate-supported budget process. The Mayor, Councillors and members of the public have noted that budget documents could be improved to enhance transparency and that the budget consultation tools could be improved to make them more meaningful. Given there is a shortened time frame to table the 2023 budget, it is anticipated some modest improvements can be made for the 2023 and 2024 budget process with enhanced improvements to follow during this Term of Council. The Mayor will consider a range of public consultation tools for additional online feedback, including leveraging technology to enhance the tools. Budget summary documents for the capital and operating budgets will be reviewed to ensure ease of reading and greater transparency.
- It is recommended that electronic participation continue in hybrid Council, Standing Committee and Sub-Committee meetings, and that Council meeting and voting records be made available through the City's open data catalogue.

### **Part II – Accountability and transparency**

- The 2022 Annual Report of the Integrity Commissioner is provided, and notes that complaints and queries to the Office continue to increase in comparison to previous years.
- Amendments are proposed to codes of conduct for Members of Council, members of local boards and citizen members of the Built Heritage Sub-Committee. This includes the proposed annual disclosure of Members' financial and business interests, and those of their parent(s), spouse, and child(ren), to the Integrity Commissioner; and changes to the complaint protocols that would authorize the Integrity Commissioner to exercise discretion respecting the disclosure of information during an investigation and the decision to terminate an

investigation which the Integrity Commissioner determines would serve no useful purpose.

- Recommended amendments to the *Lobbyist Registry By-law* include post-employment lobbying restrictions that would apply to specific public office holders; a new profile review requirement for lobbyists; and clarification that the Lobbyists' Code of Conduct applies to anyone who lobbies as defined in the *Lobbyist Registry By-law*, whether they are properly registered or not. The proposed addition of a complaint protocol to the *Lobbyist Registry By-law* is recommended to enhance transparency of the Lobbyist Registrar's process and to formalize existing processes.
- The Office of the City Clerk recommends that memoranda issued to Council by the Senior Leadership Team and Associate General Managers be posted to [ottawa.ca](http://ottawa.ca) as an added transparency measure. This would supplement the current practice whereby Public Information and Media Relations shares this information with the media.

### **Part III – Local boards**

- Information is provided regarding the City's local boards and their status with respect to compliance with by-law and policy requirements under the *Municipal Act, 2001*.
- Updates are provided with respect to the Ottawa Investment Board, including a recommendation to delegate the authority to appoint members of the Board to a Selection Panel composed of City staff.
- To strengthen the City's ability to advance the objectives and deliver on the targets established in the City's 10-Year Housing and Homelessness Plan, the Mayor recommends that the Ottawa Community Lands Development Corporation (OCLDC) structure and mandate be revised to focus on identifying and delivering surplus land and development opportunities for new affordable housing projects. The OCLDC would explore opportunities to prioritize, prepare and leverage City lands to be made available to advance the goals of the 10-Year Housing and Homelessness Plan. The Mayor recommends Council direct staff to bring back a report for Committee and Council consideration on the recommended revised Terms of Reference, amended mandate and associated governance changes to the OCLDC no later than the end of Q2 2023.

#### **Part IV – Amendments to by-laws, policies and related matters**

- The Auditor General recommends the *Auditor General By-law* be updated to provide clarity regarding reporting practices.
- The traditional review of the *Procedure By-law*, the *Delegation of Authority By-law* and the *Procurement By-law* was completed, with various amendments brought forward for consideration.
- Various policy updates are also recommended, as set out in the report and related attachments.

#### **Part V – Other matters**

- The Mayor recommends that Council adopt a Deputy Mayor rotation whereby three Councillors would serve as Deputy Mayors for an identified period of time should the Mayor be unable to fulfil his duties during that timeline. Should Councillors wish to “trade” time slots on the rotation, it is recommended that the City Clerk be delegated the authority, with the concurrence of the Mayor and the impacted Councillors, to amend the rotation schedule and to place a by-law directly on the Council agenda for enactment. It is also recommended that the Deputy Mayor positions previously included in the membership of FEDCO be replaced with two Members-at-large, to be selected through the Nominating Committee process.
- With respect to Council Liaison positions, the Mayor recommends that the Council Liaison for Anti-Racism and Ethnocultural Relations Initiatives, Council Liaison for Veteran and Military Issues, and Council Liaison for Women and Gender Equity continue during the 2022-2026 Term of Council. In addition, the Mayor recommends that Council approve establishing a Council Liaison for the Anishinabe Algonquin Nation Civic Cultural Protocol and Implementation Plan. The mandate of this Council Liaison would be to provide leadership and work with City staff on activities and actions related to the Anishinabe Algonquin Nation Civic Cultural Protocol and Implementation Plan.
- An approach to provide voluntary home/personal security measures for Members of Council is recommended, similar to initiatives in other cities and given the potential for real or perceived home/personal security concerns for elected officials. The proposed measures would be optional for all Members and would be funded through existing resources.



- An updated Councillors' Office Manual is provided, and sets out in one document the relevant policies and procedures related to the administration of Members' Offices.

## RÉSUMÉ

La structure de gestion publique de la Ville d'Ottawa, comme celles d'autres villes de l'Ontario, appuie le processus législatif. Elle est constituée de plusieurs instances de délibération différentes, quoique liées entre elles, notamment le Conseil municipal, les comités permanents, les comités consultatifs et les organismes, commissions et conseils indépendants. Elle comprend également les mécanismes réglementaires régissant ces instances, comme le *Règlement de procédure*, le *Règlement sur la délégation de pouvoirs*, le *Règlement sur les approvisionnements* et diverses autres procédures et politiques. Puisque les municipalités sont l'ordre de gouvernement le plus près de la population, leur structure de gestion publique est conçue de manière à permettre une participation directe et officielle de la population au processus décisionnel à l'aide de mécanismes comme les comités consultatifs de citoyens, les présentations devant les représentantes et représentants élus siégeant aux comités permanents et la participation de membres du public au Sous-comité du patrimoine bâti.

Depuis la fusion, la Ville effectue un examen général de sa structure de gestion publique à deux reprises au cours de chaque mandat du Conseil. Le premier examen se déroule au début du mandat du Conseil, habituellement lorsque d'importants changements sont apportés à la structure de gestion publique, par exemple la création ou l'abolition de comités permanents. Réalisé environ à mi-parcours d'un mandat, l'examen de mi-mandat sert habituellement à modifier légèrement la structure afin de remédier aux problèmes survenus dans l'intervalle.

Le présent rapport est le premier rapport d'examen de la structure de gestion publique pour le mandat du Conseil de 2022-2026. Comme tous ceux qui l'ont précédé, cet examen repose sur le principe que tous les changements proposés doivent veiller à ce que :

- La structure de gestion publique de la Ville (sa structure de gouvernance) et les procédures correspondantes demeurent transparentes et permettent de rendre compte à la population en général;
- Les modifications apportées rendent le processus décisionnel plus efficace et efficient;

- La structure de gestion publique et les procédures correspondantes sont axées sur les priorités de la Ville et s’y harmonisent.

Le présent rapport contient un ensemble de propositions et de recommandations interreliées qui prennent appui sur la structure actuelle de gouvernance du Conseil. Il propose les politiques, les procédures et les règlements nécessaires au fonctionnement du Conseil, des comités permanents et d’organismes connexes.

Conformément aux examens précédents de la structure de gestion publique, ces recommandations sont le résultat de consultations menées auprès des membres du Conseil par le greffier municipal et le gestionnaire de la Direction des politiques et activités opérationnelles. Le greffier municipal a également rencontré les présidents et les vice-présidents des comités consultatifs de la Ville et a consulté les cadres supérieurs. En outre, les différents changements législatifs entrés en vigueur depuis l’examen de mi-mandat de la structure de gestion publique de 2018-2022 ont été passés en revue, notamment : Le projet de loi 3, la *Loi de 2022 pour des maires forts et pour la construction de logements*, qui a reçu la sanction royale le 8 septembre 2022 et qui confère aux maires d’Ottawa et de Toronto des pouvoirs accrus par rapport à ceux que leur conféraient la *Loi de 2001 sur les municipalités* et la *Loi de 2006 sur la Ville de Toronto*, comme il est décrit dans le présent rapport.

Conformément à la pratique antérieure, le rapport indique les cas où une recommandation a fait l’objet d’un consensus parmi les membres du Conseil. Lorsqu’une recommandation provient du maire ou du personnel, le rapport le précise également. Dans certains cas, le personnel formule des recommandations émergeant des consultations avec les membres du Conseil. Le personnel estime que ces recommandations respectent les principes énoncés précédemment. De plus, le rapport recommande un certain nombre de modifications d’ordre administratif, à savoir des changements apportés aux procédures administratives qui ont besoin d’être « dépolués » ou des suggestions de nouvelles orientations ou de mises à jour.

Comme dans les examens précédents de la structure de gestion publique du Conseil, le greffier municipal a travaillé en étroite collaboration avec le maire pour parachever les recommandations de ce rapport. Outre les nouveaux pouvoirs que confère au maire le Projet de loi 3, les responsabilités fondamentales du « chef du Conseil municipal », en vertu des alinéas 225 (c) et (c.1) de la *Loi de 2001 sur les municipalités* incluent de « faire preuve de leadership dans ses rapports avec le conseil [et]... de fournir des renseignements et faire des recommandations au conseil à l’égard du rôle de celui-ci visé aux alinéas 224 (d) et (d.1) ». Les alinéas 224 (d) et (d.1) portent précisément sur

les responsabilités du Conseil de « faire en sorte que des politiques, des pratiques et des procédures administratives et en matière de contrôle [...] soient en place pour mettre en œuvre ses décisions [et] veiller à la responsabilisation et à la transparence des opérations de la municipalité [...] ».

Comme il est précisé dans le présent rapport, la *Loi de 2001 sur les municipalités*, attribue au maire des pouvoirs en ce qui concerne l'établissement de la structure des comités et la nomination des présidents et vice-présidents de comités. Afin de permettre au Conseil de se pencher sur les éléments dont il est question dans le présent rapport, le maire a délégué ces pouvoirs au Conseil conformément aux dispositions législatives pertinentes, comme il est décrit dans le document 24.

Les points saillants de certaines des recommandations sont présentés ci-dessous :

### **Partie I - Conseil, comités permanents et questions connexes**

- Le maire recommande les modifications suivantes à la structure des comités :
  - Le Comité des services communautaires (proposé) prendrait en charge le mandat de l'ancien Comité des services communautaires et de protection. Le volet des services d'urgence et de protection du mandat de l'ancien comité serait pris en charge par un comité distinct, soit le Comité des services de protection et d'urgence. On s'attend à ce que les activités en ce qui concerne la gestion des situations d'urgence et les interventions, la révision des règlements, les événements spéciaux, les incidents de niveau zéro du Service paramédic d'Ottawa et les délais de débarquement aux hôpitaux d'Ottawa augmentent la charge de travail du Comité des services de protection et d'urgence.
  - Le nom du Comité permanent sur la protection de l'environnement, l'eau et la gestion des déchets changerait à celui de Comité de l'environnement et de la protection climatique aux fins de clarté et pour mettre en relief le mandat du comité eu égard aux questions liées au changement climatique.
  - Le mandat de l'ancien Sous-comité des TI relèverait des responsabilités du Comité des finances et du développement économique (CFDE). Le nombre peu élevé de rencontres de l'ancien Sous-comité des TI au cours du mandat de 2018-2022 du Conseil donne à penser que la charge de travail était insuffisante pour justifier ce sous-comité. Le CFDE prendrait

également en charge le volet des redevances d'aménagement relevant du Comité de l'urbanisme, étant donné son rôle de coordination financière.

- Au mandat du Comité de l'urbanisme et du logement (anciennement Comité de l'urbanisme) s'ajouteraient d'autres dossiers liés au logement, comme l'indique le nouveau nom proposé. Compte tenu des nouvelles mesures législatives promulguées ou proposées par le gouvernement de l'Ontario qui auront d'importantes répercussions sur le financement municipal, les procédures d'aménagement du territoire et les opérations liées au développement du logement dans la Ville d'Ottawa, le maire a souligné la nécessité d'assurer d'intégrer toute la question de l'abordabilité du logement au travail du personnel et aux décisions futures du Conseil en matière de planification, d'aménagement et de logement. Par conséquent, le maire recommande que la Stratégie de logement abordable de la Ville, l'aménagement axé sur le transport en commun et toutes les initiatives stratégiques en matière de logement continuent de relever du Comité de l'urbanisme et du logement et que son mandat soit élargi pour inclure le financement du volet immobilisation des programmes de logements sociaux et abordables, le Plan financier à long terme pour le logement et les rapports relatifs à la Société d'aménagement des terrains communautaires d'Ottawa (SATCO), suivant les modifications proposées à la SATCO présentées dans le présent rapport. Les questions liées aux politiques en matière de logement et à l'administration des refuges d'urgence, du logement communautaire et des programmes de lutte contre l'itinérance continueraient de relever du Comité des services communautaires.
- Pour le mandat du Conseil de 2022-2026, les membres de la Commission du transport en commun seraient des représentantes et représentants élus. Le personnel serait chargé d'enclencher le processus de mise sur pied d'un organisme de consultation sur le transport en commun composé de membres du public, y compris au moins un usager des services de Para Transpo.
- D'autres modifications aux comités sont proposées afin d'améliorer les processus, notamment au chapitre des règlements sur les débentures et des rapports d'information annuels sur les permis délivrés aux termes de la *Loi sur le patrimoine de l'Ontario* en vertu de pouvoirs délégués; et on prévoit des mises à

jour de mandats afin de refléter et d'officialiser des pratiques en vigueur et de prendre en compte les orientations des directions générales et divers projets.

- Des recommandations sont formulées relatives aux calendriers des réunions et aux lieux des rencontres du Conseil, des comités et des commissions; les changements proposés découlant en grande partie des modifications prescrites par la loi en matière d'aménagement.
- Le maire recommande que le Conseil reprenne la pratique officielle de réviser et de confirmer les présidences et vice-présidences dans le cadre de l'examen de mi-mandat de la structure de gestion publique. Comme par les années passées, cette façon de faire serait une occasion prévue d'apporter des changements si jamais des membres du Conseil manifestaient le désir de relever d'autres défis. Ce serait aussi une occasion pour les membres du Conseil qui le souhaitent d'acquérir de l'expérience en procédures si un poste de président ou de vice-président se libérait.
- Le rapport présente le mandat et les procédures recommandés pour le Comité des candidatures ainsi que pour les nominations à un poste ou dans un quartier en particulier.

### **Comités consultatifs et organismes connexes**

- Compte tenu de décisions récentes de la Cour divisionnaire de l'Ontario et de l'ombudsman de l'Ontario, il est recommandé que le Conseil charge le greffier municipal de présenter un rapport et des recommandations au 2e trimestre de 2023 sur les organismes de consultation tels les comités consultatifs, les groupes de parrains du Conseil, les tables de consultation communautaires et le nouvel organisme consultatif proposé pour le transport en commun. Diverses mesures intérimaires sont proposées pour les comités consultatifs – lesquels continueraient de se réunir au besoin si le personnel ou le Conseil avaient besoin de les consulter sur des questions urgentes relevant de leurs mandats respectifs. Des recommandations sont également formulées au sujet de la composition du Comité consultatif sur l'accessibilité, de son calendrier de réunions et de ses rapports hiérarchiques (par l'entremise du CFDE).
- Les modifications proposées aux politiques entourant les nominations publiques comprennent des changements visant à accroître la diversité au sein des membres du public.

## **Autres modifications au Conseil et aux comités permanents et mises à jour**

- Le présent rapport contient des recommandations entourant le processus budgétaire de 2023-2026 pour les budgets financés par les taxes et les redevances. Le maire, les conseillers et les membres du public ont indiqué que les documents du budget pourraient être améliorés pour augmenter la transparence et que les outils de consultation pourraient également être améliorés afin de les rendre plus significatifs et pertinents. Étant donné que l'échéancier est plus court cette année à cause des élections, on s'attend à ce que des améliorations plutôt modestes puissent être apportées au processus budgétaire de 2023 et de 2024 et que des améliorations plus substantielles suivront durant le reste du mandat du Conseil. Le maire examinera un éventail d'outils de consultation pour permettre plus de rétroaction en ligne, notamment l'acquisition de technologies pour améliorer les outils actuels. Les sommaires des budgets d'immobilisation et de fonctionnement seront révisés afin d'en faciliter la lecture et d'accroître la transparence.
- Il est recommandé de poursuivre la participation par voie électronique aux réunions en mode hybride du Conseil, des comités permanents et des sous-comités et de rendre le procès-verbal des réunions du Conseil et les relevés de votes des membres accessibles par l'entremise du catalogue de données ouvertes de la Ville.

## **Partie II – Responsabilisation et transparence**

- Le rapport annuel de la commissaire à l'intégrité est fourni et il y est indiqué que le nombre de plaintes et de demandes de renseignements adressées à son bureau continue d'augmenter à comparer aux années précédentes.
- Des modifications sont recommandées aux codes de conduite des membres du Conseil, des membres des conseils locaux et des membres du public siégeant au Sous-comité du patrimoine bâti. Notamment : la divulgation annuelle à la commissaire à l'intégrité des intérêts financiers et commerciaux des membres ainsi que ceux de leurs parents, conjoints et enfants; des modifications aux protocoles régissant les plaintes qui permettraient à la commissaire à l'intégrité d'exercer son pouvoir discrétionnaire en ce qui concerne la divulgation de renseignements durant une enquête et la décision de mettre fin à une enquête si la commissaire à l'intégrité est d'avis que celle-ci n'a aucune fin utile.

- Des modifications sont recommandées au *Règlement sur le registre des lobbyistes*, incluant des restrictions sur les activités de lobbying postérieures à l'emploi qui s'appliqueraient à certains titulaires d'une charge publique; un nouvel examen de profil pour les lobbyistes; et des précisions pour indiquer que le Code de déontologie des lobbyistes s'applique à quiconque fait du lobbying aux termes de la définition du *Règlement sur le registre des lobbyistes*, peu importe que la personne soit inscrite ou non au registre. Il est recommandé d'ajouter un protocole régissant les plaintes au *Règlement sur le registre des lobbyistes* afin d'accroître la transparence des procédures du registraire des lobbyistes et d'officialiser les procédures en place.
- Le Bureau du greffier municipal recommande que les notes de service remises au Conseil par l'équipe de la haute direction et les directeurs généraux adjoints soient affichées dans le site [ottawa.ca](http://ottawa.ca) aux fins d'accroître la transparence. Cette mesure viendrait compléter la pratique des Services d'information publique et de relations avec les médias afin de transmettre cette information aux médias.

### **Partie III – Conseils locaux**

- Des renseignements sont fournis au sujet des conseils locaux et de leur conformité au règlement municipal et aux dispositions de la *Loi de 2001 sur les municipalités*.
- Des mises à jour sont fournies sur la Commission municipale des placements, incluant une recommandation en vue de déléguer le pouvoir de nommer les membres de la Commission à un comité de sélection formé de membres du personnel de la Ville.
- Afin de renforcer la capacité de la Ville d'atteindre les objectifs du Plan décennal de logement et de lutte contre l'itinérance, le maire recommande que la structure et le mandat de la Société d'aménagement des terrains communautaires d'Ottawa (SATCO) soient révisés de manière à ce que l'organisme concentre ses efforts à recenser et à trouver des terrains excédentaires et des possibilités d'aménagement pour de nouveaux projets de logements abordables. La SATCO examinerait les occasions de prioriser, de préparer et de trouver des terrains municipaux afin d'atteindre les objectifs du Plan décennal de logement et de lutte contre l'itinérance. Le maire recommande au Conseil de charger le personnel de soumettre aux fins de considération un rapport au Comité et au Conseil portant sur la révision du mandat de la SATCO, sur les changements correspondant à sa

structure au plus tard à la fin du 2e trimestre de 2023.

#### **Partie IV – Modifications aux règlements et politiques, et questions connexes**

- La vérificatrice générale recommande la mise à jour du *Règlement sur le vérificateur général* afin de clarifier les modalités des rapports de vérification.
- L'examen habituel du *Règlement de procédure*, du *Règlement sur la délégation de pouvoirs* et du **Règlement sur l'approvisionnement** a été effectué et diverses modifications sont mises de l'avant aux fins de considération.
- Diverses mises à niveau de politiques sont recommandées, comme il est décrit dans le présent rapport et dans les annexes correspondantes.

#### **Partie V – Autres questions**

- Le maire recommande d'adopter une formule de roulement pour la nomination du maire suppléant : trois conseillers et conseillères agiraient à titre de maires suppléants pendant une période déterminée si le maire n'est pas en mesure de s'acquitter de ses fonctions durant la période en question. Si des conseillers souhaitent échanger leur plage de roulement, il est recommandé de déléguer au greffier municipal le pouvoir, avec l'accord du maire des conseillers touchés, de modifier l'ordre de roulement et d'inscrire un règlement directement à l'ordre du jour du Conseil aux fins d'adoption. Il est également recommandé de remplacer les sièges de maire suppléant au CFDE par des deux sièges de membres du Conseil sans fonction déterminée, choisis par le Comité des candidatures.
- En ce qui concerne les postes d'agents de liaison du Conseil, le maire recommande que l'agent de liaison du Conseil pour les initiatives de relations ethnoculturelles et de lutte contre le racisme, l'agent de liaison du Conseil pour les questions relatives aux anciens combattants et d'ordre militaire et l'agente de liaison du Conseil pour la condition féminine et l'équité des genres poursuivent leur travail au cours du mandat de 2022-2026 du Conseil. En outre, le maire recommande au Conseil d'approuver la création d'un poste de liaison du Conseil pour le protocole culturel civique de la Nation algonquine anishinabe et le plan de mise en œuvre.
- Il est recommandé d'adopter des mesures volontaires de sécurité personnelle et à domicile pour les membres du Conseil à l'instar de ce qui se fait dans d'autres villes et compte tenu des inquiétudes réelles ou perçues pour la sécurité



personnelle et à domicile des représentantes et représentants élus. Les mesures proposées seraient volontaires pour tous les membres et seraient financées à même les ressources existantes.

- Le Manuel administratif des conseillers est actualisé. On y présente dans un même document les politiques et les procédures pertinentes liées à l'administration des bureaux des membres du Conseil.

## **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 arm's-length agencies, boards and commissions. It also includes the regulatory tools that govern those bodies, such as the *Procedure By-law*, *Delegation of Authority By-law*, *Procurement By-law* and various policies and procedures. The governance structure is designed to enable formal direct community input into decision-making through measures such as public membership on Advisory Committees, public delegations to elected representatives on Standing Committees, and the inclusion of public members on the Built Heritage Sub-Committee.

Since amalgamation, the City has conducted comprehensive reviews of the governance structure twice in each term of Council. The first Governance Review takes place at the beginning of a term of Council and traditionally is when major changes are made to the governance structure. Approximately halfway through the term, the Mid-term Governance Review typically "tweaks" the governance structure to address any issues that have arisen in the interim. Recommendations in both Governance Review reports are generally developed based on consensus established through consultations with Members of Council, Chairs and Vice-Chairs of Advisory Committees, members of the Senior Leadership Team and operational staff.

The 2022-2026 Council 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 related 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* and the *City of Ottawa Act, 1999*. A key set of amendments to the *Municipal Act, 2001* occurred through Bill 130, the *Municipal Statute Law Amendment Act, 2006*. Bill 130 received Royal Assent on December 20, 2006, and many of its changes to the Act came into effect by January 2008. The overall intent of the changes in Bill 130 was to provide municipalities with 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 that 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.

Further legislative changes approved by the Ontario Legislature during the 2018-2022 Term of Council will continue to shape the municipal governance structure, and account for some of the recommendations in this report. This includes legislation such as Bill 3, the *Strong Mayors, Building Homes Act, 2022*, which received Royal Assent on September 8, 2022; Bill 109, the *More Homes for Everyone Act, 2022*, which received Royal Assent on April 14, 2022; and Bill 108, the *More Homes, More Choice Act, 2019*, which received Royal Assent on June 6, 2019. Bill 3 and its related Regulations came into force on November 23, 2022, and provide the Mayors of the City of Ottawa and City of Toronto with additional powers beyond those previously set out in either the *Municipal Act, 2001* or the *City of Toronto Act, 2006*. These powers include:

- appointing and dismissing the Chief Administrative Officer/City Manager as well as various senior managers;
- appointing Chairs/Vice-chairs for "prescribed committees, or committees within a prescribed class of committees," and establishing or dissolving such prescribed committees;
- bringing matters forward for Council consideration if the Mayor "is of the opinion that considering a particular matter could potentially advance a prescribed provincial priority";
- vetoing certain by-laws approved by Council if the Mayor "is of the opinion that all or part of the by-law could potentially interfere with a prescribed provincial priority"; and
- proposing and preparing the municipal budget.

It is noted that the Province has recently brought forward other significant proposed amendments to municipal legislation. At the time of the drafting of this report, two of the bills – Bill 23, the *More Homes Built Faster Act, 2022*, and Bill 39, the *Better Municipal Governance Act, 2022* – are before the Legislature.

Recommendations and proposals in this report are intended to build upon Council's existing governance structure and provide for the associated by-laws, policies and procedures required for Council, Committees of Council and related bodies. As part of the preparation for the report, the City Clerk and Manager, Policy and Business Operations, consulted with elected representatives, members of the Senior Leadership Team and operational staff, as well as staff in the Office of the City Clerk, Legal Services and the City Manager's Office who work most closely with the legislative process. Matters considered through the Governance Review process were raised in a number of ways, including referral or direction from a Committee or Council, changes in provincial legislation, and suggestions from individual Members of Council or staff.

Consistent with past practice, the report may indicate where there was consensus for a recommendation among Members of Council. The report also indicates where a recommendation may originate with the Mayor and/or staff. In some instances, staff are bringing forward recommendations that arose after the consultations with Members of Council were complete. Staff believe that these recommendations align with the principles set out above.

In addition, there are a number of recommended "housekeeping" amendments, which are changes involving existing processes that need to be "cleaned up," or where new direction or updates are suggested.

As in previous Governance Reviews, the City Clerk worked closely with the Mayor in finalizing the recommendations in this report. In addition to the new powers of the Mayor provided in Bill 3, fundamental responsibilities of the "Head of Council" under subsections 225(c) and (c.1) of the *Municipal Act, 2001* include, "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 Council's responsibilities to ensure that 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 ...".

## DISCUSSION

As noted above, recommendations in this report generally result from consultations with elected representatives, City staff and the City's Advisory Committee Chairs and Vice-Chairs. A number of matters raised for consideration in the Governance Review process did not result in recommendations because there was no consensus among Members of Council with respect to these matters, or because the issues are being addressed through other staff reports, initiatives or undertakings that may be described in this report.

It should also be noted that significant matters and proposed amendments are generally summarized in the body of the report, with detailed explanations appearing in the appendices as required. Minor matters of an administrative nature (e.g., correction/updating of department names and staff titles, etc.) may not be expressly identified within the report, but are noted in the appendices.

Following the coming into force of Bill 3, the *Strong Mayors, Building Homes Act, 2022*, the *Municipal Act, 2001* and Ontario Regulation 530/22 assign the following powers to the Mayor:

- Powers with respect to prescribed committees, as set out in Section 284.8 of the *Municipal Act, 2001*, including the power to establish or dissolve committees, appoint Committee Chairs and Vice-Chairs, and assign functions to Committees. Prescribed Committees are "Committees established under the Act that consist solely of Members of Council," under Section 4 of the Regulation.

To provide for Council to consider matters in this report relating to the Standing Committee structure/Terms of Reference and the appointment process for Committee Chairs and Vice-Chairs, the Mayor has delegated the above-noted powers to Council in accordance with delegation provisions set out in Subsection 284.13(1) of the *Municipal Act, 2001* and Subsection 6(1) of Ontario Regulation 530/22, as set out in Document 24.

## PART I – COMMITTEE STRUCTURE

### STANDING COMMITTEES, SUB-COMMITTEE AND TRANSIT COMMISSION

1. **Part I, Recommendation 1: Approve the following Council Committee structure for the 2022-2026 Term of Council, as described in this report, effective immediately:**
  - a. **Agriculture and Rural Affairs Committee;**

- b. Audit Committee;**
- c. Community Services Committee;**
- d. Debenture Committee;**
- e. Emergency Preparedness and Protective Services Committee;**
- f. Environment and Climate Change Committee;**
- g. Finance and Economic Development Committee;**
- h. Planning and Housing Committee and its associated Sub-Committee:**
  - i. Built Heritage Sub-Committee;**
  - i. Transit Commission; and**
  - j. Transportation Committee.**

### **Agriculture and Rural Affairs Committee**

#### **2022-2026 Governance Review recommendation**

No changes are proposed for the Agriculture and Rural Affairs Committee. That said, comments are provided below regarding some “housekeeping” amendments that staff will bring forward for the Committee’s Terms of Reference with respect to Local Improvement petition reports.

#### **Mandate and background**

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. ARAC 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.

Since amalgamation, the Standing Committee structure of City Council has included a Committee that oversees rural affairs. Due to the unique nature of ARAC, the majority of the membership is composed of Councillors who represent wards with a rural component.

## **Membership**

There is no set minimum or maximum (up to a quorum of Council) for the membership of ARAC. It consists of Members of City Council as approved by City Council. As noted above, due to the unique nature of the Committee, the majority of the membership shall be composed of Councillors representing wards with a rural component. The Mayor is an *ex officio* member of the Committee. In addition, as part of the 2018-2022 Council Governance Review, Council approved a recommendation that the Chair of ARAC be added to the Planning Committee membership as an additional, *ex officio* member (and vice versa) in order to support a strong working relationship between ARAC and Planning Committee.

At the outset of the 2018-2022 Term of Council, the membership of the Committee was composed of Councillors from Wards 5 [Chair], 6 [Vice-Chair], 20, 21 and 22, with the Mayor and Chair of Planning Committee as *ex officio* Committee members. After the Ward 19 by-election on October 5, 2020, the new Ward 19 Councillor expressed an interest in sitting on ARAC given the significant rural component of the ward. Council appointed the Ward 19 Councillor to ARAC on October 14, 2020, and subsequently appointed the Councillor as Vice-Chair of ARAC on February 10, 2021, after the Ward 6 Councillor expressed his desire to step down as Vice-Chair but to remain on the Committee.

For the remainder of the 2018-2022 Term of Council, the membership of the Committee was composed of Councillors from Ward 5 [Chair], 19 [Vice-Chair], 6, 20, 21 and 22, with the Mayor and Chair of Planning Committee as *ex officio* Committee members.

## **Comments and/or recommendations**

### “Housekeeping” amendments to the Agriculture and Rural Affairs Committee Terms of Reference

Local Improvements are a request for new or replacement municipal infrastructure intended to upgrade or improve certain conditions within residential, commercial, and industrial areas of the City. A Local Improvement may be requested by property owners through a petition-based process.

When a petition is certified as sufficient, a report is provided to Committee and Council for approval to move the process forward. Staff note that Standing Committee Terms of Reference do not currently expressly reference the consideration of Local Improvement

petition reports by specific Committees. As such, these reports have been addressed by Committees on an ad hoc basis depending on the nature of the Local Improvement.

Staff intend to formalize the process in part by bringing forward “housekeeping” amendments to the ARAC Terms of Reference to provide that the Committee will consider rural Local Improvement petition reports.

## **Audit Committee**

### **2022-2026 Governance Review recommendation**

**Part I, Recommendation 2: Approve amendments to the Audit Committee Terms of Reference to formalize the budget approval process with respect to the Office of the Auditor General, as described in this report.**

### **Mandate and background**

The Audit Committee is responsible for overseeing all audit matters and receiving the annual and ad hoc reports from the City’s Auditor General. The Committee is responsible for both the external audit process as well as matters relating to the Office of the Auditor General.

The Audit Committee was established as a Standing Committee of Council through the 2014-2018 Governance Review. Previously, the audit function had been overseen by the Audit Sub-Committee, which was a Sub-Committee of the Finance and Economic Development Committee (FEDCO). Establishing the audit function as a Standing Committee rather than a Sub-Committee was meant to provide for a more fulsome and focused discussion with respect to audit-related matters, and to correctly align the reporting structure of this distinct function by establishing its oversight mechanism as a standalone Standing Committee of Council.

The Audit Committee meets as required at the call of the Chair. This practice was reviewed at the time of the 2014-2018 Mid-term Governance Review, and there was a consensus among Members that meeting as required met the needs of the Committee. It was noted that meetings typically align with regular reports such as the Auditor General’s annual audit work plan, reports on the Fraud and Waste Hotline, Audit Follow-up Reports and Annual Reports.

## **Membership**

There is no set minimum or maximum (up to a quorum of Council) for the membership of the Audit Committee. It consists of Members of City Council as approved by City Council. The Mayor is appointed as an *ex officio* member of the Committee. During the 2018-2022 Term of Council, the Audit Committee was composed of six Members and one *ex officio* member, being the Mayor.

## **Comments and/or recommendations**

### Budget approval process

Staff recommend an administrative change to the Audit Committee's Terms of Reference to formalize the traditional practice regarding the Committee's authority with respect to budget matters. Specifically, staff recommend clarifying through the Terms of Reference that the Audit Committee makes recommendations directly to Council regarding the Office of the Auditor General's (OAG) budget.

By way of background, past practice has been for the Audit Committee, as a Standing Committee of Council, to receive its budget in the same manner as any other Standing Committee. Generally, the annual budget is tabled at a special meeting of City Council and relevant portions are subsequently referred to each Standing Committee and the Transit Commission for their consideration and recommendation to Council sitting as Committee of the Whole.

While the OAG budget has traditionally been referred to the Audit Committee for consideration and any recommendations in keeping with the general practice outlined above, a formal reference to this practice is not currently set out in the Committee's Terms of Reference. Staff believe this to be a holdover from the time when the Committee was a Sub-Committee of FEDCO.

As such, staff recommend language be added to the Audit Committee's draft Terms of Reference to reflect that the Committee reviews and makes budget recommendations to Council regarding the OAG budget.

### Community Services Committee

#### **2022-2026 Governance Review recommendation**

The Mayor recommends that the Community Services Committee be responsible for the "community services" mandate of the former Community and Protective Services



Committee (CPSC) that operated during the 2018-2022 Term of Council, as described below.

In addition, comments are provided below regarding new statutory provisions that require members of the Community Services Committee to undergo a police record check and provide a declaration of any charges, orders, convictions, commencement of proceeding, or a finding of guilt, as required under the applicable legislation. It should be noted that **Members who anticipate seeking to sit on this Committee are encouraged to obtain the required police record check immediately and provide the results to the City Clerk prior to December 14, 2022**, as described below.

The Committee Services Committee's recommended meeting schedule is also discussed below.

### **Mandate and background**

During the 2018-2022 Term of Council, the CPSC was 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 included issues relating to parks, recreation, cultural programming, long-term care and social services, as well as emergency and protective services.

As described below, the Committee's mandate with respect to long-term care homes makes it the statutory "committee of management" for certain legislative requirements under the *Fixing Long-Term Care Act, 2021* and Ontario Regulation 246/22.

The CPSC was created through the 2006-2010 Governance Review, when the mandates of the former Health, Recreation and Social Services Committee and the Emergency and Protective Services Committee were combined.

### **Membership**

There would be no set maximum (up to a quorum of Council) for the membership of the Community Services Committee. As the City of Ottawa's "committee of management" with respect to long-term care homes under the *Fixing Long-Term Care Act, 2021* and Ontario Regulation 246/22, the Committee "must be composed of not fewer than three members."

The Committee would consist of Members of City Council as approved by City Council. The Mayor would be appointed as an *ex officio* member of the Committee. During the

2018-2022 Term of Council, the CPSC was composed of up to 11 Members and one *ex officio* member, being the Mayor.

## **Comments and/or recommendations**

### Committee mandate

As noted above, the Mayor recommends that the Community Services Committee fulfill the mandate and responsibilities with respect to the “community services” elements of the former CPSC.

Generally speaking, this includes responsibility for issues relating to housing, parks, recreation, cultural, museums and heritage programming, long-term care and social services. Specific responsibilities set out in the former CPSC’s Terms of Reference that would remain with the Community Services Committee relate to community and social services, certain housing matters, and parks, recreation and culture.

It is recommended that the former CPSC’s mandate with respect to emergency and protective services be moved to the standalone Emergency Preparedness and Protective Services Committee, which is discussed in its own section below.

### New statutory provisions requiring police record checks and declarations for Community Services Committee members

On April 11, 2022, the *Fixing Long-Term Care Act, 2021* (FLTCA) was proclaimed into force and the *Long-Term Care Homes Act, 2007* was repealed. The FLTCA regulates the Province of Ontario’s long-term care home sector and includes requirements for licensees of long-term care homes and members of the licensees’ governing structures.

Ontario Regulation 246/22, made under the FLTCA and filed March 31, 2022, includes requirements relating to screening measures and declarations for members of a licensee’s board of directors, board of management/committee of management or other governing structure. This includes a requirement for an elected official who becomes a member of a committee of management to provide a police record check, as set out in Subsection 256(4) of the Regulation, as follows [emphasis added]:

256. (4) Where a person will become a member of the licensee’s board of directors, its board of management or committee of management or other governing structure as a result of their election under the *Municipal Elections Act, 1996*, **the person must provide a police record check in accordance with this section that was conducted no earlier than six months prior to the date**

**their term of office begins and no later than one month after their term of office begins.**

Subsection 256(5) of the Regulation further provides that the police record check, “must be a criminal record check referred to in paragraph 1 of subsection 8(1) of the *Police Record Checks Reform Act, 2015*, and be conducted to determine the person’s suitability to be a member of the licensee’s ... committee of management ...” Provisions of the Regulation also set out the process to be followed when a person becomes a member of the licensee’s committee of management during a pandemic.

An individual who has been convicted of an applicable offence as described in the FLTCA and Regulation 246/22 would not be permitted to be a member of licensee’s governing structure. Subsections 81(4) and 81(5) of the FLTCA state as follows:

**Where convicted of certain offences, etc.**

(4) Every licensee of a long-term care home shall ensure that no staff member is hired and no volunteer accepted by the licensee if they have been,

(a) convicted of an offence prescribed in the regulations; or

(b) found guilty of an act of professional misconduct prescribed in the regulations.

**Same**

(5) No licensee shall permit any person who has been convicted of an offence described in clause (4) (a) or found guilty of an act described in clause (4) (b) to be a member of the licensee’s board of directors, its board of management or committee of management or other governing structure.

Various prescribed offences and time-related limitations are set out in Section 255 of Regulation 246/22.

Members of the committee of management must also provide a signed declaration in which they declare any charges, orders, convictions, commencement of proceeding, or a finding of guilt, as further described in Section 256 of Regulation 246/22. The Regulation also includes requirements for licensees with respect to the maintenance and retention of records relating to the screening measures and declarations.

Under Subsection 280(1) of the Regulation, the licensee must keep a record for each member of the committee of management, and this record must include the results of

the police record check and declarations, as applicable. Subsection 281(4) of the Regulation requires the licensee to ensure that “the record of the member is readily available at each home to which the member’s responsibilities apply.” The record must also be retained “for at least seven years after the member ceased to have responsibilities that extend to the home, and, for at least the first year, the record shall be retained at the home,” under Section 282 of the Regulation.

#### *Application to members of the Community Services Committee*

The City of Ottawa operates four long-term care homes. The Community Services Committee (formerly the CPSC) is the statutory “committee of management” for these long-term care homes, which staff will set out in proposed updates to the Committee’s Terms of Reference. As noted above and included in the CPSC’s Terms of Reference from the 2018-2022 Term of Council, the Committee is responsible for issues relating to long-term care, with specific responsibilities to, “Operate the Long Term Care Homes to accommodate eligible City of Ottawa residents and enhance their quality of life, in accordance with applicable laws and guidelines,” and to, “Oversee and make recommendations to Council on the expenditure of allocated monies to meet the long-term care needs of citizens in the community, whether through institutional care or outreach programs.”

Therefore, Members of Council who sit on the Community Services Committee are required to undergo a police records check [Criminal Record Check (CRC)] and separately provide a signed declaration where they declare any charges, orders, convictions, commencement of proceeding, or a finding of guilt in accordance with Section 256 of Regulation 246/22. As noted above, the police record check must be conducted no earlier than six months prior to the date the Member’s term of office begins and no later than one month after their term of office begins. In compliance with Subsection 281(4) of the regulation, the CRC for Members of the Community Services Committee will be made readily available at each home to which the Member’s responsibilities apply, being the City’s four long-term care homes. Staff are reviewing how the mandatory documentation will be kept and retained in accordance with the Regulation as well as any privacy-related provisions applicable under the *Municipal Freedom of Information and Protection of Privacy Act*.

Further to the above-noted requirements, **Members who anticipate seeking to sit on the Community Services Committee are encouraged to obtain a CRC immediately and provide the results to the City Clerk prior to December 14, 2022, to ensure**

**they are eligible for consideration by the Nominating Committee.** Members will also be required to provide a signed declaration prior to their appointment.

If a Member is already in possession of a CRC conducted no earlier than six months prior to the date their term of office began, the Member is not required to undergo another CRC and may submit the results to the City Clerk.

An extract of Regulation 246/22 is attached as Document 1.

### Meeting schedule

As noted in the section of this report relating to the Council, Committee and Commission calendar and meeting locations (Part I, Recommendation 8), it is recommended that six to eight regular meetings of the Community Services Committee be scheduled each year, with the actual number of meetings to be determined by the Chair in consultation with staff.

### Debenture Committee

#### **2022-2026 Governance Review recommendation**

**Part I, Recommendation 3: Approve that, in addition to their existing authority to jointly add debenture by-laws to a Debenture Committee meeting agenda for approval, the Chief Financial Officer/Treasurer and City Manager have the authority to jointly add debenture by-laws to a City Council meeting agenda for approval provided that notice is given at least 48 hours prior to the Council meeting, as described in this report.**

In addition, comments are provided below regarding “housekeeping” amendments staff intend to bring forward to reflect current practices in the Debenture Committee’s Terms of Reference.

#### **Mandate and background**

The Debenture Committee meets as needed to improve the City’s access to financial markets and increase the potential for savings in its debt service costs for projects where debt has already been approved by Council. The Committee meets on short notice rather than going through the normal Council meeting process to enact the required debenture by-laws.

The Debenture Committee was originally established on January 27, 2010. However, during consideration of the 2014-2018 Governance Review report, the Debenture

Committee was eliminated. Instead, Council approved that the City Treasurer and City Manager be jointly authorized to place any debenture by-law required for debt issued directly on meeting agendas of the Finance and Economic Development Committee or City Council with 48 hours' notice.

On April 8, 2020, Council considered the staff report titled, "[City Debenture Issuance](#)." During consideration of the report, Council approved Motion No. 31/2, which among other things provided, "That during the Mid-Term Governance Review, staff be directed to examine the possibility of re-establishing the Debenture Committee."

During the 2018-2022 Mid-term Governance Review process, Members generally supported the re-establishment of the Debenture Committee, with some Members suggesting the Committee would provide additional accountability and transparency. As a result, the 2018-2022 Mid-term Governance Review report recommended that the Debenture Committee be re-established.

Council approved this recommendation, and the Committee was re-established with membership consistent with the previous Committee. The Terms of Reference for the re-established Committee were based on those used for the former Committee and responsibilities with respect to debentures that had been set out in the Terms of Reference for FEDCO, as described in the 2018-2022 Mid-term Governance Review report.

### **Membership**

The membership of the Debenture Committee consists of four members, being the Mayor as Chair, the Vice-Chair of the Finance and Economic Development Committee as Vice-Chair, the City Manager and the Chief Financial Officer/Treasurer. The Committee members serve by virtue of their positions and until a successor is appointed.

During consultations for this report, one Member raised the suggestion that the City Manager and Chief Financial Officer/Treasurer should be non-voting Members, recognizing Council's accountability with respect to financial matters of the City and any associated debt.

## **Comments and/or recommendations**

### Delegated authority to place debenture by-laws directly on the agenda of City Council in addition to the Debenture Committee

Staff recommend amendments to the *Delegation of Authority By-law* (By-law No. 2022-253), *Procedure By-law* (By-law No. 2021-24) and Debenture Committee Terms of Reference, as necessary, to allow for the Chief Financial Officer/Treasurer and the City Manager to place debenture by-laws directly on the agenda of City Council in addition to the Debenture Committee.

The *Delegation of Authority By-law* currently provides the Chief Financial Officer/Treasurer with authority to proceed with a debt issue in accordance with the provisions of that by-law [Schedule “B”, Section 12]. Under Schedule “B”, Subsection 12(19) of the by-law, the Chief Financial Officer/Treasurer and the City Manager currently are jointly authorized to place any debenture by-law required for debt issued during the term of Council directly on the agenda of the Debenture Committee. This authority was formalized further to Council’s consideration of the 2018-2022 Mid-term Governance Review.

In view of the necessity for the City to react quickly to market conditions to coincide with investor demand and market liquidity, staff recommend that in extraordinary circumstances, and provided the required notice of a minimum of 48 hours prior to the meeting of Council is given, the Chief Financial Officer/Treasurer and the City Manager also be permitted to jointly place any debenture by-law required directly on a City Council agenda.

This additional authority is being recommended to allow for the timely approval of debenture by-laws and would only be used in limited circumstances where a meeting of Council coincides with a requirement to place a debenture by-law on an agenda and a Debenture Committee meeting has not been scheduled. This amendment would provide for efficiencies in these exceptional circumstances by eliminating the need for the use of additional staff resources where a meeting of Council is already being held.

Should Council approve this recommendation, staff will amend the *Delegation of Authority By-law*, *Procedure By-law* and Debenture Committee draft Terms of Reference accordingly, as necessary.

### “Housekeeping” amendments to the Debenture Committee Terms of Reference

Staff intend to bring forward in the Debenture Committee's draft Terms of Reference some "housekeeping" changes to reflect the Committee's current process with respect to the release of the meeting agenda, as presently described in Subsection 81(13) of the *Procedure By-law* (By-law No. 2021-24). Specifically, the draft Terms of Reference will be updated to reflect the current practice and indicate that the meeting agendas are provided to members and the public a minimum of 48 hours in advance of the Debenture Committee meeting.

As noted above, the Chief Financial Officer/Treasurer and City Manager have the authority to jointly add debenture by-laws to a Debenture Committee agenda for approval provided that notice is given at least 48 hours prior to the meeting. They are also authorized to jointly place a by-law on the agenda after its release. In such circumstances, a revised agenda is issued and a public service announcement is made, as described in Subsection 73(4) of the *Procedure By-law*. The draft Terms of Reference will be updated to set out this process for clarity and transparency.

### **Emergency Preparedness and Protective Services Committee**

#### **2022-2026 Governance Review recommendation**

The Mayor recommends that the Emergency Preparedness and Protective Services Committee be responsible for the "emergency and protective services" mandate of the former Community and Protective Services Committee (CPSC) that operated during the 2018-2022 Term of Council, as described below. Comments are also provided below regarding the Committee's meeting schedule.

#### **Mandate and background**

During the 2018-2022 Term of Council, emergency and protective services were within the mandate of the CPSC. The CPSC's mandate also included issues relating to parks, recreation, cultural programming, long-term care and social services. The CPSC was created through the 2006-2010 Governance Review, when the mandates of the former Health, Recreation and Social Services Committee and the Emergency and Protective Services Committee were combined.

#### **Membership**

There would be no set minimum or maximum (up to a quorum of Council) for the membership of the Emergency Preparedness and Protective Services Committee. It would consist of Members of City Council as approved by City Council. The Mayor would be appointed as an *ex officio* member of the Committee. During the 2018-2022



Term of Council, the CPSC was composed of up to 11 Members and one *ex officio* member, being the Mayor.

### **Comments and/or recommendations**

As noted in the Community Services Committee section of this report, the Mayor recommends that the emergency and protective services mandate of the former CPSC be moved to the Emergency Preparedness and Protective Services Committee. Specifically, this new Committee would undertake specific responsibilities that were previously set out in the CPSC's Terms of Reference with respect to By-law and Regulatory Services, Ottawa Fire Services, Ottawa Paramedic Services, and Public Safety Service, as well as the Public Policy Development Branch.

The Mayor and staff are of the view that current circumstances and events over the 2018-2022 Term of Council indicate that there will be a sufficient workload to support the mandate of the new standalone Emergency Preparedness and Protective Services Committee. Staff note the ongoing need for emergency preparedness, particularly given the prominence and significance of emergency-related events in the City of Ottawa during the past term of Council such as the COVID-19 pandemic, storm and flooding events, and the 2022 truck convoy protests. In addition, ongoing work with respect to matters such as emergency management and response, by-law reviews, special events and matters related to Ottawa Paramedic Service "level zero" events and offload delay at Ottawa hospitals is expected to add to this Committee's workload.

### **Meeting schedule**

As noted in the section of this report relating to the Council, Committee and Commission calendar and meeting locations (Part I, Recommendation 8), it is recommended that six to eight regular meetings of the Emergency Preparedness and Protective Services Committee be scheduled each year, with the actual number of meetings to be determined by the Chair in consultation with staff.

### **Environment and Climate Change Committee**

#### **2022-2026 Governance Review recommendation**

No changes are proposed for the mandate of the Environment and Climate Change Committee, which was known most recently as the Standing Committee on Environmental Protection, Water and Waste Management. As noted below, the Mayor recommends this Committee be renamed for the purposes of clarity and to highlight the mandate of the Committee with respect to matters such as climate change.

Comments are also provided below regarding some “housekeeping” amendments to the Committee’s Terms of Reference that staff will bring forward with respect to Local Improvement petition reports.

## **Mandate and background**

During the 2018-2022 Term of Council, the Standing Committee on Environmental Protection, Water and Waste Management (SCEPWWM) was responsible for providing guidance and direction on all issues relating to environmental services, community sustainability, stormwater management, solid waste management, utilities/water and wastewater, water pollution control, urban forestry and open spaces.

SCEPWWM, formerly named the Environment and Climate Protection Committee, was first established through the division of the former Planning and Environment Committee into the Planning Committee and the Environment Committee, which was approved by City Council as part of the 2010-2014 Council Governance Review after the majority of Members of Council agreed that the workload of the Planning and Environment Committee was too large. Through consideration of the 2014-2018 Mid-term Governance Review, the Environment Committee was renamed the Environment and Climate Protection Committee.

At its meeting of January 30, 2019, Council approved Motion No. 4/8, which in part provided that the Environment and Climate Protection Committee be renamed the Standing Committee on Environmental Protection, Water and Waste Management.

## **Membership**

There is no set minimum or maximum (up to a quorum of Council) for the membership of the Environment and Climate Change Committee. It consists of Members of City Council as approved by City Council. The Mayor is appointed as an *ex officio* member of the Committee. The SCEPWWM during the 2018-2022 Term of Council was composed of nine Members and one *ex officio* member, being the Mayor.

## **Comments and/or recommendations**

### Committee renaming

The Mayor recommends the SCEPWWM be renamed as the Environment and Climate Change Committee as a straightforward way to recognize the Committee’s mandate with respect to matters such as climate change.

Staff note that many Members consulted during the 2022-2026 Governance Review process indicated they were in favour of a name change for this Committee. Anecdotally, a number of Members continued to reference the “Environment Committee” during the 2018-2022 Term of Council, despite the name change to the SCEPWWM.

#### “Housekeeping” amendments with respect to the Environment and Climate Change Committee Terms of Reference

As previously noted in this report, Standing Committee Terms of Reference do not currently expressly reference the consideration of Local Improvement petition reports by specific Committees. As such, these reports have been addressed by Committees on an ad hoc basis depending on the nature of the Local Improvement.

Staff intend to formalize the process in part by bringing forward “housekeeping” amendments to the Environment and Climate Change Committee Terms of Reference to provide that the Committee will consider servicing-related Local Improvement petition reports. In the rare case of a petition relating to a joint Local Improvement matter within the urban area, the draft Terms of Reference would provide that the petition report would be considered by the Environment and Climate Change Committee.

#### Finance and Economic Development Committee

##### **2022-2026 Governance Review recommendation**

**Part I, Recommendation 4: Approve the following with respect to the Finance and Economic Development Committee, as described in this report:**

- a. The membership of the Finance and Economic Development Committee; and**
- b. Amendments to the Finance and Economic Development Committee’s Terms of Reference, to:**
  - i. Incorporate the former Information Technology (IT) Sub-Committee’s mandate with respect to IT matters; and**
  - ii. Provide that the Committee oversee and make recommendations to Council on the implementation of the Women and Gender Equity Strategy, Reconciliation Action**

## **Plan, Anti-Racism Strategy and Corporate Diversity and Inclusion Plan.**

### **Mandate and background**

The Finance 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, including the development of the fiscal framework and corporate financial planning, overseeing the Operating and Capital Budgets and establishing a budget reporting framework, reviewing efficiency and investment reports, providing guidance on corporate performance measurement policies, and ensuring the financial sustainability of the Corporation. FEDCO also addresses all matters related to communications, public engagement, client service delivery channels, accessibility, human resources, labour relations, bilingualism policies and French Language Services, purchasing, information technology, legal services, the Clerk's Office, and real estate matters.

FEDCO was established as part of the 2010-2014 Council Governance Review by merging the mandates of the former Audit, Budget and Finance Committee and the former Corporate Services and Economic Development Committee. At that time, it was recognized that there was some value in having the same Committee responsible for high-level fiscal and management policy issues as well as the overall direction of City administration and administrative and management practices.

### **Membership**

The membership of FEDCO during the 2018-2022 Term of Council included all Standing Committee chairs, including the Chair of the Transit Commission, as well as the Deputy Mayors and one Member-at-large.

During consultations for this report, some Members expressed a desire to have Members of FEDCO be appointed by the individual Standing Committees, rather than being appointed to the Committee by virtue of being a Standing Committee Chair. While no recommendation is being made to that effect, it is noted and described below in more detail that the Mayor recommends that Standing Committee Chairs be revisited through the Mid-term Governance Review report. As such, the membership of FEDCO may change by virtue of new Committee Chair appointments.

### **Comments and/or recommendations**

### Proposed membership of the Finance and Economic Development Committee

As noted above, the three Deputy Mayors were included in the FEDCO membership during the 2018-2022 Term of Council. As described in the section of this report relating to Deputy Mayor appointments (Part V, Recommendation 1), the Mayor is recommending a rotation of Deputy Mayors for the 2022-2026 Term of Council, rather than the appointment of permanent Deputy Mayors for the entire term of Council.

Therefore, in order to ensure continuity among the membership of FEDCO, the Mayor recommends that Deputy Mayor positions on this Committee be replaced with two Members-at-large, to be selected through the Nominating Committee process.

### Proposed incorporation of the former IT Sub-Committee's mandate

The Mayor recommends that the mandate of FEDCO be updated to incorporate the mandate and responsibilities of the former Information Technology (IT) Sub-Committee, thereby eliminating the need for this Sub-Committee.

The IT Sub-Committee was a Sub-Committee of FEDCO that was established as part of the Mid-term Governance Review during the 2006-2010 Term of Council. The Sub-Committee's mandate was to advise FEDCO, other Standing Committees and Boards, City Council, and the Transit Commission on potential large-scale investments in information technology tools and the long-term planning of information technology priorities for the City of Ottawa. The Sub-Committee also had an ongoing mandate to investigate information technology products and services, including initiatives that stem from the Smart City Strategy to provide improved access to City services by the public, enhanced connectivity throughout the city, and an economy that is strengthened by leveraging available and emerging technologies and products.

The Sub-Committee met as required at the call of the Chair. It held only nine meetings during the 2018-2022 Term of Council, which suggests there was not enough of a workload to support the Sub-Committee's mandate. Further to FEDCO's existing mandate with respect to identifying corporate goals, the fiscal framework and corporate financial planning, and general matters relating to information technology, the Mayor is of the view that Members of FEDCO will have sufficient expertise to address the matters previously within the IT Sub-Committee's mandate. Moving these matters directly to the Standing Committee's mandate may also increase the profile and awareness of matters such as IT security and testing procedures, privacy, accessibility and risk management.

Proposed mandate with respect to the implementation of the Women and Gender Equity Strategy, Reconciliation Action Plan, Anti-Racism Strategy and Corporate Diversity and Inclusion Plan

The Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service (GREIIRSD) within the Community and Social Services Department (CSS) implements and supports the various measures Council has approved to address gender and race equity at the individual, organizational, and systemic level in recent years, including as follows:

- On December 5, 2018, Council considered the staff report titled, "[2018-2022 Council Governance Review](#)," and approved a Sponsors Group to work with staff on the development of a City of Ottawa Women and Gender Equity Strategy. In doing so, Council established a Council Liaison for Women and Gender Equity.
- The 2019-2022 City Strategic Plan approved by Council in December 2019 established a roadmap to building a city that is inclusive and to supporting a workforce that is healthy, diverse, adaptive and engaged. To foster equity and inclusivity while addressing emerging needs of the City's diverse population, the Strategic Plan identified a number of key strategies and actions, including the Women and Gender Equity Strategy and refreshed corporate Diversity and Inclusion Plan.
- During consideration of the 2020 City budget, Council approved funding for the creation of an Anti-Racism Secretariat for the City of Ottawa. On June 10, 2020, Council approved the appointment of a Council Liaison for Anti-Racism and Ethnocultural Relations Initiatives for the 2018-2022 Term of Council. In June 2022, Council approved the City of Ottawa's first anti-racism strategy.

Since 2020, GREIIRSD has been responsible for the development and implementation of the Anti-Racism Strategy, the Corporate Diversity and Inclusion Plan, Indigenous Relations and the Reconciliation Action plan and the Women and Gender Equity Strategy. Building on the 2018 Reconciliation Action Plan, GREIIRSD established a dedicated Indigenous Relations Branch in January 2022. This branch is Indigenous-led and works directly with Indigenous community leadership to establish mechanisms for engagement and relationship building between the City of Ottawa and Indigenous communities.

As part of the 2018-2022 Mid-term Governance Review approved by Council on December 9, 2020, staff were directed to undertake a comprehensive review of the

gender, equity and race relations matters with a view of determining the most appropriate alignment moving forward and making any recommendations as part of the 2022-2026 Governance Review report. Considering the establishment of GREIRSD and recently approved strategies and plans, CSS reviewed the governance and Committee reporting structures.

GREIRSD has historically reported to both the Community and Protective Services Committee (CPSC) (Women and Gender Equity Strategy, Reconciliation Action Plan) and FEDCO (Anti-Racism Strategy, Corporate Diversity and Inclusion Plan).

It is recommended that the Standing Committee with carriage of human resources, finance, corporate policy and public engagement (currently FEDCO) oversee and make recommendations to Council on the implementation of the Women and Gender Equity Strategy, Reconciliation Action Plan, Anti-Racism Strategy and Corporate Diversity and Inclusion Plan.

The purpose of these strategies and plans is to enable the City to be more deliberate and impactful in making sustainable progress to further advance the City's commitment to reconciliation with Indigenous Peoples, women and gender equity, Anti-Racism, diversity and inclusion, both within the organization and through the City's service delivery. The integration of equity and reconciliation principles into planning, operations, practices, and policies, affects every aspect of the work done by the City. Staff recommend that it report based on the function of the strategies it is responsible for, in alignment with the Committee Terms of Reference. While elements of these strategies are applicable to the mandate of CPSC, they also apply beyond the scope of social services. Rather, Anti-Racism, Women and Gender Equity, Diversity and Inclusion, and Reconciliation apply to all City of Ottawa residents and are not specific to those in need of social services, and are thus of the same broad nature as Accessibility and Bilingualism, both of which are the responsibility of FEDCO. The principles of equity seek to target issues at the systemic level in the way the City operates, as it relates to policy development, decision-making, program evaluation and outcome measurement to minimize the inequitable disparities within the workplace and services.

These strategies and plans are cross-departmental and corporate; they inform and influence policy, public engagement and human resources, and set and monitor progress towards organizational targets:

- The Women and Gender Equity Strategy was developed to ensure that the City of Ottawa's services, strategies and plans integrate a women and gender lens

and promote women and gender equity. The strategy includes a systematic framework that sets organizational and departmental targets and defines commitments on women and gender equity for the first phase of its implementation in 2021-2022.

- The Anti Racism Strategy is a five-year plan that has been informed by the experiences of Ottawa residents, community organizations and City partners to identify and remove systemic barriers in City policies, programs, services and spaces to ensure full participation, inclusion and a sense of belonging for all residents in Ottawa.
- The 2018 Reconciliation Action Plan contains 14 actions that speak specifically to the TRC Calls to Action and reflect the Principles of Reconciliation. The Plan is built on trust, relationships and collaboration between the City, the Indigenous communities in Ottawa, Algonquin Host Nations, and many community partners. It represents the City of Ottawa's commitment to its relationships with Indigenous communities, and to the Calls to Action of the Truth and Reconciliation Commission, which are directed at municipalities as well as other levels of government, the private sector and Canadians.
- The Corporate Diversity and Inclusion Plan ensures equitable employment practices and opportunities for advancement for all employees within a respectful and inclusive workplace. It strives to ensure that its workforce is reflective of the population that it serves and nurtures a respectful and inclusive culture where all employees experience a sense of belonging.

Given these considerations, staff propose that an alignment of reporting through the Standing Committee with carriage of human resources, finance, corporate policy and public engagement (currently FEDCO) would enable Council to receive updates and make decisions regarding gender, equity race and Indigenous relations matters and improve the governance of these strategies and plans, which inform and influence policy, public engagement, human resources, and set and monitor progress towards organizational targets.

## **Planning and Housing Committee**

### **2022-2026 Governance Review recommendation**

#### **Part I, Recommendation 5: Approve amendments to the Planning and Housing Committee's Terms of Reference to set out the Committee's**



## **expanded mandate with respect to housing matters.**

Further to the above-noted recommendation, the Mayor recommends that the former Planning Committee be renamed as the Planning and Housing Committee.

In addition, comments are provided below with respect to a review of the co-Chair model for the Planning Committee that was used for part of the 2018-2022 Term of Council.

### **Mandate and background**

The Planning and Housing 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.

The Committee was created as a standalone body when the former Planning and Environment Committee was divided into the Planning Committee and the Environment Committee through Council's approval of recommendations from the 2010-2014 Council Governance Review, after the majority of Members of Council agreed that the workload of the Planning and Environment Committee was too large.

The Planning and Housing Committee has traditionally been, and continues to be, the Committee with the heaviest workload.

### **Membership**

There is no set minimum or maximum (up to a quorum of Council) for the membership of the Planning and Housing Committee. It consists of Members of City Council as approved by City Council. The Mayor and the Chair of the Agriculture and Rural Affairs Committee (ARAC) are *ex officio* members. As part of the 2018-2022 Council Governance Review, in order to support a strong working relationship between the Planning Committee and ARAC, Council approved a recommendation that the Chair of ARAC be added to the Planning Committee membership as an additional, *ex officio* member, and vice versa.

During consultations for this report, the notion was raised with respect to establishing two separate Planning Committees based on geography, with a Committee focused on suburban planning matters and a separate committee focused on planning matters within the Greenbelt.

## **Comments and/or recommendations**

### Proposed renaming and expanded mandate with respect to housing matters

The Mayor recommends that the mandate of this Committee be expanded with respect to housing matters, with the Committee's name updated accordingly as the Planning and Housing Committee.

By way of background, the Planning Committee as it is currently constituted was established as part of the 2010-2014 Council Governance review, when the former Planning and Environment Committee was divided into two committees, being the Planning Committee and the Environment Committee.

At that time, Council approved that the Terms of Reference for the Planning Committee include responsibility for the City's Affordable Housing Strategy and all related housing policy initiatives, given that the development of affordable housing, including meeting the Official Plan targets for affordability and policies for inclusionary zoning, was directly related to the overall mandate of the Planning Committee.

Within the City's administrative organizational structure, Housing Services falls under the Community and Social Services Department and has a mandate to, among other matters, provide an emergency shelter response and supported housing services; facilitate the development of new affordable and supportive housing; and oversee the administration of social/affordable housing to increase access to, and retention of, suitable housing for people living on low to middle incomes and people at risk of, or experiencing homelessness.

As such, Housing Services has reported to two Committees, as follows:

- Planning Committee on matters related to housing policies for the City's Official Plan; recommendations on how to adequately and affordably house Ottawa residents, and options for increasing the supply of affordable housing; as well as all issues related to any funding opportunities from other levels of government or other sources, supporting projects along the spectrum of housing-related needs from new construction to renovations to supportive housing; and
- Community and Protective Services Committee on matters relating to housing policies related to the ongoing administration and funding of existing community housing programs, emergency shelters, community housing and homelessness programs.

Given recent legislative changes that have been enacted or proposed by the Province of Ontario that would have significant impacts on municipal financing, planning processes and operational matters related to the development of housing in the City of Ottawa, the Mayor has identified a need to ensure that housing affordability is fully integrated into staff's work and Council's decision making on planning and housing matters going forward. As a result, the Mayor is recommending that the Planning and Housing Committee's mandate maintain responsibility for the City's Affordable Housing Strategy, transit-oriented development and all related housing policy initiatives, and expand to include capital funding of social and affordable housing programs, the Long Range Financial Plan for Housing and reports pertaining to the Ottawa Community Lands Development Corporation (OCLDC), further to the proposed changes for OCLDC outlined in this report. Matters related to housing policies and to the ongoing administration of emergency shelters, community housing and homelessness programs would remain with the Community Services Committee.

The Mayor is recommending the above governance structure to address housing affordability, improve opportunities to leverage funding, break down silos and facilitate coordination between departments to get community and supportive housing built. These changes would also improve strategic housing outcomes on City lands, help address the missing middle, advance the development of more lower and median income units, and strengthen the focus on identifying new affordable housing projects and exploring new funding and financing opportunities.

#### Review of Committee co-Chair practice

On July 21, 2021, Council approved Motion No. 58/4, through which the Terms of Reference for the Planning Committee were amended to provide for the Committee to have two co-Chairs for the remainder of the 2018-2022 Term of Council. The motion noted that it was anticipated that the Committee would "continue to have an extraordinarily high workload for the remainder of the Term of Council" resulting from various initiatives, and that appointing two Co-Chairs instead of a Chair and Vice-Chair "would allow for a more sustainable and equitable distribution of the workload and support for the remainder of the Term of Council."

In consultation with Members of the former Planning Committee and Council, there was no consensus to continue with the co-Chair model for the 2022-2026 Term of Council. Above all, Members expressed that having one Chair and one Vice-Chair provides clarity with respect to roles and responsibilities.

## **Built Heritage Sub-Committee (Sub-Committee of the Planning and Housing Committee)**

### **2022-2026 Governance Review recommendation**

**Part I, Recommendation 6: Approve that annual information reports regarding heritage permits issued under delegated authority be routed from the Built Heritage Sub-Committee to Council, as described in this report.**

### **Mandate and background**

The mandate of the Built Heritage Sub-Committee (BHSC) 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.

The BHSC was established through Council's consideration of the report titled, "Advisory Committee Renewal to Support Council's Term of Council Priorities," on September 12, 2012. The Sub-Committee fulfills the role of the City of Ottawa's municipal heritage committee pursuant to the *Ontario Heritage Act*. The BHSC replaced the Ottawa Built Heritage Advisory Committee, which had been composed entirely of public members.

### **Membership**

Subsection 28(2) of the *Ontario Heritage Act* provides that a municipal heritage committee established by Council under the Act "shall be composed of not fewer than five members appointed by the council."

During the 2018-2022 Term of Council, the BHSC was composed of five Members of Council, four citizen members, and one *ex officio* member, being the Mayor. The five 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 four citizen members are appointed by Council and must have appropriate experience, which includes highly qualified individuals who are sensitive to Ottawa's unique built heritage context. At least one of the citizen members must reside within a Heritage Conservation District.

## Comments and/or recommendations

The BHSC is a Sub-Committee and typically reports through the Planning Committee or the Agriculture and Rural Affairs Committee to City Council. In some specific cases, the BHSC reports directly to Council. The general consensus among Members was that the BHSC is working well and should remain a Sub-Committee, as opposed to becoming a standalone Standing Committee.

### Proposed routing of annual information reports regarding heritage permits issued through delegated authority

As part of the 2018-2022 Mid-term Governance Review, it was noted that the routing of annual information reports regarding heritage permits issued through delegated authority could benefit from a change in practice. Specifically, the 2018-2022 Mid-term Governance Review report stated as follows [emphasis added]:

“At the Planning Committee meeting of June 27, 2019, the Committee also considered the staff report titled, “Heritage Permits issued through Delegated Authority, 2017-2018.” This information report had been considered by the BHSC prior to rising to the Planning Committee. The former Chair of the BHSC suggested that Council also look at implementing a change in practice in its next governance review to have this type of report rest within the jurisdiction of the BHSC, rather than requiring additional consideration by Planning Committee.

With respect to these reports, Subsection 32(6) of Schedule “J” of the *Delegation of Authority By-law* currently provides that the General Manager, Planning, Infrastructure and Economic Development, “will bring forward to the appropriate Standing Committee of Council, at least once every calendar year, an annual information report of heritage permits issued under delegated authority.” That said, staff note there have been timing and routing inconsistencies in relation to these reports in recent years.

**Rather than recommending any changes at this time, staff propose that these reports be consistently routed (i.e. from BHSC to Planning Committee) for the remainder of the current term of Council. Any changes to this routing, if desired, may then be considered as part of the 2022-2026 Governance Review.”**

Accordingly, the 2021 and 2022 information reports detailing the heritage permits issued through delegated authority were routed from the BHSC to the Planning Committee.

Based on consultation with Members of Council, there was general consensus that the exercise of delegated authority should continue to be routed up from the BHSC to Members of Council more broadly in recognition of the BHSC's status as a Sub-Committee. Specifically, Members expressed support for routing the annual information report of heritage permits issued under delegated authority from the BHSC directly to Council. Therefore, staff recommend that the *Delegation of Authority By-law* be amended to reflect this change in practice.

### **Transit Commission**

#### **2022-2026 Governance Review recommendation**

**Part I, Recommendation 7: Approve the following with respect to the Transit Commission, as described in this report:**

- a. The membership of the Transit Commission;**
- b. Direct staff to begin the process of establishing a transit advisory body composed of public members, including at least one user of Para Transpo; and**
- c. Amend the Transit Commission's Terms of Reference to include receiving, considering and referring to Council for approval the annual compliance report from the City's Regulatory Monitor and Compliance Officer.**

#### **Mandate and background**

The Transit Commission is responsible for ensuring the development of a safe, efficient, accessible and client-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 conventional bus service, the O-Train and Para Transpo.

The Transit Commission was established by Council through the 2010-2014 Council Governance Review. At that time, the Transit Commission was established as an arms-length body, composed of both elected officials and public representatives, with a level of final decision-making authority over operational matters for OC Transpo (including the O-Train) and Para Transpo.

## **Membership**

The 2018-2022 Transit Commission was composed of eight elected officials and four public members, as approved by Council. The Mayor was an *ex officio* member of the Commission. The Chair and Vice-Chair were appointed by the membership of the Commission from among the members of the Commission who were also Members of Council.

## **Comments and/or recommendations**

### Proposed membership of the Transit Commission and establishment of a transit advisory body

As noted above, the Transit Commission was established by Council through the 2010-2014 Council Governance Review. The Governance Review report noted a general consensus among Members of Council at that time that a Transit Commission should emulate the Board of Health model and consist of a combination of elected representatives and citizen members, with Members of Council maintaining majority membership. The report stated that, "With respect to citizen members, there was general consensus from Members of Council that, similar to the Board of Health model, citizen members be experts in the field of public transit or have specific knowledge or expertise that would benefit the Commission."

At its meeting of December 8, 2010, Council supported the establishment of a Transit Commission composed of eight Members of Council and four citizen representatives. As part of the consultation process for the 2010-2014 Mid-term Governance Review, there was general consensus that the citizen members brought value to the process.

During consultation for the 2014-2018 Council Governance Review, there was a general consensus that there was value in retaining the citizen Commissioner model for at least one more term. That said, Members expressed caution with respect to the relative value of the model over the long term, particularly once the O-Train Line 1 had been commissioned and brought within the Commission's mandate. At that time, a minority of Members expressed the belief that all Commissioners should be Members of Council, as the elected officials are directly accountable to residents.

Another concern raised during consultation for the 2014-2018 Council Governance Review related to clarification of the citizen Commissioners' role. Citizen Commissioners themselves expressed the belief they could offer a perspective outside of the day-to-day political concerns of elected officials, and that this unique perspective

allowed them to focus on OC Transpo operations and Council's goals for the service. Members of Council viewed the role of the citizen Commissioner somewhat differently, observing that citizen Commissioners would best serve Council by bringing a specific expertise to the Commission, such as the user experience, knowledge of accessibility issues or a demonstrated expertise in public transit.

During the 2018-2022 Council Governance Review, Members once again raised concerns regarding the relative merits of the citizen Commissioner model, with some reiterating the view that all Commissioners should be Members of Council. Some Members of the Transit Commission, however, believed there was value to retaining the model, commenting that citizen Commissioners provided a valuable user experience perspective. Some Commissioners also noted that appointing citizen Commissioners provided the opportunity to reflect the community's diversity. The Mayor of the 2018-2022 Term of Council recommended that the citizen Commissioner model should be retained over the term, particularly as the O-Train Line 1 began operations. Ultimately, Council retained the citizen Commissioner model for the 2018-2022 term, with some changes to the recruitment process.

During consultation for the 2022-2026 Governance Review, most Members of Council expressed the view that all Commissioners should be Members of Council, as the elected officials are directly accountable to residents rather than to Council. It is also noted that citizen Commissioners were unable to participate in *in camera* proceedings relating to matters involving the transit system that were outside of the Commission's mandate. The City Solicitor stated in a response to a citizen Commissioner's Inquiry dated November 25, 2021, that, "Where the information or documentation in question is of such a nature that may relate to, or inform, matters falling within the mandate of [the Finance and Economic Development Committee] and of City Council, but not within the Terms of Reference of the Commission, limiting the disclosure of that material solely to Members of Council serves to ensure that the City does not diminish its claim to confidentiality and/or legal privilege in a manner that might, even inadvertently, prejudice its contractual or legal interests. As a result, City Council has determined that information and documentation shared with Members during *in camera* proceedings will not be disclosed and will only be made available for review by Members of Council and not the appointed members of the Transit Commission, nor members of other committees or bodies whose mandates are such that their members do not require access to that information/documentation in order to fulfill those mandates."

For the 2022-2026 Term of Council, the Mayor recommends that the Transit Commission be composed entirely of elected officials, and that citizen input on transit



matters be received through the establishment of a new transit advisory body that includes public members, as described below. The Commission would be composed of Members of Council, as approved by Council, with the Mayor as an *ex officio* member. The Commission would continue to have the mandate and responsibilities from the 2018-2022 Commission.

In addition, it is anticipated that the proposed new transit advisory body would provide advice, informed by user experience, to the Transit Commission and Council on matters relating to the operation of public transit, including Para Transpo, conventional bus service and the O-Train. This would provide for the Commission to receive information regarding the user experience from a separate body that has a clearly defined mandate and reflects the community's diversity. It is recommended that Council provide direction that this body shall include at least one user of Para Transpo.

If Council approves this recommendation, the suggested approach is for the City Clerk to provide recommendations with respect to the establishment of the transit advisory body in the proposed Q2 2023 report with respect to City of Ottawa advisory bodies, as described in Part I, Recommendation 14.

#### Annual reports from the Light Rail Regulatory Monitor and Compliance Officer

At its meeting of September 23, 2015, Council established the position of the Light Rail Regulatory Monitor and Compliance Officer (RMCO) as an Officer independent of the City administration that reports to the City Manager and Council on issues of regulatory compliance for the parts of the O-Train system regulated by the City under delegated authority from the federal government. Council also approved the governance and reporting requirements for the RMCO.

At its meeting of October 14, 2015, Council enacted and passed By-law No. 2015-301 to establish the position and duties of the RMCO and to provide for other regulatory matters for municipal light rail systems under the jurisdiction of the City of Ottawa. On February 28, 2018, Council approved Motion No. 65/6 appointing Sam Berrada (SAB Vanguard Consulting Inc.) as the RMCO.

The Council-approved reporting requirements for the RMCO, as detailed in the report titled, "[Ottawa Light Rail Regulatory Framework](#)," and as set out in By-law No. 2015-301, include that the RMCO shall report annually on regulatory compliance to Transit Commission and Council. In accordance with the requirements, the RMCO has brought three annual reports to Transit Commission and Council, the most recent received by Council on April 13, 2022.

Currently, however, the Terms of Reference for Transit Commission do not expressly include the Commission's responsibility in this regard. Accordingly, staff recommend that the section of the Transit Commission's Terms of Reference titled, "Matters for which the Commission is responsible to Council," be updated to include that the Commission is responsible to receive, consider and refer to Council the annual compliance report from the RMCO.

## **Transportation Committee**

### **2022-2026 Governance Review recommendation**

No changes are proposed for the Transportation Committee. That said, comments are provided below regarding some "housekeeping" amendments staff will bring forward for the Committee's Terms of Reference with respect to Local Improvement petition reports.

### **Mandate and background**

The Transportation Committee 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, long-term planning of the rapid transit network, 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.

Prior to the 2006-2010 Council Governance Review, the mandate of the Transportation Committee had included both transportation and transit issues. In order to address the heavy workload this created, Council through the 2006-2010 Council Governance Review divided the Transportation Committee into two separate Standing Committees: Transportation and Transit (subsequently, during the 2010-2014 Council Governance Review, Council replaced the Transit Committee with the Transit Commission).

### **Membership**

There is no set minimum or maximum (up to a quorum of Council) for the membership of the Transportation Committee. It consists of Members of City Council as approved by City Council. The Mayor is an *ex officio* member of the Committee. During the 2018-2022 Term of Council, the Transportation Committee was composed of 11 Members and one *ex officio* member, being the Mayor.

## **Comments and/or recommendations**

### **“Housekeeping” amendments with respect to the Transportation Committee Terms of Reference**

As noted above, Standing Committee Terms of Reference do not currently expressly reference the consideration of Local Improvement petition reports by specific Committees. As such, these reports have been addressed by Committees on an ad hoc basis depending on the nature of the Local Improvement.

Staff intend to formalize the process in part by bringing forward “housekeeping” amendments to the Transportation Committee Terms of Reference to provide that the Committee will consider road-related Local Improvement petition reports, including those relating to noise barriers. In the rare case of a petition relating to a joint Local Improvement matter within the urban area, the draft Terms of Reference would provide that the petition report would be considered by the Environment and Climate Change Committee.

### **Council, Committee and Commission calendar and meeting locations**

**Part I, Recommendation 8: Approve the Council, Committee and Commission calendar and meeting locations as described in this report.**

#### **Council, Committee and Commission calendar**

The regular meeting dates of Council and its Committees are generally approved by Council at the beginning of each term. In accordance with subsections 8(1)(d) and 81(1)(b) of the *Procedure By-law*, the time and date of individual regular meetings may be varied by the Mayor or the Committee Chair as needed.

Council has traditionally met twice a month on the second and fourth Wednesdays of every month, with most Committees assigned a particular regular meeting day or days each month. Other Committees do not have a defined meeting date, but rather meet at the call of the Chair, with advance notice given to Members.

#### **Recommended preliminary meeting schedule for the Planning and Housing Committee and related changes**

During the 2018-2022 Term of Council, the Planning Committee met on the second and fourth Thursday of the month. More often than not, this was the day after the Council

meeting and, in practice, has provided almost two weeks between Planning Committee and Council for all items, including planning applications.

On April 14, 2022, the Province's Bill 109, the *More Homes for Everyone Act, 2022*, received Royal Assent. At a high level, there are three deadlines with respect to Bill 109 implementation:

1. July 2022 – the Province mandated the “Delegation” of Site Plan Control approvals to staff, removed Council’s authority to approve Site Plan Control and removed the ability of cities to refuse Site Plan Control.
2. January 2023 – the Province mandated the refunding of fees for Site Plan Control and Zoning By-law amendments that do not meet the new mandated timelines. New legislative timelines for the processing of Site Plan Control and Zoning By-law amendment applications were approved as part of Bill 109 approval, effective April 14, 2022. Site Plan Control now has a requirement of issuing an approval within 60 days (the City takes an average of 196 days). Further, there are reduced timelines to 90 days to make a decision on Zoning By-law Amendment applications (the City takes an average of 178 days).
3. Other aspects that went into effect after April 14, 2022 (appeal rights for clients; pre-application consultation requirements, etc.) and other elements that do not have a deadline to implement (ministerial zoning orders and surety bonds).

On July 6, 2022, Council considered the staff report titled, “[Bill 109 Implications – Phase 1](#),” which set out the proposed approach to implement the provincially mandated changes resulting from Bill 109. As noted above, effective January 2023, there will be shortened timelines for the City of Ottawa to review and issue a decision for zoning by-law amendments: 90 days from application deemed complete to the by-law being passed or a refusal decision being rendered. Should the City fall short of meeting the 90-day deadline to decision/by-law passage, application fee refunds are mandated by provincial legislation.

In addition to the matters described above, it is noted that the Province has brought forward significant proposed amendments to legislation that may directly or indirectly affect the *Planning Act*. At the time of the drafting of this report, two of the bills – Bill 23, the *More Homes Built Faster Act, 2022*, and Bill 39, the *Better Municipal Governance Act, 2022* – are before the Legislature and have not yet received Royal Assent. Any recommendations with respect to the scheduling, submission and routing of reports to

and consideration of reports from the Planning and Housing Committee and the Agriculture and Rural Affairs Committee are therefore being provided on an interim basis. A further report is anticipated to be submitted in January 2023 to provide recommendations with respect to consideration of planning matters in light of the legislative amendments enacted by the Province in 2022.

As a preliminary step to address timelines, the Office of the City Clerk is recommending as part of this report that the Planning and Housing Committee retain its twice-monthly meeting schedule, but move to the first and third Wednesday of the month, with the ability for the Chair to schedule additional regular meetings on another Wednesday (i.e., the fifth Wednesday of the month, when there is one) provided it does not conflict with Council.

*Other proposed changes*

To accommodate the changes described above, the Transit Commission and Transportation Committee would be moved to the second and fourth Thursdays of each month, taking over the former Planning Committee meeting dates.

As noted above, this report recommends that the Community and Protective Services Committee be separated into the Community Services Committee and the Emergency Preparedness and Protective Services Committee. Each of the two new Committees would have a designated regular meeting date, as noted in the table below. It is recommended that six to eight regular meetings of each Committee be scheduled each year, with the actual number of meetings to be determined by the Chair in consultation with staff.

Recommended meeting schedule

Further to the considerations set out above, the following table sets out the recommended Council and Committee schedule for the 2022-2026 Term of Council, with emphasis placed on recommended changes from the 2018-2022 Term of Council.

Council/Committee	Meeting Day(s)	Meeting Frequency
Council	Second and fourth Wednesday	Twice per month, <b>with the ability of the Mayor to schedule an additional regular Council meeting on a Wednesday that is</b>

<b>Council/Committee</b>	<b>Meeting Day(s)</b>	<b>Meeting Frequency</b>
		<b>not a Planning and Housing Committee meeting date.</b>
Agriculture and Rural Affairs	First Thursday of the month	Once per month No changes from 2018-2022 Term of Council
Audit	Meets as required at call of Chair	As required at call of Chair No changes from 2018-2022 Term of Council
<b>Community Services</b>	<b>Fourth Tuesday of the month</b>	<b>Once per month, six to eight times per year</b>
<b>Emergency Preparedness and Protective Services</b>	<b>Third Thursday of the month</b>	<b>Once per month, six to eight times per year</b>
Environment and Climate Change	Third Tuesday of the month	Once per month, up to eight times per calendar year No changes from 2018-2022 Term of Council
Finance and Economic Development	First Tuesday of the month	Once per month No changes from 2018-2022 Term of Council
Planning and Housing	<b>First and Third Wednesday</b>	Twice per month, <b>with the opportunity for the Chair to schedule an additional regular Planning and Housing Committee meeting as required on a Wednesday that is not a Council meeting date.</b>

<b>Council/Committee</b>	<b>Meeting Day(s)</b>	<b>Meeting Frequency</b>
Transit Commission	<b>Second Thursday</b> of the month	Once every month, up to eight times per calendar year
Transportation	<b>Fourth Thursday</b> of the month	Once every month
Built Heritage Sub-Committee	Second Tuesday of the month	Once every month  No changes from 2018-2022 Term of Council

Council and all Committees would retain the ability to hold special meetings as required, pursuant to Sections 14 and 87 of the *Procedure By-law*.

Further, under Subsections 8(3) and 81(1)(f) of the *Procedure By-law*, the Mayor or Chair may cancel one or more regular meetings of Council or Committee respectively if they are of the opinion that such meetings are not necessary for the proper conduct of the business of the Committee and provided that not more than two successive regular meetings are cancelled under those provisions.

### **Meeting locations**

Traditionally, City Council has met in the Council Chambers (Andrew S. Haydon Hall) at Ottawa City Hall. Standing and Sub-Committees have traditionally met in the Champlain Room at Ottawa City Hall or moved to the Council Chambers if needed. The Agriculture and Rural Affairs Committee has, since the 2014-2018 Term of Council, met in the Chambers at Ben Franklin Place.

During the 2014-2018 and 2018-2022 Terms of Council, an increasing number of Standing Committee meetings were held in the Council Chambers due to a limited amount of space in the Champlain Room – where there was insufficient room for all Members of Council to fully participate, and limited space in the public gallery. Further, the implementation of hybrid Committee meetings requires all Members participating to have access to a computer and microphone in the meeting room, which is easier to accomplish in the Council Chambers.

For the beginning of the 2022-2026 Term of Council, the Office of the City Clerk recommends that Standing Committees generally be held in the Council Chambers, with meetings of the Audit Committee and any Sub-Committees to be held in the Champlain Room. It is further recommended that the Agriculture and Rural Affairs Committee continue to meet at Ben Franklin Place.

Further to these general meeting practices, staff recommend that the location of individual Standing Committee meetings be determined by the Committee Chair in consultation with the Office of the City Clerk, and communicated to Members and the public with the agenda. This would allow some Committees to meet in the Champlain Room, if appropriate or if needed.

### **Chair and Vice-Chair appointments**

#### **Part I, Recommendation 9: Approve that Chairs and Vice-Chairs be appointed until Council considers the 2022-2026 Mid-term Governance Review report, as described in this report.**

Various practices have been used over the years with respect to the role and term of Committee Chairs and Vice-Chairs:

- Chairs and Vice-Chairs were appointed for the entire term 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, Council adopted the practice 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 [approved by way of Motion No. 2/13, as considered by Council at its meeting of December 6 and 7, 2006].
- The practice of mid-term review and re-affirmation continued throughout the 2010-2014 Term of Council.
- For the 2014-2018 and 2018-2022 terms of Council, Chairs and Vice-Chairs were appointed for the full term of Council, on the understanding that any Members who experienced challenges working with their Chair had the ability to bring concerns to the Mayor, and that changes could always be made at the time



of the Mid-term Governance Review, along with Committee membership changes, if necessary.

For the 2022-2026 Term of Council, the Mayor recommends Council return to the formal practice of reviewing and reaffirming Committee Chairs and Vice-Chairs through the Mid-term Governance Review process. As in past years, this would provide a scheduled opportunity for any changes to be made should Members decide to pursue different opportunities. It also provides an opportunity for Members to gain procedural experience should any Chair/Vice-Chair openings arise.

It is also noted that support for Standing Committee Chairs is to continue in accordance with past practice and Council approvals, and funded through existing resources in the Council Administration Budget. By way of background, the Citizen's Task Force on Council Remuneration noted in 2004 that the workload of Committee Chairs was already significant, and recommended that each Committee Chair be provided with an additional 0.5 Full-time Equivalent position (FTE) to assist the Chair in managing the Committee workload. At its meeting of June 24, 2009, Council considered and approved the 2006-2010 Mid-term Governance Review report, which included a recommendation that the office budgets of Standing Committee Chairs be increased by approximately 0.5 of an FTE position.

Further to past practice, the Chairs of the Agriculture and Rural Affairs Committee, Community Services Committee, Emergency Preparedness and Protective Services Committee, Environment and Climate Change Committee, Transit Commission and Transportation Committee would receive the additional support of 0.5 FTE, funded from the Council Administration Budget. It should be noted that through the 2014-2018 Mid-term Governance Review report, Council approved that a full FTE position be provided to support the role of the Planning Committee Chair in recognition of the Committee's heavy workload. This support of a full FTE would continue for the Chair of the Planning and Housing Committee.

Given the nature of the mandates and membership for the Audit Committee, Debenture Committee and Finance and Economic Development Committee, the Chairs of those Committees do not receive the extra 0.5 FTE position provided to Standing Committee Chairs.

## **Nominating Committee and other appointments**

**Part I, Recommendation 10: Approve the Nominating Committee mandate and process as described in this report;**

**Part I, Recommendation 11: Approve the Ward- and position-specific appointments set out in Document 2.**

### **Nominating Committee mandate and process**

Sections 93 to 95 of the City's *Procedure By-law* set out the process for the Nominating Committee, which considers and recommends to Council the appointment of Members of Council to Standing Committees/Commission and Sub-Committee(s); external agencies, boards and commissions; and selection panels for public appointments.

Since 2014, the Nominating Committee has also recommended to Council the Committee Chairs. The 2018-2022 Nominating Committee also included nominations for certain Council Liaison positions, as well as Council's representatives to the Federation of Canadian Municipalities, the Association of Municipalities of Ontario, the Rural Ontario Municipal Association, the Association of Francophone Municipalities of Ontario, and the Canadian Capital Cities Organization.

The Mayor recommends following a Nominating Committee process for the 2022-2026 Term of Council, in accordance with the *Procedure By-law* and similar to that employed in previous terms of Council. This process is described below:

- A motion to strike the Nominating Committee is presented to Council as part of the deliberations of the Governance Review report (**Council meeting of Wednesday, December 7, 2022**).
- Following the adoption of Council's Committee structure as part of the Governance Review report, the Office of the City Clerk distributes a survey to all Members of Council requesting their preferences for membership on Standing Committees, Sub-Committee(s); external agencies, boards and commissions; and selection panels for the public member appointment process (**following the Council meeting of Wednesday, December 7, 2022**).
- The Office of the City Clerk compiles the results of the survey and creates a chart outlining the requests made by each Councillor, the Councillor's Ward and the priority rating given by the Councillor to each request, and shares the survey results with the Mayor and Nominating Committee.

- The Nominating Committee meets publicly on the Monday or Tuesday of the week following approval of the Governance Review report, at the direction of the Mayor (**tentative dates – Monday, December 12, 2022, or Tuesday, December 13, 2022**).
- The Nominating Committee considers the appointments to the various Committees, Boards and Panels by way of a series of motions, regularly moved.
- The motions may be coordinated by the Mayor and moved by Members of the Nominating Committee, 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.
- The Nominating Committee votes on the motions, as well as any motions from the floor to add/remove additional candidates.
- The Nominating Committee may approve motions to add additional Members of Council to any Committee until the maximum membership is reached (12 is generally the maximum possible membership). If more Members are nominated than places on the Committee, a run-off vote is held.
- A series of reports containing the recommendations of the Nominating Committee is submitted to the next Council meeting generally held on the Wednesday after the Governance Review report is approved (**Wednesday, December 14, 2022**).
- City Council then considers the Nominating Committee reports, dividing the recommendations for each Committee for voting purposes if required. At times, there have been motions approved to change the recommendations of the Nominating Committee and run-off votes are sometimes necessary to determine changes to the membership of a particular Committee.

### **Ward- and position-specific appointments**

As has been the practice since 2010, staff recommend continuing the practice of Council approving any Ward- and position-specific appointments as part of the Governance Review report consideration rather than through the Nominating Committee process. 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 entities have a Board of Directors seat that is specifically reserved for the Mayor. As a result, a number of “routine” appointments have not traditionally gone through the Nominating Committee process.

The list of ward- and position-specific appointments is attached as Document 2.

### **Terms of Reference for Standing Committees, the Transit Commission and the Built Heritage Sub-Committee**

**Part I, Recommendation 12: Approve that the revised Terms of Reference for Standing Committees, the Transit Commission and the Built Heritage Sub-Committee be submitted in draft form to the respective Committees/Commission at their first meeting in 2023 for consideration and recommendation to Council for approval.**

Revised Terms of Reference for Standing Committees, the Transit Commission and any Sub-Committees have traditionally been submitted in draft form to the respective Committee/Commission/Sub-Committee at its first meeting in the new term of Council for consideration and recommendation to Council for approval. It is recommended that this approach be followed for the 2022-2026 Term of Council.

Proposed changes to the Terms of Reference will incorporate any changes arising from Council’s consideration of this report, as well as proposed administrative and technical amendments brought forward by staff that reflect changes to processes, practices and the organizational structure.

### **OTHER COMMITTEES OF COUNCIL**

#### **Quasi-judicial bodies**

Five quasi-judicial bodies are established by Council, as follows:

1. The Committee of Adjustment;
2. The Committee of Revision;
3. The Court of Revision;
4. The Election Compliance Audit Committee; and
5. The Property Standards and License Appeals Committee.

Quasi-judicial 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 that often affect the legal rights of residents. 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* (the Act) authorizes City Council to delegate the role of quasi-judicial members to be fulfilled by public members appointed by Council. Section 23.2 of the Act, related to the delegation of Council's powers and duties, provides that Council may delegate its quasi-judicial powers to a body of public members appointed by Council.

Additional information with respect to each of the five quasi-judicial bodies established by Council is provided below.

### **1. Committee of Adjustment**

The Committee of Adjustment is a quasi-judicial tribunal appointed by Council that is independent and autonomous from the City administration. Under Section 44 of the *Planning Act*, if a municipality has passed a by-law under Section 34 of that Act [with respect to zoning by-laws] 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's mandate is as follows:

- 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.

No changes are being recommended for the Committee of Adjustment.

## **2. Committee of Revision**

### **Part I, Recommendation 13: Approve the membership of the Committee of Revision as described in this report.**

Municipalities in Ontario are enabled by provincial legislation (*Ontario Regulation 586/06: Local Improvement Charges – Priority Lien Status*) 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 in light of the provisions in the Regulation.

Section 19 of Ontario Regulation 586/06 permits the Committee to be composed of three or five members appointed by Council. 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 generally fell within the mandate of these three Standing Committees.

In light of Terms of Reference “housekeeping” amendments set out in this report to clarify Standing Committee mandates with respect to the consideration of Local Improvement petition reports, it is recommended that the Member of Planning Committee be replaced by a Member of the Environment and Climate Change Committee. As described above, the Environment and Climate Change Committee is the Standing Committee that is to consider servicing-related Local Improvement petition

reports as well as reports regarding petitions relating to a joint Local Improvement matter within the urban area. As such, staff recommend the membership of the Committee of Revision include as follows:

- One Member from the Agriculture and Rural Affairs Committee;
- One Member from the Environment and Climate Change Committee; and
- One Member from the Transportation Committee.

### **3. 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 (ARAC). As the membership is limited by the *Drainage Act* to five, this excludes any *ex officio* members of ARAC.

No changes are being recommended for the Court of Revision.

### **4. Election Compliance Audit Committee**

The *Municipal Elections Act, 1996* (MEA) mandates the establishment of an Election Compliance Audit Committee (ECAC) to receive and address complaints from electors about a campaign's election finances. Under Section 88.37 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. 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 March 23, 2022, City Council approved the staff report titled, "[Update on the 2022 Municipal Elections and Amendments to Election-related By-laws and Policies](#)." Council adopted the report's recommendation to approve the establishment of a five-member 2022-2026 Election Compliance Audit Committee, including delegation of the authority to appoint the members of the Committee to the City Clerk, the Auditor General and the Integrity Commissioner. Council further approved Terms of Reference for the Committee.

A memorandum from the City Clerk dated August 25, 2022, regarding, "2022-2026 Election Compliance Audit Committee Appointment of Members and Update on

Compliance Audit Process,” identified the Committee members and provided further updates. The memorandum was listed as Information Previously Distributed on the agenda for the Finance and Economic Development Committee meeting of November 1, 2022.

No changes are being recommended for the Election Compliance Audit Committee.

## **5. Property Standards and License Appeals Committee**

The Property Standards and License Appeals Committee hears appeals on matters addressed under various by-laws, namely the following four relevant By-law and Regulatory Services by-laws:

- The *Licensing By-law* (No. 2002-189);
- The *Property Standards By-law* (No. 2013-416);
- The *Short-Term Rental By-law* (No. 2021-104); and
- The *Vehicle for Hire By-law* (No. 2016-272).

With respect to the establishment of this Committee, on December 8, 2010, City Council approved a recommendation within the 2010-2014 Council Governance Review 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 a Property Standards 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. 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 to rename the Committee as the Property Standards and License Appeals Committee, in recognition of its quasi-judicial nature.

No changes are being recommended for the Property Standards and License Appeals Committee.

## **ADVISORY COMMITTEES AND RELATED BODIES**

### **Advisory Committees and other advisory/consultative bodies**

**Part I, Recommendation 14: Approve the following with respect to Advisory Committees and other City of Ottawa advisory bodies, as described in this report:**

- a. Direct the City Clerk to bring forward to the Finance and Economic Development Committee and Council in Q2 of 2023 a report and recommendations regarding matters relating to advisory bodies such as Advisory Committees, Council Sponsors Groups, Community Advisory Tables and the proposed new transit advisory body;**
- b. That the Advisory Committees and their membership established during the 2018-2022 Term of Council shall continue on an interim basis, with the Advisory Committees meeting as required in the format outlined in this report should staff or Council have a need to consult with them on time-sensitive matters within their respective mandates, until Council considers the City Clerk's report and recommendations with respect to advisory bodies;**
- c. That despite clause (b), recruitment and appointment for the membership of the mandatory statutory Accessibility Advisory Committee shall proceed in accordance with the timelines and process of the City's broader public recruitment process in early 2023; and**
- d. The meeting schedule and reporting relationship for the Accessibility Advisory Committee.**

Further to the formal Standing Committee/Commission/Sub-Committee structure, a number of advisory and consultative bodies provide advice to City Council, Committees and/or staff, as described below.

## Advisory Committees

Advisory Committees have a mandate to provide advice to City Council, through Standing Committees, on matters that fall within their respective jurisdictions and align with the Term of Council priorities. All Advisory Committees are composed of public volunteers, with the exception of the Planning Advisory Committee that includes three Members of Council. Like the City's Standing Committees and any Sub-Committees, Advisory Committees operate in a similar manner with formal agendas and rules of procedure and are supported by the Office of the City Clerk. Members of the Advisory Committees are appointed in accordance with the City's Appointment Policy.

The original structure of the City's Advisory Committees was largely established in 2000 (at amalgamation) by the Ottawa Transition Board and based on a model that had been used at the former City of Ottawa for many years. Under this model, Advisory Committees were responsible for providing advice to City Council on matters that fell within their respective mandates, and also served as a forum for the public to identify emerging issues. Over the years, Advisory Committees were often used by staff as the *de facto* public consultation vehicle. Advisory Committees were last reviewed in 2012.

Five Advisory Committees operated during the 2018-2022 Term of Council, as follows:

- The Accessibility Advisory Committee (required under the *Accessibility for Ontarians with Disabilities Act, 2005*);
- The Arts, Culture and Recreation Advisory Committee;
- The Environmental Stewardship Advisory Committee;
- The French Language Services Advisory Committee; and
- The Planning Advisory Committee (required under the *Planning Act*).

### Community Safety and Well-being Advisory Committee

On October 27, 2021, City Council approved the City's first [Community Safety and Well-Being Plan](#) and, in doing so, directed the General Manager of Community and Social Services to develop a governance structure for the purposes of administering the plan.

On April 27, 2022, Council received the report titled, "[Community Safety and Well-Being Plan Progress Update](#)," which, among other matters, established a new Community Safety and Well-Being Advisory Committee, in accordance with Subsection 250(1) of the *Police Services Act*.

While the Community Safety and Well-Being Advisory Committee identifies as an Advisory Committee, it does not follow the same governance model as the other above-noted Advisory Committees. More specifically, the Community Safety and Well-Being Advisory Committee is supported by the Community Safety and Well-Being Office, not by the Office of the City Clerk, and is chaired by the General Manager of the Community and Social Services Department. The members of the Advisory Committee were appointed further to a targeted application process led by the Community Safety and Well-Being Office.

Additionally, the Community Safety and Well-Being Advisory Committee does not follow the *Advisory Committee Procedure By-law*, agenda materials are not posted to [ottawa.ca](http://ottawa.ca) and meetings are not open to the public, and the Committee's members are not subject to the Code of Conduct for Members of Advisory Committees.

### **Council Sponsors Groups**

Over the past several terms of Council, Council Sponsors Groups have been established on an ad hoc basis to address item-specific policies, projects or Master Plan reviews.

Standing Committees generally approve the establishment of a Council Sponsors Group by way of a report or motion and appoint Committee members to serve on the Sponsors Group along with staff from the relevant department. While the membership and mandate are established by the relevant Standing Committee by way of a resolution, there are no formal rules of procedure and the meetings are not subject to the open and closed meeting provisions set out under the *Municipal Act, 2001*. That said, the resulting work of the Council Sponsors Groups rises to the relevant Standing Committee in the form of a staff report for consideration and approval.

The following Council Sponsors Groups were established during the 2018-2022 Term of Council:

- Climate Change;
- Community Benefits Charge By-law;
- Ditch Alteration and Maintenance;
- Lansdowne Partnership Long-term Sustainability Review – Animation, Visitor Experience and Contribution to Economic Growth;

- Lansdowne Partnership Long-term Sustainability Review – Facility, Planning and Development Analysis;
- New Zoning By-law Project;
- Solid Waste Master Plan;
- Transportation Master Plan Update; and
- Women and Gender Equity Strategy.

During consultation for this report, several Members of Council expressed a desire to maintain Council Sponsors Groups, noting that these bodies focused on idea-sharing and allowed for interaction with staff at the development stage, whereas Standing Committees are largely the decision-making stage.

### **Community Advisory Tables**

Unlike Advisory Committees, Advisory Tables have no formal rules of procedure, including open meeting and public notice requirements, and members are not appointed in accordance with the City's Appointment Policy. Advisory Tables are supported by the relevant department and include Members of Council, City staff and representatives from the community.

By way of example, the Community and Social Services Department (CSSD) supports three Community Advisory Tables with the view of advancing equity, diversity and inclusion across the organization and the City, as follows:

- Anti-Racism and Race Relations Advisory Table – Mandated to advance the City's commitments towards systemic change in advancing racial equity;
- Women and Gender Equity Advisory Table – Mandated to advance the City's commitments towards policy change for women and gender equity, safety, equitable representation of women, and gender inclusivity; and
- Youth Advisory Table – Mandated to focus on the specific needs of Ottawa's vibrant new generation of youth, ensuring equitable representation from Indigenous, Black and Racialized Youth.

The members of these Community Advisory Tables were appointed through a targeted application process led by the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service Area.

As noted in the 2018-2022 Mid-term Governance Review, the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service (GREIIRSD) within CSSD was to review its governance structure as it relates to gender, equity and race relations matters with a view of determining the most appropriate alignment to support the City's Anti-Racism Strategy, Corporate Diversity and Inclusion Plan, Indigenous Relations and Reconciliation Action Plan and the Women and Gender Equity Strategy.

Further to this review, staff note that the recognition of Indigenous self-determination and inclusion of Indigenous perspectives, ways of knowing, values, protocols and practices is essential to achieving meaningful productive municipal-Indigenous relations. Given the broad range and scope of City relationships with Indigenous partners, proper processes must be implemented to adequately gather perspectives and develop clear protocols and guidelines. As such, Indigenous Relations staff will bring forward to Council recommendations regarding Indigenous governance and engagement as part of the governance commitments of the Indigenous Reconciliation Action Plan and the Anishinabe Algonquin Nation Civic Cultural Protocol.

### **Recent Divisional Court and Ontario Ombudsman decisions**

During the 2018-2022 Term of Council, the Ontario Divisional Court and Ontario Ombudsman issued decisions that may have impacts on the governance of certain municipal advisory bodies, as described below.

#### Divisional Court

On December 15, 2021, a Divisional Court decision in the case of *Kroetsch v. Integrity Commissioner for the City of Hamilton, 2021* (ONSC 7982) found that the City of Hamilton's LGBTQ Advisory Committee is a local board under the *Municipal Act, 2001*. The Court found that, consistent with the definition of "local board" in the *Municipal Act, 2001*, the City of Hamilton had established the LGBTQ Advisory Committee utilizing Council's powers under the *Municipal Act, 2001* for a purpose that relates to the City's affairs and purposes.<sup>1</sup> The decision further notes that the LGBTQ Advisory Committee was not an "ad hoc informal committee." Specifically, the Committee is established in accordance with Hamilton's Council Procedure By-law which formalizes the criteria, function, operations and reporting for advisory committees, and requires advisory committee members to abide by a code of conduct. The Court found that the LGBTQ Advisory Committee has "a measure of independence, but it is integral to the day-to-day

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<sup>1</sup> [Kroetsch v. Integrity Commissioner for the City of Hamilton, 2021 ONSC 7982 \(CanLII\)](#), at paragraph 45.

business of the City.”<sup>2</sup>

### Ontario Ombudsman

The Ontario Ombudsman issued at least two decisions during the 2018-2022 Term of Council in relation to the meeting practices and procedures for bodies such as committees, working groups and task forces.

In a report titled, “[Investigation into working group meetings held by the Off Road Vehicle Task Force of the City of Kawartha Lakes on February 19 and March 4, 2021](#)” (April 2022), the Ombudsman found that the City of Kawartha Lakes’ Off Road Vehicle Task Force contravened the *Municipal Act, 2001* on two occasions in 2021 by holding working group meetings that did not comply with statutory open meeting requirements. The Ombudsman’s decision stated that, “As the Task Force did not believe that these meetings were subject to the Act, notice was not provided, the public was not able to attend, and an official record in the form of meeting minutes was not kept.”

The decision noted that the task force was dissolved after making its recommendations to Council, but that the City would be updating its procedure by-law and standard language used when drafting Terms of Reference documents for task forces. The Ombudsman’s report stated that, “In undertaking to update the procedure by-law and the language of the City’s terms of reference documents, the City is taking positive steps to address issues with the meeting practices of task forces. I encourage the City to ensure that future task forces operate consistently with the open meeting requirements under the Act.”

Another Ombudsman’s report, titled, “[Investigation into a complaint about the meetings of the Baconfest Committee, Finance Working Group, and Policy Working Group of the Township of Lucan Biddulph](#)” (October 2021), addressed a complaint regarding meetings held by three bodies created by the Township of Lucan Biddulph’s Council, being the “Baconfest Committee,” “Budget working group,” and “Policy working group.” The complainant alleged that the bodies held meetings contrary to the *Municipal Act, 2001*, because public notice was not provided and minutes were not kept, according to the report.

The Ombudsman generally found no evidence on the Township’s website of public meeting notices, or agendas or minutes for the bodies. The Ombudsman concluded that the Baconfest Committee contravened the *Municipal Act, 2001* and the Township’s

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<sup>2</sup> Ibid., at paragraph 49.

procedure by-law “by holding meetings that did not comply with the open meeting requirements, including by failing to provide public notice of meetings and to record meeting minutes.”

In addition, the working groups had been dissolved prior to the Ombudsman’s investigation – the Budget working group was replaced with a formal Finance Committee, and the Policy working group was dissolved and not replaced, the Ombudsman determined. The report stated that, “In dissolving the Budget and Policy working groups, the Township of Lucan Biddulph has taken positive steps to address issues with the meeting practices of these former bodies. I encourage the municipality to ensure that future committees operate consistently with the open meeting requirements under the Act and the Township’s procedure by-law.”

## **Comments and/or recommendations**

### Proposed review of advisory bodies

Staff are of the preliminary view that the determination made by the Divisional Court and the findings of the Ontario Ombudsman will have an effect on the governance structure and practices of the City’s advisory bodies such as Advisory Committees, Community Advisory Tables and Council Sponsor Groups, particularly in relation to matters such as rules of procedure, open meeting requirements, recordkeeping and codes of conduct.

For example, prior to the Court decision, Advisory Committees in the City of Ottawa were not considered to be “local boards” of the City for purposes of the *Municipal Act, 2001*. The definition of “local board” set out in Subsection 1(1) of the *Municipal Act, 2001* states that an entity must be “established or exercising any power under the Act with respect to the affairs or purposes of one or more municipality” in order to be considered a local board. The City’s Advisory Committees generally act as consultative groups whose primary role is to provide advice on specific issues and do not possess decision-making authority. On this basis, staff previously determined that the City’s Advisory Committees do not fall under the category of “local board” pursuant to the *Municipal Act, 2001*.

However, the above-noted determination will need to be considered further to the Divisional Court finding that the Hamilton LGBTQ Advisory Committee is a “local board.” As such, it appears some or all of the City of Ottawa’s current Advisory Committees may be “local boards” subject to various statutory requirements as set out in Document 13. Furthermore, the Ombudsman’s decisions during the 2018-2022 Term of Council highlight the need for municipalities to ensure that their diverse advisory bodies operate

in accordance with any relevant statutory requirements.

Therefore, staff recommend that the City Clerk be directed to bring forward a report to the Finance and Economic Development Committee and Council with recommendations to address the Divisional Court decision, the Ombudsman's findings and related matters, no later than Q2 of 2023. The report would specifically address procedural requirements for the City's various advisory bodies and consider any further requirements, including formalizing governance structure and practices, codifying recruitment and appointment practices, and enforcing codes of conduct. Further to this proposed report, Council would establish, among other things, the Advisory Committee structure for the 2022-2026 Term of Council, including the appointment of Council Liaisons to any established Advisory Committees.

As part of the review, the Office of the City Clerk would consult with the Planning, Real Estate and Economic Development Department on any recommended changes to the Planning Advisory Committee as a result of recent and proposed legislative changes.

It is further recommended that the proposed report from the City Clerk address the Mayor's recommendation in this report that citizen input on transit matters be received through the establishment of a new transit advisory body that includes public members, as described in the Transit Commission section of this report. As previously stated, it is anticipated that the proposed new transit advisory body would provide advice, informed by user experience, to the Transit Commission and Council on matters relating to the operation of public transit, including Para Transpo, conventional bus service and the O-Train. It is further recommended that Council provide direction that this body shall include at least one user of Para Transpo. The proposed Clerk's report in Q2 of 2023 would include recommendations regarding matters such as the transit advisory body's mandate, desired qualifications for members, any procedural considerations, and a recruitment and appointment process.

#### Interim approach for Advisory Committee membership and meetings

Staff recommend that the current membership of all Advisory Committees remain in place until the Office of the City Clerk brings forward the proposed report regarding the above-noted review in Q2 of 2023, further to findings from the Ontario Ombudsman and the Divisional Court decision. Advisory Committees would meet as required should staff or Council have a need to consult with them on time-sensitive matters within their respective mandates. Advisory Committee meetings would be conducted in accordance with any applicable changes discussed below.



The one exception to this general approach relates to the Accessibility Advisory Committee (AAC). Given the statutory consultative role and workload of the AAC, staff recommend that recruitment for the AAC proceed immediately, and that the current members remain in place until Council has had an opportunity to appoint the new members. As the AAC's statutory consultative role is distinct among all other Advisory Committees, staff anticipate that the AAC will need to meet monthly, beginning in January.

#### Advisory Committee feedback and other recommended changes

Consistent with past practice, the City Clerk met with the Chairs and Vice-Chairs of the City's Advisory Committees to discuss the current governance structure and to receive feedback and experiences from the past term of Council. Matters raised are noted below, and any changes would be applied on an interim basis until the Clerk brings forward the proposed report.

#### *Virtual meetings*

Chairs and Vice-Chairs were unanimous in support of continuing virtual meetings. It was noted that virtual meetings eliminated barriers for participation, including from the public. As such, staff recommend that virtual meetings continue for the 2022-2026 Term of Council.

That said, Chairs and Vice-Chairs did note that there was value to meeting in person on occasion. In an effort to provide that flexibility, staff recommend that the orientation sessions for Advisory Committees be held in a hybrid capacity, such that members can participate in person and electronically. Additionally, staff further recommend that at least one meeting for each Advisory Committee be held in person if the majority of members are in support.

#### *Accessibility Advisory Committee meeting schedule*

Members of the AAC expressed a desire to increase the Committee's meeting frequency. During the 2018-2022 Term of Council, the AAC met six times per year for an average meeting length of three hours. Members noted that as the AAC meetings begin at 6:30 pm, the meetings often extend late into the evening, particularly when the AAC reviews significant policy-related matters, such as the e-Scooter pilot project. Staff recommend the meeting schedule of the AAC be increased to eight times per year to address concern over lengthy meeting times and to provide greater opportunity for City

staff to seek feedback from the AAC. Additionally, and further to a request from AAC members, virtual meetings would begin at 6 pm.

#### *Accessibility Advisory Committee reporting relationship*

The AAC Terms of Reference for the 2018-2022 Term of Council provided that the AAC reported through the Community and Protective Services Committee (CPSC) to City Council. The AAC could also report to another Standing Committee where appropriate, depending on the issue.

The reporting relationship through the CPSC resulted from Council's approval on September 12, 2012, of a new Advisory Committee structure established through the staff report titled, "[Advisory Committee Renewal to Support Council's Term of Council Priorities](#)." Prior to that report, the previous version of the AAC reported through the former Corporate Services and Economic Development Committee to Council.

Staff note that the Finance and Economic Development Committee (FEDCO) has a broader mandate than the former CPSC over accessibility matters. Specifically, the general responsibilities set out in the FEDCO Terms of Reference include, "Make recommendations to Council on all matters connected with the implementation of the *Accessibility for Ontarians with Disabilities Act, 2005* standards and the City of Ottawa's Accessibility Plan." This includes FEDCO's oversight over the multi-year City of Ottawa Municipal Accessibility Plan (COMAP) required under the *Accessibility for Ontarians with Disabilities Act, 2005*. The AAC plays a pivotal role in the development of the COMAP, which is also reflected in the AAC work plan.

Given FEDCO's role as outlined above, staff recommend a proposed change in reporting relationship such that the AAC would report to Council through FEDCO rather than the proposed Community Services Committee/former CPSC. The AAC would continue to have the ability to report to another Standing Committee where appropriate, depending on the issue.

#### **Public appointments to Advisory Committees and other bodies and related policies**

**Part I, Recommendation 15: Approve the following with respect to public appointments to Advisory Committees and other bodies:**

- a. Amendments to the Appointment Policy as described in this report and in Document 3; and**

**b. The revised Advisory Committee Participation Expense Policy as described in this report and in Document 4.**

The Appointment Policy – Citizen Members of City Advisory Committees, Boards and Task Forces, and External Boards, Commissions and Authorities (the Appointment Policy) outlines the process and requirements for recruiting public members to be appointed by Council. As most public appointments are aligned with the term of Council, the City's primary recruitment drive is undertaken at the beginning of the term of Council. A smaller, targeted recruitment may be done at mid-term where there are vacancies on Advisory Committees or bodies that require filling.

To support the recruitment process and encourage applications, a communication plan is developed for each recruitment drive. In 2018, opportunities were advertised through daily newspapers, a public service announcement, ottawa.ca and the City's social media channels. A public information session/open house was held as part of the main recruitment cycle and recruitment information was also sent to several community groups including community associations as well as other community and service organizations.

As part of the Nominating Committee process at the beginning of each term, Council appoints Members of Council to sit on Selection Panels for the public appointments process. Each Selection Panel is composed of two to three Members of Council, including the Chair of the applicable Standing Committee, plus a representative of the Mayor. The Selection Panel is responsible for receiving and considering applications, and making recommendations to Council on whom to appoint as public members. This process may include establishing Committee-specific selection criteria and conducting interviews.

Staff in the Office of the City Clerk administer the recruitment and application process and support the Selection Panels by providing Selection Panel packages, coordinating interviews, and providing advice regarding the Appointment Policy and appointment procedures. As part of the Selection Panel package, staff prepare a qualification summary grid that indicates the following for each candidate:

- Whether they have any relevant work or education, or past experience with municipal committees/boards;
- Whether they meet any other qualifications required for the particular Committee or board (if any);

- Their ward number/geographic location of residence;
- Their gender (female, male, other) identified by the applicant;
- Other lived experience or demographic information as voluntarily disclosed by the candidate; and
- Languages spoken.

### **Existing Council-directed actions to increase diversity in public appointments**

As part of its consideration of the 2018-2022 Governance Review on December 5, 2018, Council amended the Appointment Policy to specifically provide that appointments should be undertaken with a view of achieving a 50 per cent representation of women on all City Advisory Committees.

As part of the 2018-2022 Governance Review, Council also approved the following additional measures to support this aim:

- Updating the process appointing reserve members to help maintain gender balance and other demographic balance, throughout the term;
- Updating the provisions in the Advisory Committee Procedure By-law to align with those applying to Standing Committee Members, which provide for the Committee to pass a resolution authorizing a Member's absence in the case of maternity or parental leave; and
- Amending the Participation Expense Policy to bring the reimbursement rates for childcare and other dependent care in line with current costs of these services to further reduce barriers for women and other primary caregivers who want to volunteer on City Advisory Committees.

Selection Panels during the 2018/2019 recruitment process recommended, and Council approved, appointments to the City's Advisory Committees that were 50 per cent or more women. The public seats on the Built Heritage Sub-Committee and the Transit Commission were also 50 per cent or more women.

As part of the 2018-2022 Mid-term Governance Review approved by Council on December 9, 2020, Council further amended the Appointment Policy to include an updated equity and diversity statement. Council further directed the Office of the City Clerk to work with the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service (GREIIRSD) to undertake a review of recruitment,

selection and appointment practices and associated policies and legislation that may improve Council's ability to achieve diverse representation in public appointments.

On June 22, 2022, Council approved the Anti-Racism Strategy and Associated Action Plan. The Action Plan included a goal to increase awareness of the City's governance structures and remove barriers to participation on City committees and boards and the electoral process to ensure representation of Black and other racialized communities, and a recommendation to, "Ensure equitable opportunities for Black and racialized communities to participate in the City's governance and decision-making processes." Under this objective the following actions were included, to be led by the Office of the City Clerk in coordination with Public Information and Media Relations (PIMR) and GREIIRSD:

2.1 As part of the 2022-2026 Governance Review, update the Appointment Policy and recruitment strategy to apply an anti-racism and gender lens and ensure equitable representation of Black and other racialized communities for Council-appointed citizen members on the City's Agencies, Boards and Commissions and Advisory Committees.

2.2 Establish a "Diversity on Boards" campaign to attract Black and other racialized residents to learn more about the City's public appointments opportunities.

2.3 Promote the City's public appointments opportunities on program advisory bodies through the "Diversity on Boards" campaign to ensure that Black and other racialized residents have opportunities to participate in City agencies, boards, and commissions.

2.4 Track, monitor and report on the representation of Ottawa residents on City agencies, boards, and commissions.

The Office of the City Clerk has worked with PIMR and GREIIRSD to review the recruitment strategy for public appointments and associated outreach and communications plan to develop the initial "Diversity on Boards" campaign. The objectives of the campaign include:

- Promoting the City's public appointments opportunities on program advisory bodies in a way that information would reach all equity-deserving groups;
- Attracting Black and other racialized residents to learn more about the City's public appointments opportunities; and

- Encouraging underrepresented Indigenous, Black, and other racialized communities with intersectional lived experience to apply for the City’s public appointment opportunities.

This campaign will be launched as part of the 2022-2023 public appointments recruitment drive discussed further below and is being funded within the existing budgets of PIMR and the Office of the City Clerk. The campaign will be evaluated following the recruitment drive. This will include assessing which tactics were the most effective and identifying potential future actions to be considered for future recruitment drives and their associated costs.

### **Recommended amendments to the Appointment Policy**

In consultation with GREIIRSD, the Office of the City Clerk recommends some further amendments to the Appointment Policy to better align with Council’s objectives to increase diversity in its public membership. These recommendations also align with feedback received from Members of Council during consultations for this report. This feedback emphasized the importance of reaching and recruiting qualified candidates who would be able to contribute their expertise and experience to enhance policy development and program delivery at the City of Ottawa.

The recommended changes are summarized below:

- In consultation with GREIIRSD, plain language changes have been made throughout the Appointment Policy. Plain language, including the use of examples, makes the Appointment Policy more accessible to a greater number of residents. It also makes the process more transparent for those who may seek to apply for a public member position.
- References to “citizen members” have been updated to “public members.” This is more accurate because citizenship is not an eligibility requirement in the Appointment Policy. Further, residents who are not citizens may perceive this language as more inclusive and may be encouraged to apply. This furthers the City’s goal of improving diversity in its public memberships.
- The “Purpose” section of the document expressly references the City’s Accessibility Policy, Women and Gender Equity Strategy, and Anti-Racism Strategy, and related updates have been made to align the Appointment Policy’s purpose with these strategies, including updates to Section 3 of the Appointment Policy.

- Section 1.3 would exclude all City employees from being appointed as public members, rather than only full-time permanent employees, to better reflect the current practices of recruitment.
- Updates to Section 2 would remove ambiguity around the maximum consecutive years that a public member may serve on the same committee or board. The maximum term is simply eight years for clarity, subject to limited exceptions as set out in Section 2.
- Section 2.9 states that Advisory Committee orientation will include an overview of equity, anti-racism, gender equity inclusion and accessibility, and other mandatory training as described in this report.
- Various changes are made in sections 4.1 to 4.3, making explicit how the recruitment process was reviewed with the gender and equity lens. Inclusive and accessible practices and outreach are expressly set out.
- Section 4.5 states that all applications received during a term of Council will be held on file for the remainder of that term of Council. This will effectively create reserve pools of candidates that the Selection Panel may consider at any point in the Term. Should a vacancy arise, the Selection Panel would have a greater likelihood of maintaining the membership's diversity. Subsection 4.6(d), however, makes it clear that the Selection Panels have the option of either recommending reserve member appointments, or consider making recommendations from the candidate pool to fill vacancies as they arise.
- Subsection 4.6(c) provides that setting specific selection criteria (over and above the eligibility requirements in the Appointment Policy or any applicable statute or by-law), and whether to hold interviews, is at the discretion of the Selection Panel. Should a given Panel decide to proceed with interviews, all candidates considered would need to be interviewed using a consistent approach. The interview questions would be subject to equity and inclusion lens review.
- "Housekeeping" changes have also been made throughout the policy to clarify or align the wording with current practices.

The Appointment Policy and process recommendations preserve the role of the Council-appointed Selection Panels and continue to allow some latitude for each Selection Panel within the selection process. This allows greater flexibility to respond to the specific pool of candidates that have applied for that Committee or Board which in

turn provides more flexibility for the Selection Panel in achieving the goals of diversity and inclusion as well as ensuring a balance of lived experience and qualifications that would benefit a particular Committee or Board.

The revised Appointment Policy is set out in Document 3. Substantive revisions are underlined, including added or revised wording. Other revisions that have not been tracked include formatting changes, numbering, re-ordering, or removal of duplication.

### **Recommended amendments to the Advisory Committee Participation Expense Policy**

The Advisory Committee Participation Expense Policy is intended to reimburse Advisory Committee members for actual out-of-pocket expenses incurred in direct relation to their participation as a volunteer member on the Advisory Committee. The policy defines what expenses shall be reimbursed, under what conditions, to whom, and what minimum or maximum amounts apply (if any).

As noted above, Council amended the Participation Expense Policy as part of the 2018-2022 Governance Review to bring the reimbursement rates for childcare and other dependent care in line with current costs of these services to further reduce barriers for women and other primary caregivers who want to volunteer on City Advisory Committees.

In consultation with GREIIRSD, no substantive changes have been made to the policy at this time. The Office of the City Clerk is of the opinion that types of expenses covered by the policy are adequate to avoid barriers to public member participation.

That said, proposed plain language changes have been made throughout the Participation Expense Policy, as with the Appointment Policy. Again, this would make the Participation Expense Policy more accessible to a greater number of residents and may encourage applicants who are concerned about cost barriers to apply. Additionally, some provisions have been reorganized to improve clarity and make the language more accessible.

The updated Advisory Committee Participation Expense Policy Appointment Policy is set out in Document 4.



## **Anticipated timelines and next steps for public member recruitment**

Given the tight timelines to appoint public members to certain Committees and Boards, and to provide sufficient time for the public to become aware of appointment opportunities, the public member recruitment campaign will be launched prior to the approval of the 2022-2026 Governance Review. As a result, some of the timelines below as well as the positions being recruited for are subject to change to reflect what is ultimately approved by Council.

- **December 1, 2022** – Public member recruitment campaign and “Diversity on Boards” outreach campaign are launched, including recruitment for all local boards and those Committees where no significant changes are recommended as part of the 2022-2026 Governance Review.
- **December 2022** – Ongoing communications and outreach activities for public member recruitment. One in-person public open house will be held as well as one virtual information session for interested residents. Members of Council will be provided with content to include in their newsletters and social media posts to promote appointment opportunities in their communities.
- **Mid-December 2022** – Following approval of the Governance Review report, Members of Council will be appointed to serve on Selection Panels for public member recruitment.
- **January 4, 2023** – Early application deadline for public appointments that must be approved by Council by the end of January (including the Ottawa Public Library Board and conservation authorities).
- **January 23, 2023** – Final application deadline for all other public appointments.
- **January-February 2023** – Selection Panels consider applications, conduct interviews and shortlist candidates for recommendation to Council.
- **January-February 2023** – Council considers reports from the Selection Panels and approves public appointments for the 2022-2026 Term of Council.

## **OTHER COUNCIL AND STANDING COMMITTEE CHANGES AND UPDATES**

### **2023-2026 tax- and rate-supported budget process**

**Part I, Recommendation 16: Approve the 2023-2026 tax- and rate-supported budget process, as outlined in this report.**

The recommended process for the 2023-2026 tax-supported and rate-supported budgets is set out below, recognizing that the 2023 budget process will need to operate on amended timelines, as is standard practice following an election.

The Mayor, Councillors and members of the public have noted that budget documents could be improved to enhance transparency and that the budget consultation tools could be improved to make them more meaningful. Given there is a shortened time frame to table the 2023 budget, it is anticipated some modest improvements can be made for the 2023 and 2024 budget process with enhanced improvements to follow during this Term of Council.

The Mayor will consider a range of public consultation tools for additional online feedback, including leveraging technology to enhance the tools. Budget summary documents for the capital and operating budgets will be reviewed to ensure ease of reading and greater transparency.

That said, the recommended process for the 2023-2026 tax-supported and rate-supported budgets is as follows:

- Before each yearly budget cycle begins, the Chief Financial Officer/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 2023 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), 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.
- As part of the Budget Directions report, recommend the annual rate-supported budget be developed based on the Council-approved Long Range Financial Plan – Water, Wastewater and Stormwater (Rate) Supported Programs.
- Council will request that the Boards and Commissions develop their draft budgets within this annual allocation.
- Councillors will organize and lead public consultations through ward-based public meetings or other means as determined by the individual Councillors. Staff will be available to attend ward meetings upon request.

- 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 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.
- Each Standing Committee will consider the proposed budget and hear public delegations before deliberating on and approving any revisions.
- Each Standing Committee will work with the budgets for the City departments under their mandate and any increases to those budgets will be funded by appropriate offsetting revenues or expenditure reductions from within the City budget as a whole.
- 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.

### **Continuation of electronic participation in hybrid Council, Standing Committee and Sub-Committee meetings**

**Part I, Recommendation 17: Approve the continuation of electronic participation in hybrid Council, Standing Committee and Sub-Committee meetings, as described in this report.**

Before March 2020, the City of Ottawa's *Procedure By-law* did not permit any form of electronic or remote participation in City Council or Committee meetings. While the *Municipal Act, 2001* has since 2018 permitted municipalities to allow some electronic participation, Ottawa was not among the municipalities that chose to adopt such

provisions. This changed with the COVID-19 pandemic, as set out in the following timeline of key developments:

- **March 19, 2020** – Bill 187, the *Municipal Emergency Act, 2020*, received Royal Assent and amended the *Municipal Act, 2001* such that a municipality's procedure by-law may provide that during a State of Emergency Council and Committee meetings can be held through electronic participation (removing limitations requiring a quorum in person and the restriction on remote participation in closed meetings).
- **March 25, 2020** – Council approved Motion No. 30/01, which amended the *Procedure By-law* to allow Members to participate electronically in all meetings of City Council and Standing Committees held thereafter during the Province's emergency declaration.
- **March 2020 to March 2022** – Council meetings were held electronically, first via teleconference and then using Zoom Webinar from June 24, 2020, onward. The Mayor, Deputy Clerk and some Clerk's and AV/IT support staff were present in the Council Chambers. All other Members and staff attended remotely.
- **April 2020 to present** – Committee meetings resumed via electronic participation using Zoom Webinar. All Members, staff and public delegations participated electronically. In some limited cases the Committee Coordinator and Chair(s) joined from the same location.
- **May 27, 2020** – In anticipation of the end of the Province's State of Emergency, Council approved Motion No. 34/19 further amending the *Procedure By-law* to allow continued remote participation in Council and Committee meetings outside a State of Emergency, provided such remote participation continued to be permitted under provincial statute.
- **July 21, 2020** – Bill 197, the *COVID-19 Economic Recovery Act, 2020*, received Royal Assent, amending the *Municipal Act, 2001* to allow for full electronic participation (including in closed sessions) outside of a State of Emergency.
- **March 23, 2022** – City Council begins meeting in hybrid format, with both in-person participation from the Council Chambers and virtual participation through Zoom.

City Council meetings continued in hybrid format while Standing Committees largely remained fully virtual through the remainder of the 2018-2022 Term of Council. This approach was intended to allow Members and staff to limit the number of in-person interactions during the ongoing pandemic, ensure meetings could proceed without interruption during the peak of the legislative agenda, and allow the Office of the City Clerk, IT and Facilities Services to assess and implement the technology necessary to hold a full schedule of hybrid meetings in Council Chambers, the Champlain Room and/or Ben Franklin Place Chambers. Two hybrid Standing Committee meetings were held in 2022, first at Audit Committee in June 2022, and then at the Finance and Economic Development Committee in November 2022. Both meetings included an *in camera* session and were successful.

Through consideration of the 2018-2022 Mid-term Governance Review report in December 2020, Council updated the *Procedure By-law* to allow for the continuation of unrestricted electronic Council and Committee meetings under the revised *Municipal Act, 2001* until such time as Council revisits them. The intent was that such meetings be reviewed as part of the 2022-2026 Governance Review.

The current *Procedure By-law* provisions allow either electronic or hybrid meetings. Subsection 1(5)(c) of the by-law provides that, “Electronic participation may be conducted by way of telephone or other electronic means, following instructions provided by the City Clerk in order to ensure that the meeting may proceed in the most transparent and successful manner under the circumstances.”

During consultations for the 2022-2026 Governance Review, Members of Council largely expressed support for hybrid meetings for Council and Standing Committees, as well as a desire to collaborate in person with colleagues more frequently. Hybrid meetings allow Members, staff, and the public to participate in a manner that is safe and effective for them. Should Council approve continuing the hybrid meeting approach, hybrid meetings would be the standard format for City Council, Standing Committee and Sub-Committee meetings, with virtual meetings still permitted on an as-needed basis – including but not limited to emergency special meetings.

Minor amendments have been made to the *Procedure By-law* attached as Document 15 to reflect the proposed continuation of remote participation in Council and Standing Committees through hybrid meetings. Specifically, Subsection 1(5) would provide that electronic participation may be via video conference or other electronic means that shall be communicated by the Clerk to Members of Council and the public in advance of the meeting. Provisions have also been added to that subsection providing that any Member

may call for the Chair to do a quorum check at any time if quorum cannot be determined visually due to electronic participants not being visible on the screen.

### **Technology and human resource implications of hybrid meetings**

The Office of the City Clerk and Information Technology (IT) Services have confirmed that hybrid Council meetings may continue to be held in the Council Chambers, and hybrid Committee meetings may be held in either the Council Chambers, Champlain Room, or Ben Franklin Place Chambers (the usual meeting place of the Agriculture and Rural Affairs Committee).

Hybrid Committee meetings require Members to log on to Zoom and turn on their cameras to use the speakers' list in Zoom or be seen on camera. There is no dedicated camera operator for Committee meetings (unlike Council meetings). Hybrid Committee meetings may require more frequent recesses to address technical issues, which can be due to either the virtual or in-room components.

Members of Council have observed that sound quality issues are more pronounced for in-person participants during hybrid Council meetings. In addition, much of the technology in the meeting rooms is older, reaching end of lifecycle, or not optimized for the types of hybrid events now being held.

Council and Committee Services currently has a limited budget for computer and audiovisual hardware and further investments will be required soon. IT services is currently scoping out and costing options to upgrade the Chambers and Champlain Room audiovisual systems and a budget pressure may be identified should this work proceed.

Hybrid meetings have also proved to be more resource intensive than fully in-person meetings and even than fully virtual meetings. Each hybrid Council or Standing Committee meeting requires the support of several Clerk's staff (not including the Clerk or Deputy Clerk) and at least one dedicated IT staff to support the technical components of the meeting, in addition to the usual procedural support/minute taking functions required of Clerk's staff.

The increased resource requirements of virtual and hybrid meetings, combined with the heavy legislative agenda of 2021-2022 resulted in more Clerk's staff tied up in meetings and limited time to fulfill other functions related to managing Committees, records management, supporting staff and Members on procedural and legislative matters, and working on other projects to continuously improve services. The full implementation of

hybrid Committee meetings in the new term of Council will create a resource pressure in IT Services and the Office of the City Clerk that may not be able to be fully accommodated within existing resources.

### **List of closed outstanding Inquiries from the 2018-2022 Term of Council**

#### **Part I, Recommendation 18: Receive the list of closed outstanding Inquiries from the 2018-2022 Term of Council, attached as Document 5.**

Processes relating to submitting and responding to formal written Inquiries made at a meeting of Council or a Standing Committee are set out in the *Procedure By-law* (By-law No. 2021-24). With respect to the transition between terms of Council, Subsection 33(12) of the *Procedure By-law* provides that, “All outstanding inquiries shall be deemed closed at the end of a Term of Council and, at the beginning of each new Term of Council, the Office of the City Clerk shall provide the new Council with a list of inquiries that have been closed under this provision.”

This provision resulted from amendments to the *Procedure By-law* approved by Council through consideration of the 2018-2022 Mid-term Governance Review report on December 9, 2020. The report indicated that the Office of the City Clerk would provide the new Council with the list of closed Inquiries “so that Councillors may decide if they wish to resurrect any Inquiries submitted by Members of the previous Council.”

The list of closed outstanding Inquiries from the 2018-2022 Term of Council is attached as Document 5.

### **Mandatory training for Council-appointed public members**

#### **Part I, Recommendation 19: Approve that Council-appointed public members be required to complete the City’s mandatory training with respect to the *Accessibility for Ontarians with Disabilities Act, 2005* and the *Occupational Health and Safety Act*, as described in this report.**

The City of Ottawa is committed to providing a safe and accessible environment for City Council, City staff and the public. As part of this commitment, all City employees and Members of Council are required to complete various mandatory training courses. Legislated and mandatory courses include training with respect to the Employee Code of Conduct, the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), the *Occupational Health and Safety Act* (OHSA) and the City’s Workplace Violence and Harassment Policy, as described below.

### ***Accessibility for Ontarians with Disabilities Act, 2005 (AODA)***

The AODA is provincial legislation intended to reduce and remove barriers for people with disabilities. The AODA's Integrated Accessibility Standards Regulation (IASR) establishes the accessibility standards for information and communications, employment, transportation, the design of public spaces and customer service. The IASR requires that public sector organizations such as the City of Ottawa provide training on the requirements of the accessibility standards set out in the AODA and on the Human Rights Code to all employees, volunteers and persons who participate in the development of the City's policies.

To meet this requirement, City staff and Members of Council are required to complete the "AODA: Accessibility for all" training offered through the City's Learning Centre. This mandatory course covers the following legislative requirements all staff must be trained on:

- The *Accessibility for Ontarians with Disabilities Act, 2005*;
- The IASR, which includes customer service and other standards; and
- The Ontario *Human Rights Code* as it relates to people with disabilities

### ***Occupational Health and Safety Act (OHSA)***

The OHSA is provincial legislation that establishes standards for workplace health and safety. Ontario Regulation 297/13 requires the City to provide all workers with basic occupational health and safety awareness training.

The City's training provides employees with information related to the health and safety rights and responsibilities of workers, supervisors and employers, and serves as a general introduction to workplace health and safety. In addition to the general workplace health and safety training, the City also requires all staff and supervisors (including Members of Council) to complete the mandatory "Respectful Workplace, Violence and Harassment" training. This training is a requirement of the City's Workplace Violence and Harassment Policy and provides an introduction to the specific legislative requirements of the OHSA related to violence and harassment in the workplace.

### **Mandatory training**

Council-appointed public members on certain City boards and committees regularly interact with City staff and the public and/or provide input in the development of City



policies. Accordingly, staff recommend that these public members be required to complete the following mandatory training:

- AODA: Accessibility for all;
- Occupational Health and Safety Awareness Training for Workers; and
- Respectful Workplace, Violence and Harassment.

At this time, staff recommends that public members of the following bodies be required to complete the mandatory training within two months of their appointment:

- Built Heritage Sub-Committee
- Crime Prevention Ottawa
- Advisory Committees
- Committee of Adjustment

If Council approves this recommendation, the Office of the City Clerk will incorporate the mandatory training into the orientation for public members. At this point in time, the training would be open to all remaining public members, but not mandatory.

### **Council and Committee report template – Implications sections**

#### **Part I, Recommendation 20: Approve amendments to the standard Council and Committee report template to include the mandatory and “mandatory if applicable” Implications sections described in this report.**

All staff reports prepared for Committee and Council consideration follow the corporate standard report template. This template currently includes various “mandatory” and “optional” Implications sections completed by the report author, in some cases with the assistance of subject matter experts. The exceptions to this general rule are the Legal Implications and Financial Implications sections, which must be completed by Legal Services and the Finance Services Department respectively.

The inclusion of individual sections in staff reports has largely arisen in response to the development of new Term of Council priorities or by way of Council resolutions. The Implications sections are meant to provide a high-level summary of how the report recommendations will affect that particular area of focus or how the recommendations comply with relevant standards, policies and legislation. For example, the [2018-2022](#)

[Mid-term Governance Review](#) report recommended the inclusion of optional sections for Climate Implications, Economic Implications, and Indigenous, Gender and Equity Implications. The 2018-2022 Mid-term Governance Review report further stated that, “staff will consider the Committee and Council report template as part of the next regular governance review in order to review any changes adopted through this report and to consider whether any new reporting measures should be introduced, including how the 2022-2026 Term of Council Priorities may impact the relevance of particular sections.”

### **Current “mandatory” and “optional” Implications sections**

The current standard Council and Committee report template includes as follows:

#### Current “mandatory” sections

- Accessibility Implications – On October 13, 2011, Council approved Finance and Economic Development Committee Motion No. 10/1, which directed that all reports tabled for consideration at Committee and Council contain a mandatory Accessibility Implications section that explains how the report recommendations will impact people with disabilities and seniors in terms of reducing, removing or preventing barriers. This mandatory section responds to the express requirements of several provincial and federal statutes and Council-approved standards, including the *Ontario Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act, 2005* and the Council-approved Accessibility Policy. An existing framework that includes a comprehensive checklist, templated responses, a list of resources, and background on how the checklist was developed is available to support staff, improve accessibility and reduce the City’s risk of non-compliance.
- Financial Implications – Reports requesting any expenditure, such as a property acquisition or capital project, or that may have other financial implications, must be routed to and approved by the applicable Financial Services Unit (FSU). The FSU must write and approve the content in the Implications section.
- Legal Implications – This section of the report must be completed by the City’s internal Legal Counsel, who will outline the legal impact and/or challenges to the City that may result from the report recommendations.
- Risk Management Implications – At its meeting of March 7, 2008, the Long Range Financial Plan Sub-Committee approved a motion requiring a Risk Management Implications section in staff reports and the development of an

Enhanced Risk Management (ERM) Framework, including both templates and training to support the framework. Staff preparing reports must identify risk as it relates to the report recommendations. Since 2016, each department has an assigned risk lead who supports report authors in completing this section. The ERM Framework, including the Corporate Risk Policy and associated support materials, are available on the City's intranet to support report authors.

- Rural Implications – This section has been a part of the standard report template since amalgamation. The purpose of the section is to explain how the recommendations will affect rural residents, lands, services or businesses, including implications on rural land use, by-laws, green space, quality of life and other agricultural matters.

#### Current “optional” sections

- Asset Management Implications – This section was implemented as part of the Comprehensive Asset Management Program, with the intent to demonstrate how the report recommendations support the guiding principles, as applicable, set out in the City's Comprehensive Asset Management Policy.
- Climate Implications – This section is to be completed if the report meets one or more of the following criteria: is a significant policy decision (e.g., Official Plan, Master Plans, Long-Range Financial Plans); recommendations result in significant production or reduction of greenhouse gas emissions (i.e., emissions from diesel, gasoline, natural gas, electricity, propane, heating oil, solid waste, or wastewater treatment); and/or the report raises matters related to significant risk due to changing climate conditions through increased exposure to temperature, precipitation, flooding, or extreme weather.
- Economic Implications – This section is completed if the report recommendations have a significant impact on the City's economy and support one or more strategic priorities including economic diversification, economic growth, business attraction and talent attraction as identified within the City's Economic Development Strategy.
- Environmental Implications – The purpose of this section is to demonstrate how the report recommendations will impact land, air and water quality, public health, green space, protected or environmental sensitive areas, trees, habitat, resource use and other environmental considerations. The section also indicates compliance with environmental policies, standards, regulations and legislation.

- Indigenous, Gender and Equity Implications – The purpose of this section is to demonstrate how the report recommendations will contribute to Indigenous reconciliation by closing gaps of inequitable outcomes for Indigenous people and by identifying, preventing or removing systemic barriers impacting individuals of equity deserving communities. This section responds to several provincial and federal policies and legislation, including the Truth and Reconciliation Commission, the Council-approved Women and Gender Equity Strategy, the Anti-Racism Strategy, the City of Ottawa Equity and Diversity Policy, the *Employment Equity Act*, the *Ontario Human Rights Code*, and the Canadian Human Rights Commission. An existing framework that includes a comprehensive checklist and accompanying toolkits are available to support staff and improve equitable outcomes.
- Technology Implications – At its meeting of August 28, 2008, City Council considered and approved the Mayor’s E-Governance Task Force report, 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 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 department for review, formal comment and sign-off. The 2010-2014 Governance Review report noted that since the inception of the mandatory Technology Implications section, operational staff observed that the majority of reports are transactional in nature (i.e., rezoning, naming, appointments, information reports, etc.) and rarely have technology implications. In 2012, the last year statistics were kept in this regard, less than six per cent of all reports had technical implications. With this in mind, staff recommended that the Technology Implications section in the report template be made optional.

### **Review of Implications sections adopted at mid-term**

During consultations with Members of Council, Members expressed a desire to maintain the three Implications sections added through the 2018-2022 Mid-term Governance Review report, being Climate Implications, Economic Implications and Indigenous, Gender and Equity Implications. Some additional observations with respect to these sections follow:

- **Climate Implications:** Since the Climate Implications section was established at mid-term, there have been advancements in embedding a climate lens into City business, including applying a climate lens to the upcoming 2023 capital budget process. As such, the Climate Change and Resiliency Unit will revise the guidance text in the report template to align with the latest advancements, as well as continue to work with other departments to find opportunities to embed climate considerations earlier in the project development phase where applicable. The Climate Change and Resiliency Unit will also continue to support and be a resource to report authors completing the Climate Implications section.
- **Economic Implications:** Economic Development had no concerns with respect to the completion of the Economic Implications Section, noting that most reports had no economic implications and, where appropriate, staff consulted Economic Development Services for support in completing the section.
- **Indigenous, Gender and Equity implications:** Gender, Race Equity and Indigenous Relations staff noted that they were consulted 19 times on the completion of the Indigenous, Gender and Equity implications section between September 2021 and May 2022 through their formal intake process. Additionally, report writers provided a detailed response in the implications section a further 16 times through the use of the guidance documents prepared by staff. Coaching will be offered as needed to report writers to support the application of an equity lens to policy and strategy development, in an effort to identify, prevent or remove systemic barriers in the proposed City plans. Gender, Race Equity and Indigenous Relations staff will continue to offer guidance and provide support with the completion of the Indigenous, Gender and Equity Implications section, and will provide Members of Council with tools and resources to assess and interpret the Indigenous and equity implications completed by staff.

As noted below, the relevant subject matter experts support the staff recommendation to require these Implications sections to be completed only where applicable.

### **Proposed new Delegation of Authority Implications section**

During consultation with Members for this report, it was noted that it is often difficult to clearly identify what existing delegated authority is being exercised or what new authority is being recommended, particularly in lengthy or detailed reports.

As such, staff recommend the addition of a new Delegation of Authority Implications section that would briefly summarize the delegated authority being requested, or where

existing authority is being exercised as set out under the *Delegation of Authority By-law* or by way of other Council approval. In addition, report writers would specify how the exercise of delegated authority will be reported out, in accordance with the Delegation of Powers Policy.

### **Review of the use of the terms “mandatory” and “optional” for Implications sections**

During consideration of the 2018-2022 Mid-term Governance Review at its meeting of December 9, 2020, City Council directed staff to, “consider replacing the term ‘Optional Section’ in the Committee and Council report template with ‘Mandatory Section for Applicable Reports’ to provide clarity for both staff and the public.”

Staff concur that the term “optional” often causes confusion for report writers, who felt it was optional to complete the Implications section. It was understood by Members of Council that report writers should be completing these Implications sections anytime it is relevant to the report’s subject matter.

As such, and further to Council’s direction, staff recommend that the Legal Implications and Financial Implications sections be mandatory for all reports, while all other report sections be deemed “mandatory if applicable.” The report template will clearly state that if the report recommendations and/or content meet the requirements/description set out under a particular Implications section, then it is mandatory for staff to complete that section. Reference material, including contact information for subject matter experts, would continue to be provided in the standard corporate report template to ensure report writers have the necessary tools to provide meaningful comments as applicable.

Staff from the relevant service areas are supportive of this clarification.

### **Making City Council meeting and voting records available through Open Data**

**Part I, Recommendation 21: Approve that City Council meeting and voting records shall be made available through the City of Ottawa open data catalogue, as described in this report.**

During the 2018-2022 Term of Council, the City’s e-agenda software solution reached the end of its lifecycle and was replaced with the new eSCRIBE platform that launched in mid-2022. The new platform integrates the agendas, minutes, meeting documentation and live streams of Council and Committee meetings.

As noted in the 2018-2022 Governance Review report, Members previously suggested that potential enhancements to the Council meeting management software should include making Members' voting records more accessible. Recent consultations with Members of Council for the 2022-2026 Governance Review revealed continued support and general consensus for releasing voting and attendance records in a more accessible format (e.g., through the City's open data portal). It was also suggested that including a link to the relevant Council report with the data would provide valuable context to Members' voting records.

In keeping with the spirit of the City's Routine Disclosure and Active Dissemination Policy, and consistent with the Open Data Policy, staff recommend that voting and attendance records of City Council meetings be posted to "Open Ottawa," the City's open data catalogue. During consultations for this report, Members were unanimous in their support of this recommendation.

The posting of attendance and voting records for City Council meetings would advance the City's ongoing commitment to open, transparent and proactive disclosure. It should be noted that several of Canada's largest municipalities proactively release Council voting records through their e-agenda platforms and/or through open data, including the cities of Toronto, Calgary, Edmonton, Winnipeg, Vancouver and Brampton.

Should Council approve this recommendation, the Office of the City Clerk will work with its electronic agenda vendor to provide Council meeting attendance and voting records on Open Ottawa. Staff anticipate providing datasets backdated to the beginning of the 2022-2026 Term of Council and the City Clerk will advise Council when the datasets are available by way of a memorandum.

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

### **Background – Accountability Framework**

As part of the 2010-2014 Governance Review, City Council endorsed the development of an Accountability Framework for the City, including a code of conduct for Members of Council and a low-cost lobbyist registry. These accountability and transparency mechanisms were in addition to existing initiatives such as the creation of the Office of the Auditor General in 2004 as well as the appointment of the Meetings Investigator and the approval of the Accountability and Transparency Policy and the Delegation of Powers Policy in 2007.

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 (enacting By-law No. 2012-309 establishing both the Lobbyist Registry and the Lobbyist Code of Conduct) and the position of Integrity Commissioner. The City of Ottawa's Integrity Commissioner fulfills three roles, acting as the Integrity Commissioner, Lobbyist Registrar and Meetings Investigator. In May 2013, Council approved additional major pieces of the Accountability Framework: the Code of Conduct for Members of Council, a Gifts Registry, the Council Expense Policy and the Community, Fundraising and Special Events Policy.

In March 2019, the Accountability Framework evolved to include the Code of Conduct for Members of Local Boards and a new municipal conflict of interest framework, including a public registry of declarations of interest.

The policies and practices of Council's Accountability Framework have been incorporated into the biennial governance review process. The Integrity Commissioner brings forward policy changes to the Accountability Framework through the governance reviews, in consultation with Members of Council, and based on emerging best practices and legislative changes.

## **2022 Annual Report of the Integrity Commissioner**

### **Part II, Recommendation 1: Receive the 2022 Annual Report of the Integrity Commissioner, attached as Document 6.**

The Integrity Commissioner is an independent and impartial statutory officer who reports directly to Council. Under Section 223.3 of the *Municipal Act, 2001*, the legislated duties of the Integrity Commissioner include:

- Application of codes of conduct for members of Council and members of local boards;
- Application of any other procedures, rules and policies governing the ethical behaviour of members of Council and members of local boards;
- Application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of Council and of local boards;
- Providing advice to members of Council and of local boards respecting their obligations under the code of conduct applicable to the member;



- Providing advice to members of Council and of local boards respecting their obligations under any other procedure, rule or policy of the municipality or local board governing the ethical behaviour of members;
- Providing advice to members of Council and of local boards respecting their obligations under the *Municipal Conflict of Interest Act*; and
- Providing educational information to members of Council and of local boards, the municipality, and the public about the municipality's codes of conduct for Members of Council and members of local boards and about the *Municipal Conflict of Interest Act*.

The City of Ottawa's Integrity Commissioner also fulfills the statutory roles of the Meetings Investigator (Section 239.2 of the *Municipal Act, 2001*) and Lobbyist Registrar (Section 223.11 of the *Municipal Act, 2001*).

Karen E. Shepherd began her term as Integrity Commissioner on September 1, 2021. As part of her mandate, Ms. Shepherd is responsible for providing City Council with an annual report on the various aspects of her 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 2022 Annual Report of the Integrity Commissioner is attached as Document 6.

### **Ethical Framework for Members' staff**

On June 23, 2021, Council considered a [report from the Integrity Commissioner](#) on an inquiry respecting the conduct of a Member of Council. The inquiry focused on a "triangular" relationship between three individuals that gave rise to an apparent conflict of interest: (1) the Ward Councillor who, at the time, also served as the Chair of the City's Planning Committee; (2) A planning and development professional whose company held contracts for services with the Councillor's Office; and (3) the daughter of the planning and development professional who, after a period of employment in her father's company, was employed as an Assistant focussed on planning matters in the Ward Councillor's Office.

The Integrity Commissioner found that the Councillor contravened Section 4 (General Integrity) of the Code of Conduct because the specific employment and contract relationships gave rise to a non-pecuniary, apparent conflict of interest. The Integrity Commissioner found that the Councillor also contravened Section 13 (Gifts, Benefits

and Hospitality) of the Code of Conduct because the planning and development professional's company provided unpaid work for the Councillor, a benefit which the Councillor had not disclosed on the public Gifts Registry as required under Section 13 of the Code of Conduct.

Among other matters, the Integrity Commissioner's inquiry determined that a Councillor's Assistant developed her own practice for making potential conflicts of interest known to the Member of Council to whom she reported. The inquiry also found discrepancies between that Member's recollection of an agreement with the employee on how to manage conflicts, and the employee's recollection of the same matter. In supplemental guidance appended to his report, the Integrity Commissioner wrote that the findings of the inquiry "highlighted the need for a consolidated ethical framework to assist Members' employees manage practical matters at the intersection of the Members' Code (of Conduct) and the Employee Code (of Conduct)."

The Integrity Commissioner recommended that "(a)n ethical framework setting out responsibilities specific to the Member, the employee, and any other party involved, could complement the Employee Code by providing additional specific guidance on a range of matters, including managing apparent, real and potential conflicts of interest."

The Integrity Commissioner recommended the ethical framework be a practical resource for Members of Council and their assistants, and it should, among other matters:

- Address key issues such as conflict of interest, including disclosure of financial interest, confidentiality and non-disclosure and engagement in outside business activities;
- Set out clear roles and responsibilities of all parties with respect to the key issues, including Members of Council as managers of City employees under their authority, Councillors' Assistants, the City Clerk and Human Resources;
- Confirm applicable Human Resources policy requirements for Members' staff; and
- Undergo review by the City Clerk, Integrity Commissioner, City Solicitor and City Manager as part of the regular governance cycle.

The Integrity Commissioner wrote that the City of Toronto's *Human Resources Management and Ethical Framework for Members' Staff* may serve as a useful model

for the ethical framework. As described on the City of Toronto's website, the *Human Resources Management and Ethical Framework for Members' Staff* is a "consolidated framework that sets out the roles and responsibilities of members of council for managing the City employees under their authority, and affirms applicable City Human Resources policy requirements for Members' staff." Of specific relevance to the City of Ottawa Integrity Commissioner's findings, the City of Toronto's *Human Resources Management and Ethical Framework for Members' Staff* lists specific duties and responsibilities of Members' staff in relation to the Code of Conduct for Members of Council, including:

- Prohibiting Members' staff from placing themselves or their Member of Council in a direct or perceived conflict of interest;
- Strongly recommending that Members' staff consult with the Member if they are unsure if there is a conflict or potential conflict with a specific situation; and
- Describing that a conflict may occur when a private interest "benefits the staff's family, friends or organizations in which the staff or his or her family or friends have a financial interest."

During debate on the Integrity Commissioner's report at its meeting of June 23, 2021, Council approved Motion No. 56/4 as follows, and with reference to the ethical framework as item (i):

**That Council Direct the City Clerk with the Integrity Commissioner, the City Solicitor and the City Manager to:**

- i. Develop an ethical framework for Members' staff as described in the Guidance section appended to the Integrity Commissioner's Report;**
- ii. Review and make recommendations for enhancing the procedure for the procurement of consultants by Members of Council, including developing criteria which Members are required to consider before entering into a contract with a consultant, and enforcing the requirement that consultants sign a non-disclosure agreement before work commences under each contract;**
- iii. Undertake a concurrent review of the Code of Conduct for Members of Council and the Lobbyist Code of Conduct and make**

**recommendations with respect to the practice of hiring consultants who are also registered lobbyists and the related issues as described in the Guidance section appended to the Integrity Commissioner's report; and**

- iv. Report on the recommended ethical framework for Members' staff, enhanced procedure for Members' procurement of consultants, and the outcome of the concurrent review of the Code of Conduct for Members of Council and the Lobbyist Code of Conduct for Council's consideration as part of the 2022-2026 Council Governance Review.**

The City of Ottawa's second Integrity Commissioner, Ms. Shepherd (appointed subsequent to the inquiry and report discussed above), as well as the City Clerk, City Solicitor and City Manager support the broad approach to a consolidated ethical framework for Members' staff as described in the former Integrity Commissioner's report.

It is expected that an ethical framework for Members' staff will supplement existing tools, such as the Code of Conduct for Members of Council, Employee Code of Conduct, and Council-Staff Relations Policy. The framework will also supplement practical matters addressed in the Councillors' Office Manual regarding employment contracts, confidentiality and non-disclosure, and information on mandatory training for Councillors' Assistants. It is expected that the ethical framework, when complete, will be appended to the Councillors' Office Manual so as to be accessible to all Members of Council and their staff.

At present, staff of the Innovative Client Services Department are undertaking an update to the Employee Code of Conduct with completion planned for Q4 2023. In order to ensure that the ethical framework for Members' staff serves as a practical complement to the Employee Code of Conduct, the Integrity Commissioner will await completion of the Employee Code before finalizing the ethical framework for Members' staff. Ms. Shepherd will provide an update on the Ethical Framework for Members' staff as part of the 2022-2026 Mid-term Governance Review.

## **Council-approved codes of conduct**

**Part II, Recommendation 2: Approve amendments to the Code of Conduct for Members of Council [By-law No. 2018-400], the Code of Conduct for Members of Local Boards [By-law No. 2018-399], and the Code of Conduct for Citizen Members of the Built Heritage Sub-Committee [By-law No. 2018-401] as described in this report and in Documents 7 to 9.**

### **Conflict of interest disclosure**

“Conflicts of interest confuse decision-makers and distract them from their duty to make decisions in the best interests of the public, which can result in harm to the community ... Having a conflict of interest is not in itself a sign of dishonesty. Honest people can and do find themselves in conflicts of interest ... Conflict itself may have nothing to do with unethical behaviour. The individual’s actions when faced with a conflict of interest are what matters.”

- Justice Denise Bellamy – “Good Government”, Volume 2, Toronto Judicial Inquiry (September 2005)

“Proactive financial disclosure is critical to transparency.”

- Associate Chief Justice Frank N. Marrocco – “Transparency and the Public Trust”, Collingwood Judicial Inquiry (November 2020)

As elected officials, Members of Council have a responsibility to place the interests of the public ahead of their own private interests. The *Municipal Conflict of Interest Act* (the MCI Act) obligates members of Council or a local board to avoid influencing decisions or partaking in decision-making in matters of which they have a pecuniary (financial) interest. When a member’s personal economic interests intersect with their public duty, it is imperative that members act with concern for the public good and not for their personal benefit.

The Integrity Commissioner has a statutory responsibility to advise members of Council and local boards on their obligations under their respective codes of conduct and the MCI Act. This includes providing members with conflict-of-interest advice and guidance on when they must refrain from participating in the discussion and vote on a matter in which they or a family member has a financial interest. It may also include implementing measures to address a real or apparent non-pecuniary conflict of interest or to mitigate the perception of a conflict of interest.

The MCI A deals with a Member's direct, indirect and deemed pecuniary (financial) interests. A direct conflict of interest is one that involves the Members' personal financial interests. An indirect conflict of interest arises when there is a tension between the Members' public duty as an elected official and their commitment to an external board or corporation. A Member has a deemed conflict of interest when a Members' family member (spouse, parents, child) has a financial interest in a matter. At Sections 5 and 5.1, the MCI A sets out specific statutory responsibilities members must uphold when they are faced with a pecuniary conflict of interest, as follows:

- Disclose the interest and its general nature before the matter is considered at the meeting;
- Not participate in the discussion of the matter nor vote on any question in respect of the matter;
- Not attempt, in any way, to influence the voting on any such question before, during or after the meeting; and
- File a written statement of the interest with the Clerk.

Non-pecuniary conflicts of interest are not covered in the MCI A. However, the Code of Conduct for Members of Council, at Section 4 – General Integrity, requires that Members “avoid the improper use of the influence of their office and shall avoid conflicts of interest, both apparent and real.” As described in greater detail above, Council considered a [report from the Integrity Commissioner](#) on an inquiry respecting the conduct of a Member of Council on June 23, 2021. The report dealt with a “triangular” relationship between three individuals, including the Member of Council, that the Integrity Commissioner found gave rise to an apparent conflict of interest. During debate on the Integrity Commissioner's report, Council approved the following direction as part of Motion No. 56/6:

**BE IT FURTHER RESOLVED that the Integrity Commissioner work with the Office of the City Clerk, as part of the 2022-2026 Governance Review, to include considerations for the City of Ottawa to further strengthen and clearly define policies for public office holders (as defined above), on how to avoid and declare conflicts of interests pertaining to family members who have professional interactions with the City; as well as strengthen the restrictions and barriers for distancing public office holders from their family members, when in the exercising of their duties.**

More recently, on October 5, 2022, Council also requested the Integrity Commissioner include the disclosure of personal relationships in her review of the Code of Conduct for Members of Council, as follows:

**WHEREAS in accordance with Section 223.1 of the *Municipal Act, 2001*, the City of Ottawa has established an Integrity Commissioner who has statutory oversight over the Code of Conduct for Members of Council; and**

**WHEREAS the Integrity Commissioner is currently reviewing the Code of Conduct for Members of Council as part of her forthcoming Annual Report, which will be appended to the 2022-2026 Governance Review report; and**

**WHEREAS Members of Council have authority to hire, manage and terminate their staff with relative impunity, which can create a power dynamic that is not in the best interests of a healthy workplace; and**

**WHEREAS this power dynamic may go beyond the internal affairs of a Member's Office, as Elected Officials may also form close personal relationships with other assistants or employees; and**

**WHEREAS City of Ottawa employees are required to identify any personal relationships with their colleagues to their direct managers;**

**THEREFORE BE IT RESOLVED that Council request the Integrity Commissioner review and consider updates to the Code of Conduct for Members of Council to address the issue of personal relationships between Members of Council and staff, including consideration of a requirement for a Member to disclose to the Integrity Commissioner when in a personal relationship with a Member's staff and implementing any other best practices as may be appropriate in a workplace environment.**

In response to Council's direction and request, the Integrity Commissioner reviewed practices in place in other municipal jurisdictions and levels of government as well as recent recommendations concerning municipal conflict of interest in Ontario, stemming from the Collingwood Judicial Inquiry (November 2020).

#### Financial disclosure at federal and provincial level

Both Members of Parliament (MPs) and Members of Provincial Parliament (MPPs) are required to proactively disclose financial interests shortly after taking office.

The [Conflict of Interest Code for Members of the House of Commons](#) requires that MPs file a disclosure statement of their financial and business interests within 60 days of taking office and annually thereafter. MPs must also disclose the financial interests of their spouse or common-law partner and dependent children. The federal Conflict of Interest and Ethics Commissioner may meet with Members or with a MP's family member to ensure adequate disclosure has been made. The Commissioner then prepares a disclosure summary that is available for public inspection in a public registry available online.

Similarly, the [Members' Integrity Act](#) requires MPPs file a disclosure statement with the provincial Integrity Commissioner within 60 days of being elected and annually thereafter. The disclosure must include a description of assets (including investments, properties, ownership of companies and pension entitlements) and liabilities (mortgages, lines of credit, unpaid taxes and co-signed loans) and their value, income from preceding 12 months or entitled to receive in next 12 months and the source, a list of all corporations and other organizations in which the member is an officer or director and any other information that the Commissioner requires. The disclosure must include financial interests of the Member's spouse and minor children. MPPs must meet with the Integrity Commissioner to ensure adequate disclosure has been made, after which a summary of the disclosure is accessible through an online public registry.

#### Financial disclosure in other municipal jurisdictions

Municipalities in other Canadian provinces are required under provincial legislation to file public disclosure statements. Municipal elected officials in British Columbia are required to make a written disclosure upon filing nomination papers for election to office and file a written disclosure annually while in office. The written disclosure must include corporate and business interests, sources of income, liabilities and property holdings (not including residential property). The disclosures are available for public inspection.

In Saskatchewan, all municipal elected officials must file public disclosure statements. The filing of the original public disclosure statement and annual updates is one of six eligibility requirements for provincial funding to local municipalities in support of the delivery of community services. If council members do not complete the required documents, the municipality's "municipal revenue sharing grant" may be withheld. Members of Council must complete three different forms and provide details of any source of income, corporate interests, business partnerships, property holdings and contracts/agreements for themselves, their spouse and their dependent children.



As of the start of the 2018-2022 Term of Office, PEI's *Municipal Government Act* requires that municipal codes of conduct include the requirement for each member of council to file a disclosure statement (in the form approved by the Minister) within 30 days of being elected or appointed and to update the disclosure statement annually. Members must disclose, for themselves and their spouse, sources of income, property holdings, liabilities, corporate interests, business arrangements/partnerships and contracts/agreements. The *Municipal Government Act* does not require that disclosure statements be available for public inspection, though individual municipalities have opted to make the disclosure statements public on the municipality's website (e.g., Charlottetown).

### Collingwood Judicial Inquiry

The Collingwood Judicial Inquiry, led by Associate Chief Justice Frank N. Marrocco, examined two major transactions: (1) the sale of a 50 per cent interest in the town's electric utility corporation (Collus Power Corporation) and (2) the construction of recreational facilities largely funded by the proceeds of the Collus Power share sale. Of particular note was the involvement of the Mayor's brother in both transactions from which he earned approximately \$1 million in consulting fees for his work.

Associate Justice Marrocco issued a four-volume report in which he set out a series of 309 recommendations directed to the Town of Collingwood but applicable to municipalities throughout the Province of Ontario. Associate Justice Marrocco summarized the impact of the sequence of events that led to the Inquiry, as follows:

“Undisclosed conflicts, unfair procurements, and lack of transparency stained both transactions, leading to fair and troubling concerns from the public. The evidence I heard and the conclusions I have drawn show that those concerns were well founded. When the answers to legitimate questions are dismissive, spun, or obfuscated, public trust further erodes.

When trust is lost, the relationship between the public and its municipal government may never be the same. The road back is arduous. Repairing the relationship requires self-reflection and a commitment to change.”

The recommendations cover a range of topics including roles and responsibilities for elected officials and staff, lobbying, procurement, municipally-owned corporations and municipal integrity commissioners. Two recommendations related to Members' responsibilities specifically touched on proactive financial disclosure by Members of Council:

**Recommendation 8:** “The Province of Ontario should amend the Municipal Act to include a provision mandating the annual proactive financial disclosure of private interests of elected municipal officials. Proactive financial disclosure is critical to transparency. The requirement should state that Council members must provide financial disclosure within 90 days of assuming office. Types of financial interests that Council members should disclose include profession, employment, or businesses; debts, property holdings, and directorships; as well as a list of family members who have related financial interests in these matters. Disclosure of these financial interests should be consistent with the disclosure currently required of provincial and federal elected officials in Canada. A record of these disclosures by Council members should be available to the public.

Before enacting this provision in the Municipal Act, the Province should consult Council members in municipalities across Ontario.”

**Recommendation 19:** “The Code of Conduct [for the Town of Collingwood] should include a provision mandating the annual financial disclosure of private interests of all elected municipal officials. The provision should state that Council members are required to provide financial disclosure within 90 days of assuming office. Types of financial interests that should be disclosed include profession, employment, or businesses; debts; property holdings; and directorships; as well as a list of immediate relatives who might have financial interests in these matters. (Recommendation 29 discusses which family relationships constitute “immediate relatives.”) A record of these disclosures by Council members should be available to the public.”

#### Section 4 (General Integrity) of the Code of Conduct for Members of Council

In consideration of Council’s request to strengthen policies to avoid and declare conflicts of interest, as well as the existing practices in other jurisdictions and most recent recommendations for enhancements to municipal accountability and transparency, the Integrity Commissioner recommends the implementation of regular disclosure of Members’ financial and business interests to her Office. This practice will enable Ms. Shepherd to provide Members with conflict-of-interest advice on a proactive basis, allowing time to consult with external legal counsel as required.

Ms. Shepherd recommends that a disclosure statement be filed within 60 days of a Member taking office and annually thereafter. An update would also be required as soon as possible after a Member either acquires a new interest or learns of a new

interest on the part of a parent, spouse or child. Members would be expected to disclose the following information for themselves and their family members (i.e., parent(s), spouse, children):

- Real property;
- Employment/source of income;
- Business assets; and
- External board/agency membership.

At this point in time, the Integrity Commissioner has outstanding concerns related to the mandatory, proactive disclosure of other conflicts of interest beyond what is addressed in the MCIA. Ms. Shepherd will continue to explore Council's request for mandatory disclosure of close personal relationships, examine opportunities to strengthen conflict of interest policies and report back to Council as part of the 2022-2026 Mid-term Governance Review. The Integrity Commissioner remains available to Members of Council seeking guidance on this or any other issue that may place the Member in breach of the Code of Conduct.

The Integrity Commissioner recommends amending Section 4 of the Code of Conduct for Members of Council as follows:

#### **Section 4 – General Integrity**

1. Members of Council are committed to performing their functions with integrity, accountability and transparency.
2. Members of Council are responsible for complying with all applicable legislation, by-laws and policies pertaining to their position as an elected official.
3. Members of Council recognize that the public has a right to open government and transparent decision-making.
4. Members of Council shall at all times serve and be seen to serve the interests of their constituents and the City in a conscientious and diligent manner and shall approach decision-making with an open mind.
5. Members shall avoid the improper use of the influence of their office and shall avoid conflicts of interest, both apparent and real.

- (a) **Members shall file a disclosure statement with the Integrity Commissioner, in the form provided by the Integrity Commissioner, within 60 days of being elected and annually thereafter. The statement shall disclose the Member's private interests, the private interests of the Member's parent(s), spouse, or child(ren).**
6. Members of Council 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.
7. For greater clarity, this Code does not prohibit members of Council from properly using their influence on behalf of constituents.

At this stage, the disclosure will remain confidential with the Integrity Commissioner and be used to advise Members on how to meet their obligations under the MCI. Ms. Shepherd will evaluate the process over the course of the next two years and report back to Council as part of the 2022-2026 Mid-term Governance Review with respect to her position on the publication of summarized disclosure statements.

### **Members' procurement of consultants**

At its meeting of June 23, 2021, Council approved Motion No. 56/4 directing the City Clerk with the Integrity Commissioner, City Solicitor and City Manager to, among other matters:

“Review and make recommendations for enhancing the procedure for the procurement of consultants by Members of Council, including developing criteria which Members are required to consider before entering into a contract with a consultant, and enforcing the requirement that consultants sign a non-disclosure agreement before work commences under each contract.”

As addressed in the section above titled, “Ethical Framework for Members' staff,” Motion No. 56/4 was introduced in response to a [report from the Integrity Commissioner](#) on an inquiry respecting the conduct of a Member of Council.

As the inquiry report demonstrated, the Councillors' Office Manual requires contracted vendors to sign a non-disclosure agreement with the Councillor's Office once services are retained. The Integrity Commissioner's inquiry, however, found no evidence that a non-disclosure agreement or confidentiality clause was in place during two contracts

between a Member of Council and a consultant. In guidance appended to his report, the Integrity Commissioner wrote that the results of the inquiry demonstrated a need for:

- “(a) The development of criteria which, under the Code of Conduct for Members of Council, Members are required to consider before entering into a contract with a consultant; and
- (b) A review of the procedure for Members of Council procuring consultants. The review could include a focus on the content of a non-disclosure agreement for consultants, as well as the procedures for ensuring non-disclosure agreements are signed with each contract and before work commences under that agreement.”

The Integrity Commissioner and City Clerk are recommending three measures to address the above-noted Council direction.

First, as discussed in Part IV of this report (Amendments to various by-laws, policies and related matters), it is recommended that the Council Expense Policy be updated to include the requirement that, when a Member of Council procures the services of a contracted vendor, the vendor shall disclose the following matters:

- Prior and/or ongoing lobbying activity with the City of Ottawa;
- Any other current employment relationships; and
- Any real or potential conflicts of interest, including family members or close associates working for the City of Ottawa.

If approved, the requirement would be in place for all service agreements going forward.

Second, it is recommended that the Councillors’ Office Manual be updated to include the requirement that a contracted vendor disclose the above-listed matters upon signing a non-disclosure agreement with the Member’s office.

Third, the Integrity Commissioner recommends that Section 11 of the Code of Conduct for Members of Council be updated to include a new provision in Subsection 11(2)(b), reflecting Members’ obligation to follow applicable City policies and procedures, as follows (emphasis added to indicate the recommended new provision):

Section 11 - Expenses

- (1) Members of Council are provided with a Constituency Services Budget with which to run their offices. Expenses include items such as: community events, contributions and sponsorship, office supplies and staffing. The *Council Expense Policy* outlines the specifics of how expenses, contributions and sponsorships are to be handled and disclosed.
- (2) Members of Council are required to:
  - (a) Adhere to the *Council Expense Policy* and related procedures and guidelines and ensure that conditions related to each expense are met; and
  - (b) Ensure the management of their offices is undertaken in accordance with all applicable policies and procedures.**
- (3) Falsifying of receipts or signatures by a Member of Council or their staff is a serious breach of this Code of Conduct and the *Criminal Code of Canada* and could lead to prosecution.

Introducing complementary updates to the Council Expense Policy, Councillors' Office Manual, and the Code of Conduct for Members of Council as described above underscores the importance of proper Office management and administrative oversight, including Members' duty to ensure that applicable policies and procedures are followed.

### **Complaint Protocol**

Each code of conduct is supplemented by a complaint protocol. The complaint protocol sets out the framework for receiving complaints, conducting investigations and reporting to Council.

Based on experience with formal complaints and investigations, the Integrity Commissioner is recommending the following two changes to the complaint protocols.

#### **Initial disclosure of information by respondent and complainant**

Once the Integrity Commissioner has completed her intake analysis of a formal complaint and determined an investigation is warranted, Section 9 of the Complaint Protocol sets out an initial exchange of information by the respondent and the complainant. Specifically, the Integrity Commissioner provides the respondent with a copy of the complaint and requests a response within 10 business days. The

respondent's reply is then provided to the complainant for their response within 10 business days.

The Integrity Commissioner has observed that this exchange of information can make it challenging to maintain confidentiality of potentially sensitive, personal, or confidential information and may inhibit a respondent from providing a complete and full disclosure.

These challenges are particularly relevant in cases where a complainant has made their complaint public or where the complainant is not directly involved or impacted by the conduct in question [i.e., has observed conduct they believe is in contravention of the Code of Conduct in a public setting or through public reports (e.g., media articles)].

The Integrity Commissioner recommends amending Section 9(1)(b) such that the Integrity Commissioner may exercise her discretion to provide the respondent's reply, or portions of the response, to the complainant for reply:

### **Section 9 – Investigation**

(1) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act*:

- 1) Provide the complaint and supporting material to the member whose conduct is in question with a request that a written response to the allegation be provided within ten business days; and
- 2) **May provide** a copy of the response, **or portions thereof**, to the complainant with a request for a written reply within ten business days.

### **Refuse to investigate**

Code of conduct investigations can be a time consuming, expensive and personally challenging process for all parties involved. The Integrity Commissioner's decision to investigate a formal complaint relies on careful consideration of the allegations and information before her.

Section 7 of the Complaint Protocol authorizes the Integrity Commissioner to exercise discretion in deciding whether a matter should be investigated. Specifically, the Integrity Commissioner may dismiss a formal complaint or terminate an investigation already underway if the Integrity Commissioner is of the opinion that the matter "is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds

for an investigation.” Accordingly, the Integrity Commissioner conducts a thorough intake analysis of every formal complaint filed with the Office.

Ms. Shepherd recommends expanding the reasons for which she may decline to investigate or continue an investigation. Specifically, the Integrity Commissioner recommends amending Section 7 to include situations where she determines there is no useful purpose for investigating or continuing an investigation. As experience with formal complaints and investigations has increased and evolved, it is the Integrity Commissioner’s opinion that having the ability to exercise her discretion in this manner will permit her to manage cases where a significant delay or suspension of an investigation materially changes the circumstances surrounding the original complaint, where an investigation into a matter may not be in the public interest, or where the matter has been resolved in some capacity. The decision to refuse to investigate will rely on a thorough examination of the relevant factors. The Integrity Commissioner also retains the authority to pursue a matter through informal resolution as appropriate.

Integrity Commissioners in other municipal jurisdictions, including Toronto and Winnipeg, have the discretion to terminate an investigation for “no useful purpose.” By way of example, in December 2020, the City of Toronto’s Integrity Commissioner terminated an investigation that had been delayed for three years. The investigation had been suspended when the previous Integrity Commissioner had referred the matter to the police. Following a police investigation, the laying of charges and the ultimate withdrawal of charges, the matter returned to the Integrity Commissioner. In coming to his conclusion that continuing the investigation would serve no useful purpose, the Integrity Commissioner considered the following factors:

- When the misconduct is alleged to have occurred,
- The nature of the alleged misconduct,
- The interests of the complainant,
- The interests of the respondent, and
- Public confidence in Code of Conduct investigations.

Ms. Shepherd recommends amending Section 7 to permit the Integrity Commissioner to refuse to investigate or continue an investigation if the Integrity Commissioner is of the opinion that the investigation “would serve no useful purpose”:



## **Section 7 – Refusal to Conduct Investigation**

The Integrity Commissioner may refuse to investigate a complaint or may terminate an investigation, if the Integrity Commissioner is of the opinion that:

- there are no grounds or insufficient grounds for an investigation;
- the complaint is frivolous, vexatious or not made in good faith; or
- **an investigation, or continuation of an investigation, would serve no useful purpose.**

### **Community, Fundraising and Special Events Policy**

**Part II, Recommendation 3: Approve amendments to the Community, Fundraising and Special Events Policy as described in this report and in Document 10.**

On May 8, 2013, Council considered the staff report titled, "[Council Expense Policy and Community, Fundraising and Special Events Policy](#)." Members of Council host a variety of ward-specific, community events and participate in, and sometimes lead, broader fundraising events for charities or other non-profit or community-based associations. The Community, Fundraising and Special Events Policy (CFSEP) was established to ensure Members' activities related to these types of events remained consistent with the principles of accountability and transparency.

The CFSEP focuses on two types of events: (1) Council Member-organized events and (2) occasions where Members lend their support to an external benevolent activity or event. With respect to Member-organized events, the CFSEP requires that Members create a separate City account, track all funds, goods and services donated, account for all expenses and distributions, and report out publicly on the financial aspects annually. Where Members engage in other benevolent activities involving not-for-profits, charities, etc., Members are expected to remain at arms-length of the event finances and, where more than \$25,000 in funds (net expenses) is raised, encourage public reporting of audited statements.

The Integrity Commissioner is not proposing any changes to the requirements set out in the CFSEP. However, the Policy has been updated to meet the City's Corporate Administrative Policy Framework template (e.g., policy statement, purpose, definitions, etc.), as well as to reflect minor updates to position titles. As these changes go beyond what is understood to be "housekeeping" revisions, the Integrity Commissioner is

recommending Council approve the amended Community, Fundraising and Special Events Policy.

### **Lobbyist Registry By-law**

**Part II, Recommendation 4: Approve amendments to the *Lobbyist Registry By-law* [By-law No. 2012-309] as described in this report and in Document 11, including the Complaint Protocol attached as Document 12.**

#### **Members' hiring of consultants who are also registered lobbyists and related issues**

As described in greater detail above, the report from the Integrity Commissioner considered by Council in June 2021 found that a consultant with an active lobbying file was retained by a Member of Council on three separate contracts. Their relationship with the Member allowed the consultant to benefit from preferential access while two of those contracts were active.

As part of his guidance appended to the inquiry report, the Integrity Commissioner recommended a concurrent review of the Code of Conduct for Members of Council and the Lobbyists' Code of Conduct, highlighting the following elements:

- a) The terms and conditions of non-disclosure agreements for consultants who are registered lobbyists, including specific restrictions on lobbyists' use of information received from a public office holder;
- b) Lobbyists' duty to disclose their lobbying activity, including the clients for whom they lobby, as part of any contract with a Member of Council;
- c) Merits of a prohibition on lobbying while under a City consulting contract;
- d) Merits of a "cooling off" period whereby a consultant would be required to refrain from lobbying for a set time after the contract ends; and
- e) Considerations related to apparent, real and potential conflict of interest.

The central theme of the inquiry report regards special circumstances that are created when a lobbyist enters into a contract with a public office holder. Hiring a lobbyist to provide expert advice does not constitute a problem in and of itself. Rather, the review and recommendations presented in this section focus on the responsibility of public office holders and lobbyists to mitigate conflicts of interest.

## Terms and conditions; duty to disclose lobbying activity; conflict of interest

In considering the terms and conditions for non-disclosure agreements when retaining consultants who are registered lobbyists, it is important to note that lobbying regulators do not typically have the authority to manage employment practices within their institutions. Instead, lobbying legislation across different jurisdictions tends to focus on the responsibility to avoid conflicts of interest and adhere to certain standards of behaviour when acting as a lobbyist.

For example, the federal *Lobbying Act* does not explicitly establish a regime for hiring consultants who are registered lobbyists. It does, however, require that lobbyists use information received from a public office holder “in the manner consistent with the purpose for which it was shared”.

In similar regard, lobbyists who work for the City are already required to maintain the confidentiality of information received from a public office holder retaining their services. The Lobbyists’ Code of Conduct requires that lobbyists:

- “not divulge confidential information unless they have obtained the informed consent of their client, employer, or organization, or disclosure is required by law”
- “not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization”

These requirements apply when a lobbyist is also contracted by the City of Ottawa to provide advice.

Regarding Members of Council, the non-disclosure agreement that contracted vendors must sign when their services are retained similarly requires that they:

- “receive and maintain in strictest confidence all the information disclosed to or accessed by [the vendor]”
- “not provide copies of any written or other tangible materials disclosed to, produced by or accessed by [the vendor] to any parties to other than authorized employees of Contractor or the City”
- “return to the City any materials provided by the City upon request thereof”

- “not make use of any information disclosed to, produced by, or accessed by [the vendor] for any purpose other than to perform the agreed upon services”

These requirements apply regardless of a vendor’s status as a lobbyist.

Ms. Shepherd asserts that these requirements, acting in tandem with the confidentiality provisions present in the Lobbyists’ Code of Conduct, adequately resolve the concerns regarding lobbyists’ access to confidential information.

The additional disclosure requirements proposed in the earlier section on Members’ procurement of consultants should further strengthen these protections, while also addressing the duty to disclose lobbying activity as part of a contract with a Member and considerations related to apparent, real and potential conflicts of interest.

#### Merits of a prohibition on lobbying while under a City consulting contract

In jurisdictions that manage competing interests while under a government contract, restrictions are structured in such a way that lobbyists are prohibited from:

- Lobbying any public office holder while under paid government contract to provide advice on the same subject matter
- Accepting a paid government contract to provide advice while also lobbying on the same subject matter

A similar restriction is reflected in the Lobbyists’ Code of Conduct under Section 5 – Competing Interests:

- 3) Lobbyists shall not lobby public office holders on a subject matter for which they also provide advice to the City

The Integrity Commissioner recommends that the existing restriction in the Lobbyists’ Code of Conduct be amended to state that:

- 3) Lobbyists **who receive remuneration to provide advice to the City shall not lobby public office holders on the same subject matter**

This amendment brings the Lobbyists’ Code of Conduct in line with other jurisdictions by tying a lobbyist’s responsibility to avoid a conflict of interest to the formal relationships created by remuneration. It also implies the reverse, in that a person who lobbies on a specific issue cannot accept remuneration from the City to provide advice on the same subject matter.

Merits of a “cooling off” period whereby a consultant would be required to refrain from lobbying for a set time after the contract ends

As noted above, in his report to Council in June 2021, the Integrity Commissioner determined that a consultant benefited from preferential access to the Councillor while under contract.

Consultants who are retained by public office holders of the City may have access to information, contacts and processes that others may not. While acting in their role as a person retained by the City, access to these resources may be necessary to perform their work. As pointed out by the inquiry report, however, the problem arises when a consultant’s contract ends, and they return to lobbying.

The intent behind a “cooling off” period for consultants would be to mitigate the impact of their access to information, contacts and processes gained while working for the City.

The issue of preferential access, however, is already addressed in the Code of Conduct for Members of Council and the Lobbyists’ Code of Conduct.

The Code of Conduct for Members of Council requires that Members:

- “... not use information that is obtained in [their] capacity as a member and that is not available to the general public... improperly to further another person’s private interest.” (Section 5(1), Confidential Information)
- “... not use the status of their position to influence the decision of another individual to the private advantage of... staff members, friends or associates, business or otherwise.” (Section 8(1), Improper Use of Influence)
- “... [not] use, or permit the use of City... supplies, services, staff or other resources... for activities other than the purposes connected with the discharge of Council duties or City business.” (Section 9(1), Use of Municipal Resources)

The Lobbyists’ Code of Conduct complements requiring that lobbyists:

- “... conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.” (Section 1, Honesty)
- “... not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.” (Section 4(3), Information and Confidentiality)

- “... advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.” (Section 5(2), Competing Interests)
- “... not lobby public office holders on a subject matter for which they also provide advice to the City.” (Section 5(3), Competing Interests)
- “... avoid both the deed and the appearance of impropriety.” (Section 6(1), Improper Influence)
- “... 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.” (Section 6(2), Improper Influence)

These provisions in the Code of Conduct for Members of Council and the Lobbyists’ Code of Conduct are enforceable requirements that carry consequences for their contravention. Along with the scrutiny of the public sector, these requirements form the basis of behaviour that public office holders and lobbyists must expect from each other.

For these reasons, and in considering the suggested enhancements to the process for hiring contracted vendors, the Integrity Commissioner does not recommend any changes under this item.

## **Post-employment**

During Council’s deliberations on June 23, 2021, Motion No. 56/6 was put forward and subsequently carried by Council. The motion directed the Integrity Commissioner to work with the Office of the City Clerk to introduce post-employment lobbying restrictions as part of the *Lobbyist Registry By-law*, and to include labour unions and labour associations as part of that review.

### Post-employment lobbying restrictions in other jurisdictions

The Integrity Commissioner surveyed jurisdictions that are part of the Lobbyists Registrars and Commissioners Network, a group of Canadian lobbying regulators at the federal, provincial/territorial and municipal level.

#### *Length of post-employment restrictions*

Across all jurisdictions with post-employment restrictions, the length of time to which a former public office holder is prohibited from lobbying ranges from six months (in Prince Edward Island) to five years (at the Federal level).

The most common length for post-employment restriction is one year.

### *Restrictions on lobbying*

Specific restrictions on lobbying vary across jurisdictions as well. In the most straightforward prohibitions, former employees are subject to a total ban on lobbying on any matter, e.g.:

- “... an individual who is a former public office holder must not lobby as a consultant lobbyist, in relation to any matter ...” (Yukon)
- “... an person who is a former public-office holder shall not lobby as a consultant lobbyist ... or an in-house lobbyist ...” (Prince Edward Island)
- “No individual shall, during a period of five years after the day on which the individual ceases to be a public office holder ... carry on the activities referred to in paragraph 5(1)(a) or (b) ...” (Federal)

Other jurisdictions restrict lobbying directed at the government for which the former public office holder worked, e.g.:

- “... no former public office holder who is a former member of the Legislative Assembly shall lobby a ministry or government institution ...” (Saskatchewan)

Restrictions might also target the specific office or institution for which the former public office holder worked, e.g.:

- “... no former public office holder ... who formerly occupied a prescribed position in a government institution shall lobby the government institution ...” (Saskatchewan)
- “No person may lobby a public office holder who is employed or serves in the same parliamentary, governmental or municipal institution in which the person held a public office ...” (Quebec)

### *Application*

Across all jurisdictions, post-employment restrictions are most applied to senior public office holders, as well as elected officials and their staff.

### Recommendation

The Integrity Commissioner recommends the addition of a new section under Part III – Registration and Reporting of Lobbying Activity:

#### **Section 7 – Post-employment lobbying restrictions**

- 1) No person who is a former public office holder of the City shall lobby the City for a period of one year after the date the person ceased to be
  - a. A Statutory Officer of the City, including:
    - i. The City Treasurer
    - ii. The City Clerk
    - iii. The City’s Auditor General
    - iv. The City’s Integrity Commissioner
    - v. The City’s Chief Building Official
  - b. The City Manager
  - c. A member of the City’s Extended Senior Leadership Team, including directors and managers
  - d. An elected official
  - e. A staff member of an elected official

This recommendation is in line with practices in other jurisdictions, as well as the spirit of the City’s Lobbyist Registry By-law – in that lobbying is a legitimate activity that simply needs to take place in a transparent manner. The prohibition length of one year and the restriction on lobbying the City duly mitigate the risks of conflicts of interest between former colleagues, without unduly limiting the former public office holder’s employment prospects.

The restrictions in this section are not retroactive and would start from the day of approval.



As the relevant public office holders targeted by this change are not unionized staff, labour unions and labour associations were not included in this review. The Integrity Commissioner will monitor activity under these restrictions and report back to Council with any necessary amendments as part of the 2022-2026 Mid-term Governance Review.

### **“Housekeeping” amendments**

The Integrity Commissioner recommends the following “housekeeping” amendments to the *Lobbyist Registry By-law*.

#### Remove exemption 4(9)

The *Lobbyist Registry By-law* defines lobbying as:

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

Communications that fall under the definition above are considered lobbying and must be entered into the City’s Lobbyist Registry.

In practice, by considering the definition of lobbying with the exemptions listed in the by-law, the Integrity Commissioner uses the following criteria to determine if lobbying has occurred:

- The communication was initiated by a person substantively advancing a financial and/or business interest
- The communication was unsolicited
- The communication involved a matter relevant to the approached public office holder
- The communication took place outside of the City’s normal business processes

Exemption 4(9) of the *Lobbyist Registry By-law* addresses “solicited” communications by removing the registration requirement from communications:

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

Ms. Shepherd's opinion is that any communication that constitutes lobbying requires registration despite who initiates the communication.

Lobbying is a legitimate activity, whether it is solicited or unsolicited. The benefits of the Lobbyist Registry are lost, however, when conversations between public office holders and people who want to do business with the City are not recorded. In pursuing the goal of transparency and the maintenance of public trust embodied by the Lobbyist Registry, the Integrity Commissioner recommends the removal of exemption 4(9).

#### Introduce a profile review requirement

The City of Toronto requires lobbyists to advise the Registrar of the termination or the continuation of an undertaking at prescribed intervals. In-house lobbyists are also required to inform Toronto's Lobbyist Registrar of changes in their employment status. These legislative requirements are supported by various tools within the City of Toronto's Lobbyist Registry system, including automatic audits and automatic file closures.

The *Lobbyist Registry By-law* does not currently require lobbyists to review their profiles. Consequently, the status and quality of the 2,910 profiles registered in the system are of varying quality and accuracy. In moving towards a more accurate Registry, the Integrity Commissioner recommends the addition of one new item under Section 6 – Lobbyists:

Lobbyists shall review their profiles every six (6) months to ensure that the information contained therein is current and complete

The Integrity Commissioner intends to implement technical solutions to reduce the burden on lobbyists in reviewing their profiles. This will form part of an overall review of the Lobbyist Registry application, which originally launched in September 2012 with few significant upgrades since that time.

#### Clarification that Code applies to unregistered lobbyists

The *Lobbyist Registry By-law* ties a person's status as a lobbyist to the act of lobbying. A person who lobbies a public office holder is immediately considered to be a lobbyist, regardless of their registration status in the 15 business days after their communication has taken place.

To provide further clarity on the application of the by-law and the Code to unregistered lobbyists, the Integrity Commissioner recommends the addition of one new item under Section 6 – Lobbyists:

A person who lobbies as defined by the By-law is subject to the By-law whether they are registered or not.

### **Complaint Protocol**

As the Integrity Commissioner noted in her 2022 Mid-year report, there is currently no protocol in place for investigations by the Lobbyist Registrar of alleged breaches of the *Lobbyist Registry By-law* or Lobbyists' Code of Conduct. Ms. Shepherd recommends the addition of a complaint protocol to the *Lobbyist Registry By-law* to enhance transparency of the Lobbyist Registrar's process and to formalize existing processes. The draft complaint protocol is attached at Document 12.

### **Posting memoranda to ottawa.ca**

**Part II, Recommendation 5: Approve that memoranda issued to Council by the Senior Leadership Team and Associate General Managers shall be posted to ottawa.ca, as described in this report.**

The Office of the City Clerk recommends an added transparency measure such that memoranda sent to Members of Council be made available on ottawa.ca.

Currently, when memoranda are issued to City Council by the Senior Leadership Team or their designates, Public Information and Media Relations shares the information with the media, thereby making the information public.

Staff recommend that in addition to the above practice, such memoranda be made available through an online repository, in keeping with the Routine Disclosure and Active Dissemination Policy, which advances the view that records should be made available to residents in a proactive manner.

Staff anticipate uploading the documents to ottawa.ca every two weeks to ensure that documents are translated and meet web accessibility requirements prior to posting. Staff note that memoranda that would be subject to provisions of the *Municipal Freedom of Information and Protection Privacy Act* (MFIPPA), such as memoranda that contain solicitor-client privileged information, would not be proactively disclosed and would continue to require a formal request under MFIPPA.

## **PART III – LOCAL BOARDS**

### **City Council’s broad authority with respect to certain “local boards”**

The *Municipal Act, 2001* (the Act) sets out general and specific powers that provide for municipal governance and service delivery. As described below, this includes a municipal Council’s broad authority regarding matters relating to “local boards,” which generally includes a variety of local entities (agencies, boards, committees and commissions) that typically have ties to an element of municipal business.

Under the Act as well as other pieces of legislation such as the *Municipal Elections Act, 1996* (MEA), each entity deemed a “local board” under a statute may be subject to provisions that require it to establish certain by-laws, policies, rules or procedures, and/or making it subject to particular oversight mechanisms. As Council may have broad authority with respect to these local boards, it is necessary to determine which of the local entities are considered to be “local boards” for the purposes of applicable statutory provisions.

However, determining what is considered to be a “local board” for any particular statutory requirement is not always a simple task. While legislation typically includes a broad definition of a “local board,” provisions relating to specific by-law, policy, or oversight requirements may further refine that broad definition and expressly include or exclude certain entities from the requirement. Furthermore, some entities are not included in the broad statutory definition of a “local board,” but have features consistent with other local boards that appear in that definition. Therefore, a case law test has been established to determine whether or not a particular local entity not expressly defined in the legislation may be considered to be a “local board” for certain requirements, as described below.

### **How is a “local board” defined for specific statutory requirements?**

Subsection 1(1) of the *Municipal Act, 2001* provides a broad definition of “local board” as “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.”

That said, the broad definition of “local board” is further refined within the legislation for various provisions and requirements under the Act. This includes, for example,

provisions that set out the broad authority for single-tier municipalities such as the City of Ottawa. In this regard, sections 8, 9 and 10 of the Act speak to general municipal powers, including a municipality's oversight authority with respect to certain "local boards," as follows:

- Subsection 8(1) of the Act states that, "The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues."
- Section 9 further states that, "A municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act."
- Under a broad authority set out in Subsection 10(1) of the Act, a single-tier municipality "may provide any service or thing that the municipality considers necessary or desirable for the public." Subsection 10(2) of the Act further provides that single-tier municipalities may pass by-laws respecting 11 general matters, 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**; and
  3. Financial management of the municipality **and its local boards**.

With respect to the above-noted references to "local boards," it should be noted that Subsection 10(6) of the Act provides that "local board" in Section 10 means a local board other than a board of health, a police services board, a public library board, and a corporation established in accordance with Section 203 of the Act, among others.

Similarly, the broad definition of "local board" set out in Subsection 1(1) of the Act is further refined for other provisions and requirements, as set out in the table below.

Requirement/Provision	Specific statutory definition of “local board” for the purposes of the requirement
<ul style="list-style-type: none"> <li> <p><b>• Procedure by-law requirements</b></p> <p>Certain local boards are required to pass a procedure by-law for governing the calling, place and proceedings of meetings, including public notice of meetings [Subsections 238(2) and 238(2.1) of the Act].</p> </li> <li> <p><b>• Open meeting requirements</b></p> <p>Certain local boards must hold open meetings except in particular circumstances set out in the Act. Certain local boards will also be subject to a municipality’s Meetings Investigator appointed to review requests for investigation regarding whether a meeting of a local board was properly closed to the public [sections 239 to 239.2 of the Act].</p> </li> </ul>	<ul style="list-style-type: none"> <li> <p>• “Local board” does not include police services boards or public library boards [Subsection 238(1) of the Act].</p> </li> </ul>
<ul style="list-style-type: none"> <li> <p><b>• Mandatory policy requirements</b></p> <p>Certain local boards must adopt and maintain policies with respect to:</p> <ol style="list-style-type: none"> <li>1) The sale and other disposition of land;</li> <li>2) Hiring of employees; and</li> <li>3) Procurement of goods and services [Subsection 270(2) of the Act].</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li> <p>• “Local board” means,</p> <p>(a) a local board as defined in section 1, excluding a police services board and a hospital board,</p> <p>(b) a local services board, a local roads board and any other board, commission or local authority exercising any power with respect to municipal affairs or purposes in unorganized territory, excluding a school</p> </li> </ul>

Requirement/Provision	Specific statutory definition of “local board” for the purposes of the requirement
	<p>board, a hospital board and a conservation authority,</p> <p>(c) a district social services administration board,</p> <p>(d) a local housing corporation as defined in the <i>Housing Services Act, 2011</i>, despite clause 26 (b) of that Act, and</p> <p>(e) any other prescribed body performing a public function [Subsection 269(1) of the Act].</p>
<ul style="list-style-type: none"> <li>• <b>Code of conduct for members of local boards</b></li> </ul> <p>Members of certain local boards are subject to a mandatory code of conduct for members of local boards as established by Council [Section 223.2 of the Act]. The City of Ottawa’s Code of Conduct for Members of Local Boards is overseen by the City’s Integrity Commissioner.</p> <ul style="list-style-type: none"> <li>• <b>Oversight role of municipal Integrity Commissioner with respect to the <i>Municipal Conflict of Interest Act</i></b></li> </ul> <p>The City’s Integrity Commissioner has a role with respect to the application of sections 5, 5.1 and 5.2 of the <i>Municipal Conflict of Interest Act</i> to local boards [Section 223.3 of the Act]. These</p>	<ul style="list-style-type: none"> <li>• “Local board” means a local board other than, <ul style="list-style-type: none"> <li>(a) a society as defined in subsection 2 (1) of the <i>Child, Youth and Family Services Act, 2017</i>,</li> <li>(b) a board of health as defined in subsection 1 (1) of the <i>Health Protection and Promotion Act</i>,</li> <li>(c) a committee of management under the <i>Fixing Long-Term Care Act, 2021</i>,</li> </ul> </li> </ul>

Requirement/Provision	Specific statutory definition of “local board” for the purposes of the requirement
<p>sections relate to the duty of a member with respect to matters such as disclosure of interest.</p> <ul style="list-style-type: none"> <li> <b>Oversight role of municipal Auditor General</b> </li> </ul> <p>The City’s Auditor General has oversight over certain local boards. Subsection 223.19(3) of the Act provides that, “in carrying out his or her responsibilities, the Auditor General may exercise the powers and shall perform the duties as may be assigned to him or her by the municipality in respect of the municipality, its local boards and such municipally-controlled corporations and grant recipients as the municipality may specify.”</p> <p>It should also be noted that the Auditor General also has oversight over certain “municipally-controlled corporations,” which are defined in Section 223.1 of the Act as “a corporation that has 50 per cent or more of its issued and outstanding shares vested in the municipality or that has the appointment of a majority of its board of directors made or approved by the municipality, but does not include a local board as defined in subsection 1(1).” Subsection 6(7)(c) of the <i>Auditor General By-law</i> (By-law No. 2021-5) sets out the Auditor General’s oversight with respect to “municipally-controlled corporations as defined in the <i>Municipal Act, 2001</i> ... and as may be further prescribed in Schedule ‘A’ to this by-law.”</p>	<p>(d) a police services board established under the <i>Police Services Act</i>,</p> <p>(e) a board as defined in section 1 of the <i>Public Libraries Act</i>,</p> <p>(f) a corporation established in accordance with section 203,</p> <p>(g) such other local boards as may be prescribed. [Section 223.1 of the Act]</p>



The MEA also includes a broad definition of local board that is further refined, as noted in the table below.

Requirement/Provision	Specific statutory definition of “local board” for the purposes of the requirement
<ul style="list-style-type: none"> <li> <b>Election-Related Resources Policy requirements (Rules and Procedures)</b>             Certain boards must establish rules and procedures regarding use of board resources during the election campaign period [Section 88.18 of the MEA].         </li> </ul>	<ul style="list-style-type: none"> <li>           Under Subsection 1(1) of the MEA, the broad definition of “local board” is [emphasis added]:             “a local board <b>as defined in the <i>Municipal Affairs Act</i></b>, including a police village.”         </li> <li>           Subsection 1(1) of the <i>Municipal Affairs Act</i> provides the following, more detailed, definition of the term “local board,” as follows:             “local board” means a school board, 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 or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof.         </li> </ul>

**How is a “local board” determined if the local entity is not expressly identified in the statutory definition?**

The above-noted definitions set out some specific entities that are or are not considered to be “local boards” for certain requirements under the legislation. That said, other entities may not be expressly identified within the definitions but may still be considered to be “local boards” for the purposes of certain requirements. A case law test has been developed to assist in identifying these entities.

By way of background, on November 28, 2007, Council considered the staff report titled, [“Bill 130 – A Review of Ottawa’s Agencies, Boards, Committees and](#)

[Commissions](#),” which provided the first review of local entities to determine which are considered to be the City’s “local boards” for the purposes of statutory requirements. The methodology set out in that 2007 report included a four-part test of criteria that courts have considered when determining whether a particular entity not expressly identified in the Act is deemed to be a “local board.” The test was later applied by the Ontario Ombudsman in closed meeting reports.

Briefly, the initial four-part test includes as follows:

1. A direct link with the municipality must be found (either by way of legislation or authority from the municipality);
2. The entity must be carrying on the affairs of the municipality (as set out in the definition of the *Municipal Act, 2001*);
3. There must be a connection to or control by the municipality; and
4. There must be an element of autonomy.

As described in the 2018-2022 Governance Review report, an additional part was added to this test further to a Divisional Court ruling in the case of *City of Hamilton v. Ombudsman of Ontario, 2017* (ONSC 4865), which found that the City of Hamilton’s Election Compliance Audit Committee and Property Standards Committee were not “local boards” for the purposes of the open and closed meeting provisions in the *Municipal Act, 2001*. In particular, the Court found that the purpose of these entities, as defined in their respective enabling legislation and as established by the City of Hamilton, was inconsistent with the City’s authority to dissolve a local board and assume its functions. In both instances with the Hamilton committees, the Court determined that the Council could not dissolve those committees and take over the responsibilities of those entities. Accordingly, in certain circumstances, an additional indicator that an entity has “local board” status may be as follows:

5. Whether the municipality has the ability to dissolve the entity and assume its functions pursuant to Section 216 of the *Municipal Act, 2001* and *Ontario Regulation 582/06: Dissolution of and Assumption of Powers of Local Boards*.

As previously described in this report, it should also be noted that on December 15, 2021, a Divisional Court decision in the case of *Kroetsch v. Integrity Commissioner for the City of Hamilton, 2021* (ONSC 7982) found that the City of Hamilton’s LGBTQ Advisory Committee is a local board under the *Municipal Act, 2001*. Specifically, the Court found that, consistent with the definition of “local board” in the *Municipal Act*,

2001, the City of Hamilton had established the LGBTQ Advisory Committee utilizing Council's powers under the *Municipal Act, 2001* for a purpose that relates to the City's affairs and purposes.<sup>3</sup> The decision further noted that the LGBTQ Advisory Committee was not an "ad hoc informal committee." Specifically, the Committee is established in accordance with Hamilton's Council Procedure By-law which formalizes the criteria, function, operations and reporting for Advisory Committees, and requires Advisory Committee members to abide by a code of conduct. The court found that the LGBTQ Advisory Committee has "a measure of independence, but it is integral to the day-to-day business of the City."<sup>4</sup>

As described below, the relevant legislative provisions and case law test have been applied to provide an update for the 2022-2026 Governance Review regarding which local entities are considered to be "local boards" of the City of Ottawa for various statutory requirements. Staff also provide an update regarding the compliance status of local boards with respect to their statutory requirements.

### **Local board review and compliance update**

**Part III, Recommendation 1: Receive the updated listing of local boards in Document 13 and the status report on the compliance of local boards with respect to their *Municipal Act, 2001* policy requirements, as described in this report.**

Given Council's statutory oversight role with respect to local boards, past governance reviews have examined the City's agencies, boards, committees and commissions to determine which of these entities is a "local board" of the City and therefore subject to certain statutory requirements. An updated list of entities that qualify as "local boards" is attached as Document 13.

It should be noted that the ByWard Market BIA Board and Marché d'Ottawa Markets Board are collaborating on a governance review of district operations in consultation with Planning, Real Estate and Economic Development staff. The BIA Board has notified City staff and the City Clerk that it may seek to wind down its operations. A further update will be provided by Economic Development staff by Q2 2023.

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<sup>3</sup> [Kroetsch v. Integrity Commissioner for the City of Hamilton](#), 2021 ONSC 7982 (CanLII), at paragraph 45.

<sup>4</sup> *Ibid.*, at paragraph 49.

## Compliance status

Further to Council's consideration of the 2018-2022 Mid-term Governance Review report on December 9, 2020, staff were directed to provide an update on the compliance status of local boards with their statutory requirements in the 2022-2026 Governance Review. As such, the City Clerk asked local boards to provide their current by-laws, policies and rules, as applicable.

At the time of writing, it appears that all local boards are generally compliant with respect to their requirements under the *Municipal Act, 2001*, apart from some additional work that may be required further to any review of the City's Advisory Committees following the above-noted recent Divisional Court decision<sup>5</sup>, and to clarify one board's approach to the policy with respect to the sale and other disposition of land. It should be noted that while the Office of the City Clerk seeks to ensure that local boards have approved the required by-law/policies, it is the responsibility of each local board to meet their obligations and ensure the adoption and contents of any by-laws, policies and rules meet statutory or legal requirements.

By way of some additional background, before and after previous local board reviews, the Office of the City Clerk advised entities identified as local boards of their specific responsibilities under the legislation. In some instances, local boards were 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 was done separately with Business Improvement Areas (BIAs). On June 9, 2021, Council considered the staff report titled, "[City of Ottawa – Business Improvement Area Governance](#)," and approved the *Business Improvement Area (BIA) Governance By-law* and the Council-BIA Relations Policy. Council further directed each BIA Board of Management to adopt and provide to Economic Development Services staff by the end of Q1 2022 minimum provisions with respect to statutory requirements relating to a procedure by-law, as well as mandatory policies with respect to sale and other disposition of land, hiring of employees, and procurement of goods and services, and rules and procedures with respect to the use of board resources during the election campaign period pursuant to Section 88.18 of the *Municipal Elections Act, 1996*. Further

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<sup>5</sup> As described in Document 13, the City's Advisory Committees were identified prior to the above-noted Divisional Court ruling as not being "local boards" subject to requirements of the *Municipal Act, 2001* and *Municipal Elections Act, 1996*.

to these efforts, Economic Development staff confirmed that all BIAs have adopted the required documents.

The Office of the City Clerk will continue to monitor statutory requirements and case law relating to local boards, and will provide information to any new entities established by the City with respect to any applicable requirements.

### **Board of Health public members**

#### **Part III, Recommendation 2: Approve the interim appointment of the current public members on the Board of Health pending finalization of the selection process for the appointment of public members for the full 2022-2026 Term of Council.**

The Ontario *Health Protection and Promotion Act* and By-law No. 2011-38 (being a by-law of the City of Ottawa to establish the size of the Board of Health for the City of Ottawa Health Unit) prevent members of the Board of Health from continuing to serve past the expiration of the Term of Council.

Specifically, Subsection 49(7) of the *Health Protection and Promotion Act* states: “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.” Similar language appears in Section 2 of By-law No. 2011-38.

The Board of Health includes six Members of Council and five public members. It is expected that the appointment of Members of Council to serve on the Board of Health for the 2022-2026 Term of Council will be finalized relatively quickly through the Nominating Committee process. However, it is anticipated that the selection and appointment process for new public members will not be finalized until early 2023.

In order to ensure that the City of Ottawa continues to have a fully-appointed and functioning Board of Health that is able to address any urgent requirements, staff recommend the interim appointment of the 2018-2022 Board’s public members who have expressed a willingness to continue to serve pending the outcome of the public recruitment process. A similar approach for public members was accomplished by way of motion at the start of the 2018-2022 Term of Council.

Despite any interim appointments approved by Council, all public members wishing to seek reappointment to the Board of Health for the full 2022-2026 term would be required to apply and be subject to the same selection process as all other citizen

candidates seeking to be appointed to the Board, in accordance with the Council-approved Appointment Policy.

### **Support for the Ottawa Board of Health and Ottawa Police Services Board Chairs**

**Part III, Recommendation 3: Approve that the Chairs of the Ottawa Board of Health and the Ottawa Police Services Board each be provided with a half Full-time Equivalent (FTE) position to support their roles, to be funded by existing resources, as described in this report.**

As part of the 2018-2022 Mid-term Governance Report, Council approved a two-year pilot project to provide the Chair of the Ottawa Board of Health and the Chair of the Ottawa Police Services Board with a temporary half Full-time Equivalent (FTE) position to support their roles, so that board-related work would not take away from the Members' responsibilities to their constituents.

The funding of additional support for the two Board Chairs is consistent with the way in which Council has previously recognized the additional workload placed on Standing Committee Chairs and Members serving as Deputy Mayors in past governance reviews, as follows:

- 2006-2010 Mid-term Governance Review: In recognition of the increased workload of Committee Chairs, the office budgets of certain Standing Committee Chairs were increased by approximately 0.5 of an FTE position;
- 2010-2014 Mid-term Governance Review: With the formalization of the Deputy Mayor role as part of the 2010-2014 Governance Review, it was noted that the appointed Deputy Mayors were regularly called upon to represent the Mayor at events that he could not attend due to previous commitments. In recognition of the continuing and significant workload, a temporary FTE position was provided to support the role of the Deputy Mayors so that the work carried out on behalf of the Mayor did not take away from the Deputy Mayors' services to their constituents; and
- 2014-2018 Mid-term Governance Review: In recognition of the additional work required of the Planning Committee's Chair, a full FTE was provided to the Chair to assist in managing the Committee workload.

Over the course of the 2018-2022 Term of Council, both the Chair of the Board of Health and the Chair of the Police Services Board experienced a significant increase in

workload. While some of the added pressure can be attributed to unexpected and unprecedented events such as the COVID-19 pandemic and the 2022 truck convoy protests, the general workload associated with these boards has placed greater demands on the Chairs and their staff.

During consultations for the 2022-2026 Governance Review, there was general consensus among Members that the additional support of 0.5 of an FTE position for each of the Chairs of the Ottawa Board of Health and the Ottawa Police Services Board should continue. For the past two years, the temporary support for the two Board Chairs was funded from the Council Administration Budget. It is recommended that the funding required – which includes salary, benefits and ancillary costs – continue to be accommodated from within existing resources in this budget.

### **Ottawa Investment Board**

#### **Part III, Recommendation 4: Approve the following with respect to the Ottawa Investment Board:**

- a. Receive the update on the Ottawa Investment Board; and**
- b. Delegate the authority to appoint the members of the Ottawa Investment Board to the Selection Panel as described in this report.**

At its meeting of June 22, 2022, City Council established an Investment Board to manage and oversee the City's investment of funds not immediately required, further to its approval of the report titled, "2021 Investments, Endowment Fund, and other Treasury Activities." An update regarding the Ottawa Investment Board is provided below along with a related recommendation with respect to member appointments.

#### **Mandate of the Ottawa Investment Board**

In conjunction with an Outsourced Chief Investment Officer (OCIO), the Ottawa Investment Board will adopt and follow an Investment Plan using the OCIO model of investment. The Investment Plan will outline how the City's funds not immediately required are to be invested and proportioned among various asset classes that aligns with the Statement of Investment Procedures and the Prudent Investor Standard.

## **Board composition and delegating authority to appoint members**

Ontario Regulation 438/97 provides that, other than the Treasurer of a Municipality, an officer or employee of any municipality or a Member of Council of any municipality may not be appointed to the Board.

As such, the Ottawa Investment Board will be comprised of the City's Chief Financial Officer (CFO), who will serve as the Board's Chair, as well as four public members and one reserve member. The Manager, Treasury will be a non-voting Secretary of the Board.

The term for public members will be four years, with a maximum of two consecutive terms. Staff intend to initially stagger appointments, such that two of the four public members will be appointed for two years to ensure Board continuity between members' terms.

The CFO is recommending that the public members of the Board collectively represent a range of skills, knowledge and experience to discharge their duties in an effective manner, including:

- Executive level experience in a major public or private organization;
- Experience with pension funds, endowments, foundations, corporate treasuries and investments;
- Professional skills relating to investment and/or debt management as well as an understanding of risk and financial administration within the framework of the Prudent Investor Standard;
- Demonstrates understanding of an Outsourced Chief Investment Officer (OCIO) model of investment;
- Post-graduate degree in any one of the fields of: finance, business, economics, risk management, accounting, public administration, or related fields that may include certification such as a Chartered Financial Analyst (CFA) designation, Chartered Investment Manager (CIM) designation, Chartered Professional Accountant (CPA) designation or equivalent would be an asset;
- Possession of sound judgement and knowledge of good governance; and
- Understanding of the principles of public accountability and integrity.



The Financial Services Department (FSD) will undertake targeted recruitment in accordance with the above criteria through the Chartered Financial Analyst Society Ottawa Chapter, the Association for Financial Professional – Ottawa, and the Chartered Professional Accountants of Ontario.

Given the subject matter expertise required to serve on the Ottawa Investment Board, the FSD recommends that applicants be considered and appointed by a Selection Panel composed of the following City staff:

- Deputy City Treasurer
- Manager, Treasury
- Senior Investment Officer
- Treasury Risk Management and Systems Analyst
- Senior Legal Counsel

Appointments to the Ottawa Investment Board will be communicated to City Council by way of a memorandum from the City Treasurer. The FSD anticipates that appointments to the Board will be made and communicated to Council no later than Q1 2023.

### **Reporting to City Council**

The FSD reports annually to the Finance and Economic Development Committee (FEDCO) and City Council through an Investments, Endowment Fund and other Treasury Activities report. As part of that report, the FSD provides FEDCO and Council with information on the City's investments in accordance with City's Investment Policy and Section 8(1) of Ontario Regulation 438/97.

With the creation of the Ottawa Investment Board, the FSD will include an annual report from the Board as part of its Investments, Endowment Fund and other Treasury Activities report.

### **Local board statutory requirements**

In accordance with Ontario Regulation 438/97, an Investment Board means, "a municipal service board that is established under Section 196 of the Act." Section 196 of the *Municipal Act, 2001* (the Act) authorizes a municipality to establish a municipal service board. Subsection 197(3) further provides that a municipal service board "is a

local board of the municipality for all purposes.” As such, the Ottawa Investment Board is a “local board” of the City and is subject to the various requirements set out under the Act.

As a “local board,” the Ottawa Investment Board is subject to a number of mandatory requirements and provisions set under the *Municipal Act, 2001* (the Act) and the *Municipal Elections Act, 1996* (MEA), as follows:

- Must pass a procedure by-law in accordance with Subsection 238(2) of the Act;
- Must adopt and maintain policies with respect to its sale and other disposition of land, its hiring of its employees and its procurement of goods and services, as set out in Subsection 270(2) of the Act;
- Must establish rules and procedures with respect to the use of board resources during the election campaign period, pursuant to Section 88.18 of the MEA;
- Subject to open meeting requirements in Section 239 of the Act, and the City’s Meetings Investigator;
- Subject to the Code of Conduct for Members of Local Boards, further to Section 223.2 of the Act;
- Subject to the Integrity Commissioner’s role as it relates to the *Municipal Conflict of Interest Act*, as set out in Section 223.3 of the Act; and
- Subject to the Auditor General’s role further to Section 223.19 of the Act.

The Office of the City Clerk will work with the FSD to ensure the relevant statutory policies are adopted at the first meeting of the Ottawa Investment Board.

### **Ottawa Community Lands Development Corporation**

**Part III, Recommendation 5: Direct staff to bring forward to the Planning and Housing Committee and Council in Q2 of 2023 a report and recommendations that will provide for the Ottawa Community Lands Development Corporation to focus on identifying and delivering surplus land and development opportunities for new affordable housing projects, as described in this report.**

The Ottawa Community Lands Development Corporation (OCLDC) was established in August 2009, as directed by Council for the purpose of promoting and undertaking

community initiatives in the City of Ottawa to improve, beautify and maintain municipally owned land, buildings and structures for the benefit of the community.

To strengthen the City's ability to advance the objectives and deliver on the targets established in the City's 10-Year Housing and Homelessness Plan, the Mayor is recommending that the OCLDC structure and mandate be revised to focus on identifying and delivering surplus land and development opportunities for new affordable housing projects. The OCLDC would explore opportunities to prioritize, prepare and leverage City lands to be made available to advance the goals of the 10-Year Housing and Homelessness Plan.

The Mayor recommends Council direct staff to bring back a report for Committee and Council consideration on the recommended revised Terms of Reference, amended mandate and associated governance changes to the OCLDC no later than the end of Q2 2023.

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

### **Amendments to the Auditor General By-law**

#### **Part IV, Recommendation 1: Approve amendments to the Auditor General By-law as described in this report.**

The *Auditor General By-law* (By-law No. 2021-5) establishes the position and duties of the City of Ottawa's Auditor General, further to Subsection 223.19(1) of the *Municipal Act, 2001*, which authorizes a municipality, "to appoint an Auditor General who reports to council and is responsible for assisting the council in holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money in municipal operations."

Further to a review of the by-law, the Auditor General recommends an amendment to Subsection 12(1) to clarify the existing practice with respect to the tabling of audit reports, as follows:

**12.(1) The Auditor General shall table audit reports at the first Audit Committee following the completion of the respective audits, or as soon as practicable.**

~~No later than December 31st of the next year following the tabling of the audit plan prescribed in subsection 11(1), the Auditor General shall provide to City~~

~~Council a Notice of Tabling of the Annual Report, except in an election year when timelines for the Auditor General's Annual Report will be determined by the Auditor General, in consultation with the Mayor and the Chair of the Audit Committee, and may be tabled after December 31st of the next year following the tabling of the audit plan.~~

(2)The Auditor General may, as directed by Council or at his or her discretion, report on a more frequent basis to City Council or any Committee thereof.

The Auditor General notes that it is pertinent for the Office of the Auditor General to provide timely and relevant reporting on audit matters to the Audit Committee and City Council. The previous practice of reporting annually through the Annual Report did not encourage timely reporting. The Auditor General is of the view that tabling reports as soon as practicable achieves this objective and sets clear expectations to this effect.

The Auditor General continues to review her mandate as reflected in the by-law as well as the statutory authorities of the Auditor General as set out in the *Municipal Act, 2001*, and may propose further amendments as warranted.

In this regard, it should be noted that during the 2018-2022 Term of Council, the Auditor General raised the potential need to clarify her Office's role with respect to reviewing decisions of Council. Specifically, issues identified by the Auditor General with respect to the current language set out in Subsection 6(6) of the by-law were described in a memorandum to Council, the Senior Leadership Team and Associate General Managers dated December 20, 2021. The Auditor General stated as follows in the memorandum:

"The Auditor General's mandate, as outlined in the Auditor General By-law **No.2021.5**, Section 6 subsection (1) states that: 'the Auditor General shall be responsible for **assisting City Council in holding itself** and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in municipal operations' [emphasis added]. The by-law further outlines a limitation on the authority of the Auditor General. Section 6, subsection (6) states that: 'the Auditor General **shall not call into question or review the merits of the policies and objectives of Council**' [emphasis added].

In light of the express wording set out in Subsection 6(6) of the By-law, I specifically questioned how I, as the City's statutory Auditor General, could assist Council in 'holding itself and its administrators accountable for the quality of

stewardship over public funds', if I could not call in to question decisions made by Council throughout the course of the audits conducted by the Office of the Auditor General. As a Statutory Officer, at arm's length from the City's administration, and established pursuant to **Part V.1 of the *Municipal Act, 2001***, I sought an external legal opinion on this matter to ensure I am properly fulfilling my duties as Auditor General."

As the Province has since made legislative changes through Bill 3, the *Strong Mayors, Building Homes Act, 2022*, and the introduction of additional mayoral powers, particularly with respect to matters such as municipal budgets and prescribed provincial priorities, the Auditor General has advised that she may seek an updated external legal opinion with respect to the above-noted matters, and may bring forward any related recommendations accordingly.

### **Amendments to the *Delegation of Authority By-law***

#### **Part IV, Recommendation 2: Approve amendments to the *Delegation of Authority By-law* as described in this report and in Document 14.**

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. The by-law outlines the specific monetary thresholds for delegated authority and the process for implementing delegated authority.

The Office of the City Clerk, in association with Legal Services, regularly undertakes a review of the *Delegation of Authority By-law* as part of the governance review process and in conjunction with the various departments to incorporate changes in administrative and operational practices. The last fulsome review was completed during 2018 in line with the 2018-2022 Council Governance Review report, at which time the existing by-law was repealed and replaced. Since then, Council approved further amendments and a new by-law through the Mid-term Governance Review report and subsequently with organizational changes made in 2021. The by-law was again repealed and replaced in July 2022, in association with changes resulting from *Bill 108, the More Homes, More Choice Act, 2019*. This resulted in the current By-law No. 2022-253, which was enacted at the Council meeting of July 6, 2022.

Staff recommendations for amendments to the *Delegation of Authority By-law* are summarized below and the specific reason for each requested change is provided with the description of the proposed amendment. Not all of the following recommended changes were raised with Members of Council during consultation for this report due to

timelines. 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.

Due to the number of changes recommended in this report and to facilitate ease of navigation, it is recommended that the current By-law No. 2022-253 be repealed and replaced with a new by-law. The draft version is provided as Document 14. The new by-law is to be enacted at the Council meeting that is held following the consideration and approval of this report.

Summaries of the staff recommendations are set out below.

### **Main By-law – General, Definitions and Schedules**

- Program and position titles have been updated where required due to changes in staff complements, organizational and departmental realignments, or changes to programs and services. Amendments have also been made to reflect previous Council approval of staff reports. References to legislation, by-laws and Regulations have been updated as required, and minor consistency of language has been incorporated.
- Staff recommend an additional definition and minor amendments to existing definitions, in line with applicable legislation or City policies. An update to the “advertising” and “sponsorship” definitions is recommended to reflect the current operational practice as applied by the Recreation, Cultural and Facility Services Department.
- Staff recommend a new Section 3(3) – General, to include the scenario that delegations remain valid until revoked or amended, even if the author of the delegation is no longer employed by the City. The language is similar to that in the *Legislation Act* and provides clarity and the intended continuity of the delegation, until revoked by the new person who assumes the position if they choose to rescind the delegation.
- As a minor “housekeeping” amendment, staff recommend the addition of reference to their management team in Section 11 – Recruitment and Promotion, to reflect current practice.

- Staff recommend revisions to Sections 11 and 12 to exclude the head of any division or the head of any other part of the organizational structure, as authority over those positions is subject to independent delegation from the Mayor.
- Staff recommend minor changes in all Schedules related to the authority of the City Manager and General Managers to approve, amend and rescind corporate administrative policies and procedures consistent with the department's mandate, as well as departmental policies and procedures. This is in line with the Corporate Administrative Policy Framework.

### **Schedule "A" – City Manager**

The revisions recommended below are necessary to align the *Delegation of Authority By-law* with the recent amendments to the *Municipal Act, 2001* and associated Regulations, which came into force on November 23, 2022.

- Staff recommend the deletion of subsections 3(1)(d), (f) and (h) to account for the powers given by the Province to the Mayor regarding the organizational structure of the City, as well as the hiring and dismissal of certain prescribed senior officials.
- Staff recommend the deletion of Section 6, as the authority to determine the organizational structure of the municipality now resides with the Mayor, in accordance with the *Municipal Act, 2001*. The vesting in the City Manager of the authorities contained in Section 6 can be done by separate delegation from the Mayor, in accordance with Subsection 6(2) of the new Regulations (Ontario Regulation 530/22).

### **Schedule "B" – Finance Services**

In addition to minor "housekeeping" amendments related to position titles and legislation and by-law references, staff recommend the following amendments:

- Several sections – Delegating the same authorities to the Deputy City Treasurer, Financial Strategies, Planning and Client Services as those already delegated to the Deputy City Treasurer, Corporate Finance. The new Deputy City Treasurer position was created in November 2021 and the Deputy City Treasurer positions require interchangeable authorities.

- Adjusting the reporting requirements outlined in Section 8, for authorities pursuant to Sections 5 to 7, to cover reporting on the transfer of operating funds that exceed \$200,000.00.
- A new subsection (3) under Section 9 – Transfer of Capital Funds, providing the authority for the Chief Financial Officer and Deputy City Treasurers to make transfers, without limit, between the same capital programs provided the transfer meets the requirements set out in the section.
- Minor adjustments to Section 9 to add clarity to the definition between “capital program” and “capital projects,” as in the budget books, projects tend to be part of programs.
- Required adjustments and new subsections in Section 11 – Park Capital Project Accounts, regarding cash-in-lieu of parkland in line with the Council-approved *Park Dedication By-law* and the Parks and Recreation Facility Master Plan. These are in support to the related sections found in the Recreation, Cultural and Facilities Schedule and the Planning, Real Estate and Economic Development Schedule.
- Adjusting the existing authority in Section 12(3) for the CFO/Treasurer and the City Manager to jointly place debenture by-laws required for debt issued during the term of Council directly on the agenda of the Debenture Committee **or City Council**, as described in the Debenture Committee section of this report. It is acknowledged that placement of by-laws directly on the Council agenda would be reserved for unique circumstances, such as timing issues, and would not be a regular practice.
- A new Section 15 covering the authority regarding Treasury Services contracts, which would allow the Chief Financial Officer and the Deputy City Treasurers the authority to procure Treasury Services. This would better align with the Canada-European Union Comprehensive Economic and Trade Agreement and the Ontario-Quebec Trade and Cooperative Agreement, which provides exemptions to the trade rules for the purchase of Treasury Services.

### **Schedule “C” – Office of the City Clerk**

Staff recommend three new authorities as follows:



- Section 1(2) – A new authority to allow the City Clerk to amend Council-approved Terms of Reference for Council committees, commission, Council sponsors groups, and related-governance bodies, to reflect current department and corporate alignment, provided it does not alter a Committee’s or group’s mandate beyond what has been approved.
- Section 5 – Accessibility Reports – The addition of the authority for the City Clerk to execute and file with the designated federal authority all accessibility reports and other information as required under the *Accessible Canada Act, 2019*.
- New Section 10(1) and (2) – A new authority related to agreements for archive facilities and programs subject to certain criteria. The authority was previously held by the General Manager, RCFS, and is required to support the Archives’ mandate with respect to community partnerships, citizen-led archives, etc.

#### **Schedule “D” – Community and Social Services**

In addition to minor “housekeeping” amendments related to the position titles and by-law and legislation references, staff recommend the following amendments:

- Adjustments to Section 10 – Children’s Services, with regard to the provincially designated role of Service System Manager under the *Child Care and Early Years Act, 2014*, and the authority to administer and allocate provincial and City child care funding. As well, the removal of Section 10(3) related to Children’s Services, as a fee subsidy funding policy approved by Council now delegates the subject authority to Children’s Services.

#### **Schedule “E” – Recreation, Cultural and Facility Services**

- Staff recommend a new subsection (2) under Section 10 regarding the ability for the department’s General Manager to make fee increase adjustments as appropriate to recover costs associated with registrations occurring for the next fiscal year prior to budget approval. The current authority and cap do not reflect the increase for larger program registrations by third party organizations for a club.
- An adjustment to Section 15(1) providing the authority for the General Manager to make temporary changes to hours of operation for arenas, sports fields, parks and ball diamonds. Staff are also requesting the authorization for the General Manager to establish and adjust hours of operation for facilities, amenities, and

lands within the Recreation, Cultural and Facility Services portfolio, as outlined in Section 16.

- New Sections 22 and 23 regarding Cash-in-lieu of parkland have been added to Schedule “E” in line with the Council-approved *Parkland Dedication By-law* and the Parks and Recreation Facility Master Plan. Some of the authorities also reside in the Planning, Real Estate and Economic Development Schedule, as required.
- New Section 24 – Maintenance and Liability Agreements – has been added, in line with a similar section that appears in the Public Works, Infrastructure and Water Services and Planning, Real Estate and Economic Development Schedules. A similar authority is required for the General Manager, Recreation, Cultural and Facility Services, related to maintenance and liability agreements under the department’s mandate, and subject to the conditions noted in the section.

#### **Schedule “F” – Emergency and Protective Services**

- Staff recommend a new authority (Section 4) to provide the authority for the General Manager and Director, Public Safety Service, EPS, to approve and implement policies, practices and procedures related to security at City facilities, to ensure the safety of staff, Members of Council, visitors, and the protection of City assets.

#### **Schedule “G” – Transit Services**

- Staff recommend minor adjustments related to Section 1 regarding the approval of corporate administrative policies and procedures and departmental policies and procedures, consistent with the same amendments in the other Schedules.

#### **Schedule “H” – Innovative Client Services**

Staff recommend minor adjustments related to:

- Section 1 regarding the approval of corporate administrative policies and procedures and departmental policies and procedures, consistent with the same amendments in the other Schedules.
- The addition of the General Manager and the Chief Information Officer to already established authorities.

- A minor adjustment to Section 18 – Claims – Insurer, to remove the reference to “Third Party Liability” and provide the reference to “insurers” generally.

### **Schedule “I” – Infrastructure and Water Services**

- A new Section 16 – *Ontario Underground Infrastructure Notification System Act, 2012*, is required to provide the General Manager of Infrastructure and Water Services and the General Manager of Public Works the authority to enter into agreements with a locator in accordance with the requirements of the Act, where a project owner requests the use of their locator to undertake all infrastructure locates for a project.
- New Section 17 – Boundaries Act, which previously existed in the Planning, Real Estate and Economic Development Schedule, and has been moved to this Schedule “I” since the authority was transferred to the General Manager, IWS, as a result of the organizational changes made in 2021.

### **Schedule “J” – Planning, Real Estate and Economic Development**

In addition to minor “housekeeping” amendments related to the position titles and by-law and legislation references, staff recommend the following amendments:

- Required adjustments to Section 16 – Cash-in-lieu of parkland, in line with the Council-approved *Parkland Dedication By-law* and the Parks and Recreation Facility Master Plan. Additional and related authorities also reside in the Recreation, Cultural and Facility Services Schedule, as required.
- Minor addition to Sections 22 and 23 related to changes to the *Planning Act* under Bill 108, the *More Homes, More Choice Act, 2019*.
- Significant amendments to several sections related to Part IV and Part V of the Ontario Heritage Act to reflect current operational practice, for additional clarity, and to update in accordance with changes to the *Ontario Heritage Act* or *Planning Act*.
- Also related to Parts IV and V – *Ontario Heritage Act*, a recommended adjustment to the reporting requirement Subsection 29(8), as previously referenced in Part I of this report in relation to the Built Heritage Sub-Committee (BHSC). This adjustment would specifically allow the routing of the annual information report on heritage permits issued under delegated authority to rise to

Council directly from the BHSC, rather than through the appropriate Standing Committee of Council (i.e., the Planning and Housing Committee).

- Addition of new authority under Section 34(5), Miscellaneous Permits, to reflect the ability to authorize approvals for temporary road closures in accordance with the *Road Activity By-law*, and the requirement for the written concurrence of the Ward Councillor if the temporary closure is for more than 20 days. Authorities were reflected in the Road Activity Phase 2 report approved by Council on November 10, 2021.
- Addition of a new authority under Section 36(3), Encroachments, to reflect the ability for the department's General Manager, in consultation with the General Manager, Public Works, to modify the Winter Cycling Network as each cycling project is completed in accordance with winter cycling needs, connectivity and affordability. Authority was reflected in the Ottawa Cycling Plan Mid-term Review report considered by the Transportation Committee on March 8, 2017.
- The removal of Section 45 – *Planning Act* Section 37 Agreements, due to its redundancy as a result of changes to the *Planning Act* (Bill 108).
- The removal and transfer of Section 56 – Boundaries Act, which has been transferred to the IWS Schedule "I"; the authority was transferred to the General Manager, IWS, as a result of the organizational changes made in 2021.

#### **Schedule "K" – Public Works**

- Staff recommend minor adjustments related to Section 1 regarding the approval of corporate administrative policies and procedures and departmental policies and procedures, consistent with the same amendments in the other Schedules.
- A new Section 6 – *Ontario Underground Infrastructure Notification System Act, 2012*, is required to provide the General Manager of Public Works and the General Manager of Infrastructure and Water Services the authority to enter into agreements with a locator in accordance with the requirements of the Act, where a project owner requests the use of their locator to undertake all infrastructure locates for a project.
- The addition of the Director, Roads and Parking Services, to the already established authorities under Section 8 – Temporary Traffic and Parking Controls.

## **Amendments to the *Procedure By-law***

### **Part IV, Recommendation 3: Approve amendments to the *Procedure By-law* as described in this report and in Document 15.**

The City of Ottawa's *Procedure By-law* is a governance tool that regulates the way 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 Review report includes a review of past experience and current best practices and recommends further amendments to the City's *Procedure By-law*.

Members of Council may move motions to further amend the *Procedure By-law* at the time the report is considered. The recommended revisions to the *Procedure By-law* in this report include:

1. Staff-recommended amendments to reflect the adoption of Bill 3, the *Strong Mayors, Building Homes Act, 2022*;
2. Amendments recommended by the Office of the City Clerk based on observations and feedback received during the 2018-2022 Term of Council and/or to provide additional clarity consistent with existing practice and precedent;
3. Amendments of a "housekeeping" nature, such as corrections to spelling, punctuation, reordering or renumbering to reflect recent amendments, or updating position titles;
4. Staff-recommended amendments to further clarify provisions regarding the ability for Members of Council and the public to participate remotely in Council and Committee meetings on an ongoing basis; and
5. Amendments to reflect the Mayor's recommendations with respect to rotational Deputy Mayors and enhanced language around Members' conduct in meetings.

All amendments, other than formatting changes, are underlined in the attached Document 15. The more substantive changes are described further below.

#### **1. Amendments to reflect the adoption of Bill 3, the *Strong Mayors, Building Homes Act, 2022***

Bill 3, the *Strong Mayors, Building Homes Act, 2022*, received Royal Assent on September 8, 2022, and came into force on November 23, 2022. As described

previously in this report, this legislation and associated Regulations provide the Mayors of the City of Ottawa and City of Toronto with additional powers beyond those previously set out in either the *Municipal Act, 2001* or the *City of Toronto Act, 2006*.

Bill 3 provides the ability for the Mayor, as head of Council, to veto certain by-laws approved by Council if the Mayor “is of the opinion that all or part of the by-law could potentially interfere with a prescribed provincial priority.” The Mayor is required to provide written notice of intent to consider vetoing the by-law within a prescribed time period. Council may override the Mayor’s veto if two-thirds of Members vote in favour of such an override.

Recommended preliminary provisions have been added under Section 70 of the *Procedure By-law* to outline the process that would be followed for the Mayor’s approval or veto of by-laws, and associated Council override.

Bill 3 and the associated Ontario Regulation 530/22 also grant the Mayor, as head of Council, powers related to proposing the annual budget and initiating in-year budget amendments. Under Regulations under the *Municipal Act, 2001*, the Mayor would be required to propose the budget by February 1. After the Mayor proposes the budget, Council can pass resolutions to amend the budget within 30 days. The Mayor may veto a Council budget resolution and Council may then override a mayoral veto with a two-thirds majority vote. At the end of this process, the resulting budget is “deemed” to be adopted by the municipality.

Sections 53 and 54 of the *Procedure By-law* set out the process by which Council considers the annual budget. The proposed preliminary revisions to these sections set out in Document 15 are intended to reflect the changes brought about by Bill 3, including setting out the process for the mayoral veto and Council override as it relates to budget amendments. Staff recognize that further revisions may be required to reflect the final budget process for the 2022-2026 Term of Council, as well as any other legislation or regulations that may be passed by the Province.

**2. Amendments recommended by the Office of the City Clerk based on observations and feedback received during the 2022-2026 Term of Council and/or to provide additional clarity consistent with existing practice and precedent**

Participation of Chair in debate

Staff recommend subsections 4(1) and 79(1) be amended to clarify that the Mayor may only move a motion or debate a question without first leaving the chair if they have the will of Council.

Quorum of Standing Committees

Subsection 80(2) currently provides that a quorum for a Committee having an even number of members is one half of all the members thereof. A quorum for a Committee having an uneven number of members is the number of members thereof, plus one, all divided by two.

The City Clerk recommends that this provision be amended to align with the quorum provision for Council as set out in Section 237 of the *Municipal Act, 2001*, being that a quorum constitutes a majority of members.

Notice of Reconsideration versus revisiting a Council decision

Additional language has been added to Section 68 to clarify that a Notice of Reconsideration requires a seconder and that a motion to reconsider need not be moved and seconded by the same Members as the Notice. This is currently implied but not explicitly set out in the by-law.

Amendments have also been proposed to Section 68 to provide additional clarity on the distinction between formal Notice of Reconsideration procedures and the rules governing revisiting a Council decision at a later date. The existing Section 68 of the *Procedure By-law* sets out the procedures for Council to reconsider its decision immediately following the vote, by introducing a Notice of Reconsideration at the same meeting that the original vote was held. This formal reconsideration procedure is separate and distinct from the question of “revisiting” a matter that has been already been decided in the term of Council. Although the two terms are often used interchangeably, the latter procedure is separate and distinct from formal Reconsideration and has previously not been explicitly set out in the by-law.

Where a matter has been considered by Council, there are generally four means by which that matter may be later reviewed again by Council:

- 1) New information is now available that, in the opinion of the Chair/Mayor, might have led to a different result on the original vote;
- 2) A substantially different motion has been introduced on the same issue;
- 3) A new session has begun. There is no clear definition for what constitutes a “new session” in the municipal realm. For example, with respect to budgetary years, a “new session” is traditionally seen as the fiscal (calendar) year. However, for policy matters, it is acknowledged that the concept is more flexible, and each new term of Council is generally considered to be a “new session”;
- 4) If none of the above circumstances apply, a matter may be revisited via a motion to Suspend the Rules of Procedure, which requires three-quarters of Members present and voting to approve.

As noted above, these procedures are not currently reflected in the *Procedure By-law*, but the principles are generally derived from Roberts Rules of Order, which provides that motions can generally not be “renewed” until after the close of the next regular session. Furthermore, this procedural precedent has been consistently applied over multiple terms of Council. Enshrining this provision in the by-law [see new Subsection 68(14) in the attached Document 15] is intended to avoid confusion with formal Notice of Reconsideration immediately following the decision, which has a separate and distinct procedure.

#### Notice of reports from the Auditor General and Light Rail Regulatory Monitor and Compliance Officer

Subsection 29(6) has been amended to reflect the current reporting protocols for the Auditor General and Light Rail Regulatory Monitor and Compliance Officer, respectively.

#### Reports rising from the Built Heritage Sub-Committee (BHSC)

Amendments to Section 35 are recommended to reflect that heritage applications that are subject to the statutory 90-day timeline for consideration under the *Ontario Heritage Act* that rise directly from BHSC may be considered by Council without waiver provided that the staff report to the Committee was distributed to all Members of Council at least five calendar days in advance of the meeting of Council. The current provision already applies to items rising from the Planning Committee but does not reflect the current



Committee Terms of Reference that allow such items to rise directly from BHSC to Council.

#### Lifting of Communications and Information Previously Distributed (IPDs)

Consistent with longstanding procedural precedent, Communications and IPDs are not considered to be discussion items on a Council/Committee agenda and require Suspension of the Rules to be lifted for discussion. Staff recommend that Section 39 be amended to reference this in the interests of clarity.

#### Speak once/reply

Section 47 is recommended to be amended to align with the definition of “Substantive motion” in the Definitions section (Section 2) as being any motion other than a procedural motion. This wording change reflects existing practice to allow a Member to “wrap up” on an amending motion (but not a procedural motion).

#### Public delegations registration

In order to facilitate the administration of hybrid meetings it is recommended that the registration deadlines for in-person public delegations at Committee match the current deadlines for virtual delegations, being one hour prior to the meeting if registering by email or in person, and 4 pm the previous business day if registering by phone. As such, Subsection 83(5)(a) of the *Procedure By-law* has been amended to reflect that registration deadlines for delegations shall be communicated in the agenda.

#### Deadline for submission of Councillors’ items at Standing Committee

Subsection 81(14) provides that Council Members have the right to place items on Committee/Commission agendas. Prior to 2018, the deadline for submitting a Councillor’s item was nine calendar days in advance of the Committee meeting (being two days prior to agenda publication). When the agenda publication date was adjusted in 2018 to be seven business days, the submission deadline for Councillors’ items was never adjusted.

Recommended amendments have been made to this provision to provide that Councillors’ items must once again be submitted to the Committee Coordinator two days prior to agenda publication to allow sufficient time for staff review and translation. The revised provision also clarifies that the Councillor’s item may be in the form of a motion or a Councillor’s report.

## Role of staff in drafting motions and timelines for motion submission

During the 2018-2022 Term of Council some Members expressed concern with the practice of submitting Council and Committee motions “on the fly” or with very little advance notice to Committee Members or impacted operational staff. Others expressed concern that Members of Council are overly reliant on operational staff to draft motions for them, which may lead to some confusion regarding staff’s position on the motion.

Subsection 60(3) of the *Procedure By-law* provides the following with respect to writing of motions [emphasis added]:

“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.”

This provision implies that it is the responsibility of the Member of Council to write their motions. In doing so, Members of Council and their staff may seek advice and assistance from the Office of the City Clerk. It is also advisable, especially with very technical motions, to seek the advice of subject matter staff to ensure any information in the motion is accurate and that the motion is implementable if approved. Staff may provide advice and recommendations, but a Member of Council is ultimately responsible for the motion’s content, and staff may or may not support it.

Subsection 60(7)(a) of the *Procedure By-law* further provides that, “Where consideration of a procedurally complex, sensitive or significant report is scheduled for a particular meeting, Members may be requested to submit motions in writing to the Clerk’s Office at least 48 hours in advance of the meeting to allow time for review and processing.”

At this time, the Office of the City Clerk is not recommending any changes to the *Procedure By-law* regarding the above-noted matters. That said, the Office of the City Clerk will offer training to new and returning Members’ staff early in the term regarding Council and Committee procedures with a focus on motion writing and other knowledge and skills to help them support their Member of Council in this regard.

## Joint meetings

Subsection 88(1)(a) currently provides that, “Where an issue is relevant to the mandate of more than one Committee the Chairs of the respective Committees will meet to determine which Committee will be responsible for the issue or, alternatively, whether or not a joint Committee meeting should be held.”

It is recommended the provision be revised to clarify that the matter may also be considered by both Committees successively (as is common with many planning matters that go to ARAC and Planning Committee), as well as to clarify that the Chairs may determine the course of action without holding a formal meeting, such as by phone or email.

**3. Amendments of a “housekeeping” nature, such as corrections to spelling, punctuation, reordering or renumbering to reflect recent amendments, or updating position titles**

As set out in Document 15, the Office of the City Clerk has recommended a series of “housekeeping” amendments. These include:

- Updates to reflect gender-neutral language;
- Changes to use plain/clear language and reference the more commonly used terms for certain procedural matters (e.g. declaration of interest, challenge to the chair, recess);
- Moving certain subsections to a more appropriate section of the by-law; and
- Minor updates to reflect the current format of agendas and reports.

The Office of the City Clerk will also make any adjustments to the by-law as may be necessary to reflect the decisions made by Council during consideration of this report prior to the enactment of the by-law at the next available Council meeting.

**4. Amendments to further clarify provisions regarding the ability for Members and the public to participate remotely in Council and Committee meetings on an ongoing basis**

As noted above (Part I, Recommendation 17), staff recommend minor amendments to reflect the continuation of remote participation in Council and Standing Committees through hybrid meetings.

**5. Amendments to reflect the Mayor’s recommendations with respect to rotational Deputy Mayors and enhanced language around Members’ conduct in meetings**

### Revisions for Deputy Mayor rotation list

As described above, the Mayor recommends that City Council adopt a Deputy Mayor By-law to establish a rotation list whereby three City Councillors would serve as Deputy Mayors for an identified period of time should the Mayor be unable to fulfil his duties during that timeline. Provisions with respect to the Deputy Mayor are set out in Section 5 of the revised *Procedure By-law*.

### Conduct of Members in Council

The revised *Procedure By-law* includes additional language added to Section 42 (Conduct of Members in Council), on the recommendation of the Mayor, to reflect Council's shared commitment to conducting meetings in a professional manner that is respectful of fellow Members, staff and the attending public.

### Amendments to the *Procurement By-law*

#### **Part IV, Recommendation 4: Approve amendments to the *Procurement By-law* as described in this report.**

Enacted pursuant to Section 270 of the *Municipal Act, 2001*, the City of Ottawa's *Procurement 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. Staff regularly undertake a review of the *Procurement By-law* as part of the Governance Review process in conjunction with departments to incorporate changes in administrative and operational practices.

The proposed amendments to the by-law are relatively minor and are recommended by the Chief Procurement Officer, as summarized below. The specific reason for each requested change is provided with the description of the proposed amendment.

- Proposed amendment to Section 5 – Responsibilities and Authorities, adding a new subsection (9) to include the scenario that delegations remain valid until revoked or amended, even if the author of the delegation is no longer employed by the City. The language is similar to that in the *Legislation Act* and provides clarity and the intended continuity of the delegation, until revoked by the new person who assumes the position if they choose to rescind the delegation. As outlined earlier in this report, staff recommend a similar subsection be added to the *Delegation of Authority By-law*.

- Proposed amendments to Subsection 19(4)(b) and Section 27, such that electronic tendering is also used for receiving submissions, as well as for notifications. This reflects Supply Services' shift from paper-based submissions to electronic submissions, if appropriate, and maintains confidentiality and security, including the "sealed" nature of bids, when required. As currently outlined in Section 27, bids are only accepted by facsimile or paper form when stipulated in the procurement solicitation document, and subject to Supply Services having in place appropriate arrangements for receipt thereof.
- Proposed amendments to Subsection 31(1) – Contractual Agreement, to indicate a contract award may also be made by way of a letter of award, in addition to the already noted means of an agreement or a purchase order. This amendment also requires the addition of a new Subsection 31(9), explaining a letter of award is used when the resulting contract is straightforward, contains the City's standard terms and conditions, and a purchase order will not be issued at the time of award.
- Proposed addition to Schedule "A", indicating a new irregularity as follows:
  - Irregularity = "Inability to verify the validity of all elements of an electronic financial security" with a response of "automatic rejection."

### **Amendments to the Accountability and Transparency Policy**

#### **Part IV, Recommendation 5: Approve amendments to the Accountability and Transparency Policy as described in this report and in Document 16.**

Under Section 270 of the *Municipal Act, 2001*, the City of Ottawa and other municipalities in Ontario are required to adopt and maintain certain policies, including a policy with respect to, "The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public."

The Accountability and Transparency Policy, which was adopted in 2007, outlines how the City of Ottawa promotes accountability and transparency throughout municipal governance and reflects the accountability and transparency practices the City has adopted since amalgamation. The policy identifies the following seven principles for an accountable and transparent municipal government:

1. Decision-making is open and transparent;

2. Municipal operations are conducted in an ethical and accountable manner;
3. Financial resources and physical infrastructure are managed in an efficient and effective manner;
4. Municipal information is accessible so that it is consistent with legislative requirements;
5. Inquiries, concerns and complaints are responded to in a timely manner;
6. Financial oversight, service standards and performance reporting and all other accountability documents are made available and accessible, in language that the public can understand, to increase the opportunity for public scrutiny and involvement in municipal operations; and
7. Every new delegation of power or authority will have a corresponding accountability mechanism.

As described below, staff recommend Council approve amendments to the Accountability and Transparency Policy as follows:

- Minor “housekeeping” amendments to reflect language used in Section 270 of the *Municipal Act, 2001*.
- Several additions and updates to the listed legislation, by-laws, policies, procedures and practices in each of the categories, to reflect current and enhanced accountability and transparency practices.

The proposed amendments are included in Document 16.

### **Amendments to the Council-Staff Relations Policy**

#### **Part IV, Recommendation 6: Approve amendments to the Council-Staff Relations Policy as described in this report and in Document 17.**

Section 270 of the *Municipal Act, 2001*, as amended by Bill 68, the *Modernizing Ontario’s Municipal Legislation Act, 2017*, requires municipal Councils to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the corporation.

At its meeting of November 22, 2017, Council approved the Council-Staff Relations Policy as part of the implementation activities associated with Bill 68. The policy draws out the relevant elements of the existing codes of conduct, workplace violence and harassment policies and procedures, and the *Procedure By-law* (which provides an

established protocol for Council-staff relations during Council and Committee meetings), in order to satisfy the requirement under Section 270.

As described below, staff recommend amendments to the Council-Staff Relations Policy as follows:

- Minor adjustment to the Purpose section to include the relevant subsection of the *Municipal Act, 2001* regarding the requirement for a municipality to adopt and maintain policies with respect to the “relationship between members of Council and the officers and employees of the municipality.”
- Minor amendments throughout the policy for clarity related to existing processes.
- Further reference to the relevant sections of the Code of Conduct for Members of Council and the *Procedure By-law* that govern the conduct of Members within the context of a Council and Committee meeting.

The proposed amendments are included in Document 17.

### **Amendments to the Council Expense Policy**

#### **Part IV, Recommendation 7: Approve amendments to the Council Expense Policy as described in this report and in Document 18.**

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, including enabling them to communicate with constituents about the meetings and activities of City Council and the City of Ottawa, 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.

Council approved the Council Expense Policy on May 8, 2013, further to consideration of the report titled, “[Council Expense Policy and Community, Fundraising and Special Events Policy](#).” The 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 Councillors’ Office Manual. While the Code of Conduct and Gifts Registry fall within the jurisdiction of the Integrity Commissioner, the Council Expense Policy is administered by the Office of the City Clerk in consultation as required with the Integrity Commissioner.

The Council Expense Policy is based on the principle that Members of Council 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:

1. Autonomy of Council – City Council is an autonomous body and is separate and distinct from the City administration;
2. Integrity of Council – 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;
3. Accountability – 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;
4. Transparency – 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
5. Flexibility and Limits – Although Members of Council need flexibility to perform their roles and engage their communities differently, it is important that accounting, audit and tax principles, legislation and policies are followed.

As part of the regular review of Councillors’ Office matters undertaken through each Governance Review, the Office of the City Clerk has identified a number of recommended amendments to the Council Expense Policy to:

- Provide additional clarity in alignment with the above-noted principles;
- Reflect the changing landscape and ways of working in Councillors’ Offices, including as a result of the COVID-19 pandemic; and
- Make minor formatting or “housekeeping” revisions.

As noted above, the Council Expense Policy is intended to work in tandem with the Councillors’ Office Manual, which provides additional guidance and detailed instructions to Members of Council and their staff on budget administration and expense matters.



Part V, Recommendation 5 sets out the proposed amendments to the Councillors' Office Manual, with the updated manual attached as Document 23.

The recommended amendments to the Council Expense Policy are summarized below and tracked in Document 18.

### **New provisions for Members' procurement of consultants**

As described in Part II of this report relating to Accountability and Transparency, the Integrity Commissioner and City Clerk recommend the Council Expense Policy be updated to include the requirement that when a Member of Council procures the services of a contracted vendor, the vendor shall disclose the following matters:

1. Prior and/or ongoing lobbying activity with the City of Ottawa;
2. Any other current employment relationships; and
3. Any real or potential conflicts of interest, including family members or close associates working for the City of Ottawa.

These new provisions have been added to the attached revised Policy. If approved, the requirement would be in place for all service agreements going forward.

### **Amendments to provide additional clarity and reflect current practices**

Amendments have been recommended by the Office of the City Clerk to provide additional clarity and reflect current practices to:

- Reflect that Members should consult with the Integrity Commissioner on matters related to the Code of Conduct and conflict of interest as it relates to their expenses.
- Amend the provisions of the policy that speak to the requirement for physical signatures to reflect the electronic document submission process that was adopted in 2020 when Members and their staff began working remotely in response to the COVID-19 pandemic.
- Recognize that certain expenses such as software subscriptions may not align with the budget year, and that Members will purchase the options that best reflect their operational needs and are best value for the City of Ottawa.
- Provide additional clarity around the itemization of hospitality expenses.

- Recognize in the Definitions section the existing practice of permitting small-value non-monetary contributions and donations (such as gift baskets, gift cards), confirming they are nonetheless subject to public disclosure.

### **Formatting and “housekeeping”**

- Updated format to better align with the City of Ottawa’s current corporate policy template, including the addition of a “Definitions” section.
- Numbered sections for ease of reference.
- Reworded or renamed certain headings or subsections for clarity.
- Moved certain subsections to a more relevant section of the policy for ease of reference.

In the revised Council Expense Policy (Document 18), substantive revisions are underlined, including added or revised wording. Other revisions that have not been tracked include formatting changes, numbering, re-ordering of certain provisions and removal of duplication.

### **Amendments to the Delegation of Powers Policy**

#### **Part IV, Recommendation 8: Approve amendments to the Delegation of Powers Policy as described in this report and in Document 19.**

Section 23.1 of the *Municipal Act, 2001* (the Act) provides a municipality with authority to delegate its powers and duties “under this or any other Act” to a person or body, subject to certain restrictions set out in the legislation. Under Subsection 270(1)(6) of the Act, a municipality is required to adopt and maintain a policy with respect to the delegation of its powers and duties.

In accordance with the Act, City Council approved the Delegation of Powers Policy on November 28, 2007. The policy provides guidance regarding the scope of powers and duties that Council may delegate under its legislative and administrative authority and establishes principles governing such delegation.

As described below, staff recommend Council approve amendments to the Delegation of Powers Policy as follows:

- The addition of the reference to the applicable section in the *Municipal Act, 2001* regarding the requirement for a municipality to adopt and maintain policies with respect to the “delegation of its powers and duties.”
- Minor adjustment to the application section to include that the policy applies to all City of Ottawa operations “and its employees.”
- The addition of examples where notification to the Ward Councillor continues to apply with respect to transactional and operational items related to City wards.
- Amendments and deletions with respect to the change in process related to site plan control approvals and associated policy and process changes resulting from the enactment of Bill 109, the *More Homes for Everyone Act, 2022*.

The proposed amendments are included in Document 19.

**Approach to amend the Records Management Policy and associated policies, procedures and practices further to the Ottawa Light Rail Transit Public Inquiry**

**Part IV, Recommendation 9: Receive information regarding the approach the City Clerk will take to amend the Records Management Policy and associated policies, procedures and practices further to the Ottawa Light Rail Transit Public Inquiry.**

At its meeting of November 9, 2022, City Council considered the report titled, “[Update on the Ottawa Light Rail Transit Public Inquiry and Recommended Next Steps](#).” Among other matters, Council approved the following recommendations:

2. **Direct the City Clerk to undertake the following with respect to amending the Records Management Policy and associated policies, procedures and practices, and provide updates in the 2022-2026 Governance Review report on the approach the Clerk will take to:**
  - a. **Establish a process to develop measures to ensure that Information Management and routine and active disclosure are considered at the start of, during and at the close of all major City projects through measures such as project-specific document management architecture, staff training, clear obligations and accountabilities for recordkeeping and public disclosure when external contractors are used, and having access to a dedicated Information Management resource, as described in this report; and**

- b. Consult with the Information and Privacy Commissioner of Ontario and work with Information Technology Services as part of a process to establish clear guidelines and processes with respect to temporary records, including transitory records created on instant messaging and social media platforms related to City business, for both staff and elected officials and on both personal and corporate devices and accounts, as described in this report.**

Further to this direction, the City Clerk intends to provide a progress update on addressing the above-noted direction by way of the Office of the City Clerk's Annual Report, which is traditionally considered by the Finance and Economic Development Committee and City Council in Q2 of each year. The update will also identify any resource requirements necessary to address Council's direction.

In addition to the matters set out above, the City Clerk anticipates bringing forward an Elected Officials Records Management Policy that will establish guidelines for recordkeeping requirements, including those deemed transitory and official records of Members of Council, the applicability of the *Municipal Freedom of Information and Protection of Privacy Act* on Members' records, and the process for destroying records at the end of a Member's term in Office.

### **Amendments to the Routine Disclosure and Active Dissemination Policy**

#### **Part IV, Recommendation 10: Approve amendments to the Routine Disclosure and Active Dissemination Policy as described in this report and in Document 20.**

At its meeting of July 17, 2013, Council approved the Routine Disclosure and Active Dissemination Policy, which establishes guidelines for the disclosure and dissemination of records that can and should be released to the public directly by the department holding the record, with no need for residents to be referred to the Access to Information and Privacy (ATIP) Office.

Staff recommend Council approve amendments to the Routine Disclosure and Active Dissemination Policy as follows:

- Additional language to emphasize that formal access to information requests pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) are only required in instances where records are subject to the

disclosure provisions of MFIPPA. All other requests are to be dealt with by the department holding the records.

- Adjustments and alignments to the Responsibilities section to represent current roles and responsibilities among city staff, senior management and the ATIP Office.
- Deletion of definitions and keyword search.
- Minor amendments to reflect current practice or clarity, update to legislation reference, and other general “housekeeping” matters.

The proposed amendments are included in Document 20.

### **Amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures**

#### **Part IV, Recommendation 11: Approve amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures as described in this report and in Documents 21 and 22.**

On April 8, 2020, Council considered the staff report titled, [“Recruitment, Appointment and Contract Administration for Statutory Officers who report directly to City Council,”](#) and approved the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures. The policy and procedures provide for a consistent approach as well as improved accountability and transparency, by setting out specific requirements and administrative measures with respect to the recruitment, hiring and contract administration for statutory officers who report directly to Council, being the City Manager, Integrity Commissioner and Auditor General.

The policy and procedures incorporate best practices and other recommendations further to the Ontario Ombudsman’s November 2019 report titled, “Inside Job: Investigation into matters relating to the Regional Municipality of Niagara’s hiring of its Chief Administrative Officer, and its administration of his contract,” which found serious problems in the hiring and contract administration processes used to appoint and retain a Chief Administrative Officer (CAO) in Niagara Region in 2016.

Staff recommend Council approve the following amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Policy and its supporting Procedures. That said, staff recommend the following amendments to the policy and procedures at this time:

- The addition of the following statement in the policy and procedures regarding information management: “In accordance with the Records Management Policy, Official Business Records generated as a result of the execution of this policy must be declared as such in the appropriate SharePoint site, RMS (Records Management System) or approved business system.”
- Given the proposed establishment of a Deputy Mayor rotation list rather than appointing Deputy Mayors to serve for the duration of the term of Council (as described in Part V, Recommendation 1), it is recommended that changes be made to remove the participation of the Deputy Mayors in hiring and performance review processes currently set out in the procedures. Specifically, it is proposed that the Hiring Panel for the Auditor General be the Mayor (Chair), the Chair and Vice-Chair of the Audit Committee, and three Members of Council as identified in the required motion to begin the hiring process (replacing the Deputy Mayors). It is also recommended that the Mayor alone have delegated authority to conduct confidential performance review meetings for the City Manager based on written weighted evaluation forms filled out by each Member of Council, in accordance with the process set out in the procedures. Currently, the Mayor and Deputy Mayors have this delegated authority. These proposed amendments are dependent on Council approving the recommendations related to Deputy Mayors in this report.
- Amendments to the procedures to address performance reviews for the Auditor General and the City Manager in the year of a municipal election.
- The addition of a requirement for the City Clerk to provide a confidential opportunity for Members to submit any comments, compliments, or concerns regarding the Integrity Commissioner for the City Clerk’s consideration prior to determining a contract extension. This is consistent with past practice.
- Amendment to Appendix A – Draft Hiring Panel Terms of Reference, to indicate that the Mayor will serve as the Chair of the Panel, which is consistent with the policy and past practice.

The proposed amendments are included in Documents 21 and 22.

## **PART V – OTHER MATTERS**

### **Appointment of Deputy Mayors**

**Part V, Recommendation 1: Approve the following with respect to the appointment of Deputy Mayors for the 2022-2026 Term of Council:**

- a. That Deputy Mayors be appointed in accordance with a rotation list composed of all Members of Council, as described in this report; and**
- b. That the City Clerk be delegated the authority to amend the rotation list, with the concurrence of the Mayor and the impacted Members of Council, by placing an amending by-law directly on a Council agenda, as described in this report.**

Section 242 of the *Municipal Act, 2001* states as follows:

“A municipality may, by by-law or resolution, appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality’s procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be, with respect to the role of presiding at meetings.”

In addition, Section 23.1 of the *Municipal Act, 2001* authorizes a municipality to delegate its powers and duties under that statute or any other Act, to a person or body, subject to certain restrictions.

Further to the above-noted statutory provisions, Deputy Mayors at the City of Ottawa have traditionally been appointed to chair Council meetings in the absence of the Mayor, move procedural motions during Council meetings, execute approved legal agreements and sign other documents on behalf of the City of Ottawa, attend events, and act in any other capacity when the Mayor is unavailable or absent.

Various approaches have been used for Deputy Mayor appointments. From amalgamation until 2010, 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.

As part of the 2010-2014 Governance Review, City Council approved the establishment of a new Deputy Mayor model. As a result, the previous 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 number of Deputy Mayors was increased to three for the 2018-2022 Term of Council. The Deputy Mayors were recommended by the Mayor and approved by Council.

In preparation for this report, a number of Members expressed a desire to return to the former rotational model to ensure all Members of Council are provided with an equal opportunity to serve as a Deputy Mayor. In particular, Members noted that the ability to chair City Council meetings provides invaluable procedural experience. Staff noted that other Members felt that appointing Deputy Mayors for the duration of the term provided stability to the role.

The Mayor recommends that City Council adopt a Deputy Mayor By-law that would establish a rotation list whereby three City Councillors would serve as Deputy Mayors for an identified period of time should the Mayor be unable to fulfil his duties during that timeline. The requirement for three Councillors serving during the same period would alleviate the need to change the rotation should a scheduled Councillor not be available to fulfill certain duties during a portion of their identified time, and provide scheduling flexibility.

Section 5 of the recommended *Procedure By-law* outlines the process required for the establishment of a Deputy Mayor rotation list and the associated by-law. The Mayor would develop the rotation list for Council approval through enactment of the Deputy Mayor By-law, with the goal to strive for gender and regional balance. It is recommended that the Deputy Mayor rotation begin January 1, 2023, and continue until the end of the term of Council.

It should be noted that Section 75 of the *Procedure By-law*, regarding the Mayor's *ex officio* status on committees, any sub-committees and the commission, does not apply to the Deputy Mayor position. Furthermore, the Deputy Mayor positions would no longer be automatic appointments to the Finance and Economic Development Committee (FEDCO), as described in the FEDCO section of this report.

Finally, it is recognized that Members of Council may wish to "trade" time slots on the rotation at some point during the Term of Council. It is recommended that the City Clerk be delegated the authority, with the concurrence of the Mayor and the Councillors concerned, to amend the rotation schedule and to place a by-law directly on the Council



agenda for enactment to amend the rotation schedule attached to the Deputy Mayor By-law. More extensive amendments to the rotation schedule, including extending the time allocated to individual Members, would require Council approval.

### **Support for Deputy Mayors**

The responsibility for scheduling the Mayor as well as the attendance of the Mayor and the Deputy Mayors rests with City Clerk staff in the Mayor Support Services 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 position to support the role of the Deputy Mayors, funded from the Council Administration Budget. The temporary position was re-established for the 2018-2022 Term of Council, when a third Deputy Mayor was added. The position was funded from the Council Administration Budget and resided in the Mayor Support Services Unit of the Office of the City Clerk. The Deputy Mayor Scheduling Assistant was responsible for supporting the Mayor's Scheduling Assistant in coordinating all invitations received by the three Deputy Mayors, including event invitations referred by the Mayor and through the regrets system. The Assistant coordinated all aspects of the Deputy Mayors' attendance, including their role, logistics, agenda, speaking notes, special requirements, etc.

The Office of the City Clerk has reviewed the effectiveness of the Deputy Mayor Scheduling Assistant position and does not believe that the ongoing volume of events necessitates an additional full FTE position in the Mayor's Office dedicated to scheduling. Under the recommended rotational Deputy Mayor model, it is anticipated that the Mayor's Scheduling Assistant and other Council and Committee Services staff will have the capacity continue to support Deputy Mayors and their Office staff in managing their Deputy Mayor duties including execution of documents, procedural duties, and event attendance.

As outlined in the section of this report regarding the Councillors' Office Manual and Office-related matters (Part V, Recommendation 5), it is recommended that the existing budget previously allocated to the Deputy Mayor Scheduling Assistant in the Mayor's Office be redirected to provide additional human resources and associated administrative support to all elected officials' offices.

## **Council Liaison positions**

**Part V, Recommendation 2: Approve that the following Council Liaison positions be established for the 2022-2026 Term of Council, as described in this report:**

- a. Council Liaison for Anti-Racism and Ethnocultural Relations Initiatives;**
- b. Council Liaison for Veteran and Military Issues;**
- c. Council Liaison for Women and Gender Equity; and**
- d. Council Liaison for the Anishinabe Algonquin Nation Civic Cultural Protocol and Implementation Plan.**

The Mayor recommends Council approve the continuation of the following Council Liaison roles from the 2018-2022 Term of Council:

- Council Liaison for Anti-Racism and Ethnocultural Relations Initiatives: On June 10, 2020, Council approved the establishment of the Council Liaison for Anti-Racism and Ethnocultural Relations Initiatives to provide leadership on this issue and work with City staff to advance anti-racism and race relations initiatives.
- Council Liaison for Veteran and Military Issues: On November 6, 2019, Council approved the establishment of a Council Liaison for Veteran and Military Issues to solidify the City's relationship with the veteran's and military community, advocate for the benefit of veterans and their families, develop key partnerships and ensure the community is receiving the support it needs.
- Council Liaison for Women and Gender Equity: As part of the 2018-2022 Governance Review report, Council approved the establishment of a Council Liaison for Women and Gender Equity.

The mandates of the respective Liaisons include advancing citywide policy.

In addition, the Mayor recommends that Council approve establishing a Council Liaison for the Anishinabe Algonquin Nation Civic Cultural Protocol and Implementation Plan. The mandate of this Council Liaison would be to provide leadership and work with City staff on activities and actions related to the Anishinabe Algonquin Nation Civic Cultural Protocol and Implementation Plan as described in the staff report titled, "[City of Ottawa – Anishinabe Algonquin Nation Civic Cultural Protocol and Implementation Plan \(2022-](#)

[2026](#)),” which Council considered on April 13, 2022. During consideration of the staff report by the Community and Protective Services Committee on March 31, 2022, the Office of the City Clerk was directed “to discuss a liaison role for the Protocol Implementation Plan during the first governance report of the next Term of Council.”

### **Voluntary home/personal security measures for Members of Council**

#### **Part V, Recommendation 3: Approve voluntary home/personal security measures for Members of Council, to be funded through existing funds in the Council Administration Budget, as described in this report.**

Incidents involving vandalism, harassment, and abuse toward elected officials have been documented at all levels of government in recent years. The COVID-19 pandemic accelerated existing trends of polarization, anti-government rhetoric and incivility, which has resulted in an increase of violent threats and abusive behaviour towards elected officials. As Members of Council may be aware, the City of Ottawa has implemented various measures to ensure the security and safety of Members at City facilities and online, including:

- As part of an orientation for new Members, Corporate Security provides information regarding matters such as personal safety and security tips, workplace protective measures (e.g., lockdown/evacuation procedures), and physical security measures at City Hall and during public meetings.
- To assist with ensuring a safe and secure environment for all persons, City Hall and other city facilities including community ward offices are equipped with various physical security measures such as safeguards to control public access to semi-private and private areas; security guard deployment; exterior security and safety lighting; site hardening such as perimeter fencing, gates and barriers; signage to direct the public; and the installation of security systems such as cameras and panic buttons.
- Council meetings are also subject to various security measures, including screening members of the public for any prohibited items that may compromise the safety and security of all persons in attendance as announced in December 2019, and other measures set out in the [2018-2022 Governance Review](#) report.
- The Council-approved [Public Conduct Policy and Corporate Trespass to Property Procedures](#) contribute to the City’s objective of dealing with all residents in ways that are consistent and fair while acknowledging that there may be a

need to protect Members of Council (as well as City staff and residents) from unreasonable behaviour, frivolous and/or vexatious actions or any other conduct that compromises the safety and security of all persons at city facilities.

While the above-noted measures largely relate to City facilities, incidents of harassment, threats and abuse can also occur at other locations, such as an elected official's private residence, and may similarly raise security concerns. For example, on October 14, 2022, the former Councillor for Ward 12 told the Public Order Emergency Commission relating to the 2022 truck convoy demonstrations that individuals had arrived at his home during the event. The former Ward 12 Councillor stated that, "[T]here were two pickup trucks that – I have a young family – came to my home and just yelled absurdities with you know, typical pickup truck with the flags on. And at that point I knew, okay, this is out of control. I had to shut down my own social media and I had to move my family out for the duration." He also noted that, "any public office holder, our information can unfortunately be found online in some instances, and I believe that that's how protesters were able to find my home address and show up."

The City does not normally provide Members of Council with proactive home/personal security measures (although Corporate Security has in the past provided assistance to Members of Council in response to security incidents that required an immediate response). Staff note that in recognition of the current elevated risk environment with respect to harassment, vandalism, threats and abuse of Council Members, some municipalities have established proactive programs that provide access to additional security measures and funding relating to Members' home/personal security. For example:

- On September 26, 2022, Waterloo City Council approved policy amendments to provide for an optional monthly home security system reimbursement of up to \$100 per month. The staff report considered by Council stated that, "In recent years concerns have been raised regarding direct and indirect threats made to elected officials both within the City of Waterloo and on a broader provincial and national level." Staff recommended "implementing a security system allowance to rebate member[s] of Council who wish to have a system installed in their private residence as a proactive measure to mitigate any real or perceived risks."
- On March 30, 2022, Hamilton City Council approved various voluntary measures providing for Members of Council (and senior staff on a case-by-case basis) to receive personal environment Security Risk Assessments, as well as up to \$8,000 (plus HST) to implement some or all of the risk assessment

recommendations, and up to \$100 per month for any security implementation requiring third party monthly monitoring. The staff report noted that, “Since 2015, the tolerance and, at times, the fostering of aggressive to violent public dissidence and disruption of democratic processes including the attempted influencing of Elected Officials has become a more frequent talking point both in the traditional media and on social media platforms.”

- On January 18, 2022, Calgary City Council approved reimbursing each Member of Council up to \$8,000 for the cost of equipment and professional installation of a home security system and an allowance of \$100 per month for monitoring.

Further to such examples and the potential for real or perceived home/personal security concerns for elected officials, staff believe providing Members of Ottawa City Council with the option to receive a home security audit, funding for personal/home security measures and reimbursement of a capped amount of monthly monitoring fees would supplement the current security-related training and measures in City facilities. Such measures may support Members in fulfilling their statutory duties as elected officials, particularly given that much of their work may be high-profile in nature and occur on a 24/7 basis, often away from City facilities. Offering personal/home security measures on a voluntary basis would allow each Member to determine whether they wish to implement measures based on their personal circumstances and preferences.

Therefore, in consultation with Corporate Security, the City Clerk recommends Members be provided with the option of receiving the following personal/home security measures on a voluntary basis:

- A home security audit conducted by Corporate Security personnel;
- Up to \$4,000 to fund personal/home security measures such as an alarm panel and security cameras; and
- Up to \$100 per month for reimbursement of any security measure monthly monitoring fees.

Any costs associated with the above-noted voluntary measures would be funded through existing funds within the Council Administration Budget. The Member would be required to submit claims for the relevant expenses in accordance with the submission process set out in the Council Expense Policy. It should be noted that such claims would not be considered to be an expense of a personal nature that is otherwise prohibited under the Council Expense Policy.

Similar to the standard practice with respect to Members' IT equipment, the Member would have the option at the end of the term of Council to purchase the personal/home security equipment at a depreciated value, and to assume any monthly monitoring fees through their own personal funds.

If Council approves this recommendation, Members would be eligible to receive the above-noted home security audit, personal/home security measures, and monthly monitoring reimbursements at any time of their choosing during the 2022-2026 Term of Council.

### **Ottawa Ward Boundary Review – Reviews of ward populations and growth numbers**

#### **Part V, Recommendation 4: Receive the 2018-2022 Term of Council's recommendation with respect to reviews of ward populations and growth numbers.**

Municipal ward boundaries must be reviewed periodically to balance population numbers and achieve other components of "[effective representation](#)," as established by the Supreme Court of Canada and the Ontario Land Tribunal (OLT).

On June 12, 2019, City Council considered the staff report titled, "City of Ottawa Ward Boundary Review (2019-2020)," and approved a process to review the City of Ottawa's ward boundaries and establish new boundaries in time for the 2022 Municipal Elections. The Council-approved ward boundary review process was aimed at addressing issues relating to "effective representation" and certain wards being outside of generally acceptable population variances. The review was meant to establish ward boundaries that could be used in at least three municipal elections (2022, 2026 and 2030) and, perhaps, a fourth municipal election in 2034.

Pursuant to Council's direction, staff retained an independent consultant team to conduct the ward boundary review in accordance with statutory requirements, common law principles and any parameters established by Council. On December 9, 2020, City Council approved the report titled, "Ottawa Ward Boundary Review 2020 – Recommendations Report" and established its current ward boundary structure.

During consideration of the Recommendations Report, City Council approved Motion No. 45/20, which recommended that future Councils direct staff to conduct regular reviews of population and growth numbers every four years, beginning in 2024, as follows:

**WHEREAS on December 9, 2020, City Council considered the report titled, “Ottawa Ward Boundary Review 2020 – Recommendations,” which recommended the realignment of the City of Ottawa’s ward boundaries into 24 wards; and**

**WHEREAS the proposed ward boundaries are forecast to last for three or possibly four municipal elections (i.e. 2022, 2026, 2030 and possibly 2034); and**

**WHEREAS there continues to be significant population growth within the City, including but not limited to the fast-growing areas of Barrhaven and Cumberland, and there may be variances in locations and/or rates of growth from what is forecasted in the Ottawa Ward Boundary Review 2020 – Recommendations Report;**

**THEREFORE BE IT RESOLVED that the 2018-2022 Term of Council recommend to future Councils that staff be directed to review the population and growth numbers every four years, beginning in 2024, to determine whether population figures have varied sufficiently from the projections forecasted in the Ottawa Ward Boundary Review 2020 – Recommendations Report to warrant a scoped ward boundary review, including but not limited to Cumberland and Barrhaven (Wards RW-6, RW-8 and RW-9 as adopted by City Council at its meeting of December 9, 2020).**

Should Council direct staff to conduct regular reviews, staff will report back by way of a memorandum or as part of the regular governance review process. Absent a formal direction from City Council, the current boundaries will be reviewed during the 2030-2034 Term of Council to determine if a comprehensive review is warranted.

In addition, it is noted that the report titled, “[Ottawa Ward Boundary Review 2020 – Implementation Report](#),” which was considered by Council on October 13, 2021, indicated that the use and visibility of Indigenous languages with respect to the City’s ward names would be reviewed through the 2022-2026 Governance Review process.

Staff are aware that a Municipal Commemoration Policy will come forward in 2023, and that Council unanimously approved the report titled, “[City of Ottawa – Anishinabe Algonquin Nation Civic Cultural Protocol and Implementation Plan \(2022-2026\)](#),” on April 13, 2022. As such, it is anticipated that a process for the use and visibility of Indigenous languages will be considered in 2023.

## **Councillors' Office Manual and Office-related matters**

**Part V, Recommendation 5: Approve the updated Councillors' Office Manual attached as Document 23;**

**Part V, Recommendation 6: Approve in principle the Full-time Equivalent (FTE) position for Council Support Services to support human resources-related matters for elected officials' offices, to be funded by existing resources, as described in this report.**

On July 15, 2020, as part of its consideration of the report titled, "[Review of Recruitment and Hiring Processes for Councillors' Assistants](#)," Council directed staff to bring forward for Council consideration as part of the 2018-2022 Mid-term Governance Review a revised Councillors' Office Manual that reflects current policies and procedures. The City Clerk was also directed to incorporate a review of Members' Office-related matters, including employment matters, as part of each Governance Review. As a result, the Office Manual is reviewed twice per term as part of the regular Governance Review cycle, with any substantive changes brought forward to Council for consideration and approval.

### **Councillors' Office Manual**

The Councillors' Office Manual was first approved by the former Member Services Committee in June 2002. The manual was designed to set out in one document the relevant policies and procedures related to the administration of Members' Offices and their staff.

Further to Council's direction, and for the first time since 2005, the Office of the City Clerk undertook a significant update of the Councillors' Office Manual in 2020 to incorporate updated policies and guidelines, as well as to reflect feedback received from Members of Council and Councillors' Assistants. The updated manual was approved by Council on December 9, 2020, as part of the 2018-2022 Mid-term Governance Review.

As part of the 2022-2026 Governance Review process, minor updates have been made by the Office of the City Clerk, including:

- Providing more detailed information on existing Terms and Conditions of Employment and human resources procedures for Councillors' Assistants.



- Updating the policy throughout to reflect updated corporate policies, procedures and internal resources implemented since the last update to the manual, and associated links.
- Adding reference to the Hiring Toolkit for Members of Council implemented in 2021 as a result of the Review of Recruitment and Hiring Processes for Councillors' Assistants.
- As described in the Integrity Commissioner and Council Expense Policy sections of this report, including the requirement that contracted vendors disclose the following matters upon signing a non-disclosure agreement with the Member's office:
  - Prior and/or ongoing lobbying activity with the City of Ottawa;
  - Any other current employment relationships; and
  - Any real or potential conflicts of interest, including family members or close associates working for the City of Ottawa.

The updated Office Manual has been attached as Document 23 to this report.

Should Council approve the revised Office Manual, the updated manual will be provided to the offices of all Members of Council and saved to the Council Administration SharePoint site, along with the most current version of forms, documents, policies and procedures relevant to City Councillors and Councillors' Assistants.

Pursuant to the City Clerk's delegated authority, the Clerk may approve administrative changes to the Office Manual between Governance Reviews, such as minor changes to update terminology and references, title or organizational structure changes, changes to technology, and correction of errors or omissions. This would also include updating the manual to reference new legislative requirements including those approved by Council. Should any such administrative changes be made, the Clerk will provide a memorandum to Council advising of the nature of the amendments, along with a copy of the updated Office Manual.

### **Members' Office-related matters**

As noted above, Recommendation 2 of the report titled, "Review of Recruitment and Hiring Processes for Councillors' Assistants," directed the City Clerk "to incorporate a

review of Members' office-related matters, including employment matters, as part of each governance review.”

Each Member of Council assumes the responsibility for all employment aspects of their Office including directing recruitment and hiring and the supervision of staff. Council Support Services within the Office of the City Clerk provides administrative support for all aspects of Members' human resources needs from recruitment and hiring, ongoing personnel matters such as the management of time and leave and performance management, through voluntary or involuntary termination. Council Support Services (and their counterparts in Mayor Support Services) work closely with Human Resources Services, Payroll Pension and Benefits Services and Labour Relations to support Members of Council in managing their ongoing employee relationships and processes related to same.

In September 2019, information came to light regarding inappropriate conduct by a Member of Council towards their staff during interviews with female candidates for a Councillors' Assistant position, as later outlined in several reports to Council from the City's Integrity Commissioner. This situation highlighted the need to identify and address gaps in the processes and procedures that govern the recruitment, hiring, and human resources practices of Councillors' Assistants, as well as how well these processes and procedures are communicated to and understood by Councillors' Assistants.

The report titled, “Review of Recruitment and Hiring Processes for Councillors' Assistants,” included consultants' findings and feedback from Councillors' Assistants, elected officials, City staff and other stakeholders. The recommendations in the report and associated Council motions were aimed at increasing protections for job candidates during the recruitment process for Councillors' Assistant positions, as well as providing enhanced training and support for Councillors' Assistants throughout the tenure of their position. Approved recommendations included but were not limited to the following:

- Mandatory Clerk's Office or Human Resources representative in all interviews;
- Interviews to take place virtually or in a City facility;
- Mandatory individualized onboarding orientation with Council Support Services for all new hires;
- Mandatory exit interviews with Council Support Services for departing Councillors' staff; and

- Implementing a designated point of contact in Human Resources for Councillors' Assistants (and those participating in the interview process).

Enhanced recruitment and hiring processes for elected officials and Councillors' Assistants and the application of a gender lens to reviewing associated policies and procedures was also identified as an action in the City's [Women and Gender Equity Strategy](#) approved by Council on April 14, 2021.

Having monitored the increased workload associated with these new Council-directed requirements and increased focus on support for Councillors' Assistants over the past two years, the Office of the City Clerk has identified the need for an additional resource in Council Support Services. While Human Resources Services did designate a point of contact in HR for Councillors' Assistants as a result of the above-noted Council direction, the majority of the day-to-day workload associated with the new processes and existing HR transactions is handled through Council Support Services in the Office of the City Clerk.

As a result, subject to the 2023 Budget review process, the Office of the City Clerk is seeking to add one additional Full-time Equivalent (FTE) position in Council Support Services. Additional support in this area would allow the Council-directed staffing and human resources processes to be fully implemented and continuously improved, while maintaining appropriate levels of oversight and support for other operational administrative matters related to elected officials' offices, including those related to the Council Expense Policy.

As referenced earlier in the report, it is recommended this temporary FTE be funded from efficiencies in Mayor Support Services, specifically the elimination of the temporary FTE in Council Support Services assigned to Deputy Mayor Scheduling Support. Subject to budget approval, it is recommended that this resource be funded on a temporary basis up to the end of the term of Council, subject to review at mid-term.

### **Transit-related matters**

**Part V, Recommendation 7: Approve that transit-related matters referred to the 2022-2026 Governance Review process by the 2018-2022 Term of Council be considered at the first meeting of the Transit Commission for the 2022-2026 Term of Council, as described in this report.**

On December 8, 2021, Council considered the 2022 Draft Operating and Capital Budgets. With respect to the Transit Commission portion of the 2022 Draft Operating and Capital Budget, Council approved as follows:

**F. That Council direct the Chief Financial Officer / Treasurer, General Manager of Transit Services and General Manager of Community and Social Services to undertake a review of the Working Group's recommendation that the next Council consider a fare freeze for the Community Pass, the Access Pass, and the EquiPass for the entire Term of Council; and**

- i. That staff report back on the results of this review as part of the 2022-2026 Term of Council Governance Review so that Council may consider this recommendation as soon as possible in the new Term**

At the same meeting, Council approved Motion No. 67/15, which included as follows:

**THEREFORE it be resolved that the Chief Financial Officer report back as part of the 2022-2026 Term of Council Governance Review with recommendations for finding a balance within the Long-Range Financial Plan for Transit that would reduce the need for an annual transit fare increase of 2.5%, and instead, look at funding options for offsetting, such as through the Transit Tax Levy**

Additionally, on April 27, 2022, Council considered the report titled, "[Motion – Free Transit for Displaced Ukrainians Coming to Ottawa](#)," and approved the following Transit Commission recommendation and Motion No. 75/5 as follows:

**That Council approve:**

- 1. Offering a transit pass valid for six months of unlimited travel on OC Transpo for those displaced families and individuals coming to Ottawa from Ukraine, and that these passes be provided at no charge to the Community and Social Services Department and to the agencies providing refugee services, so that they may distribute them to those of their clients who are not receiving transportation funding from other levels of government; and**
- 2. That staff include a referral in the 2022-2026 Term of Council Governance Review that Council consider in the new Term of Council**

**whether there should be a consistent, ongoing approach to support all refugees coming to Ottawa by providing no-charge transit service.**

**MOTION NO 75/5**

Moved by: Councillor C. McKenney

Seconded by: Councillor R. Brockington

**WHEREAS Transit Commission adopted Motion No. 2022 TTC 33-02 to offer transit passes to refugees coming from Ukraine; and**

**WHEREAS the motion passed with the direction to staff to examine providing transit passes to all refugees;**

**THEREFORE BE IT RESOLVED that Motion No. 2022 TTC 33-02 be amended to delete the words “from Ukraine” from the motion's first resolution.**

Upon review, staff are of the opinion that the three transit matters listed above are not matters related to governance, but rather are transit policy and budget matters that fall within the mandate of the Transit Commission. As a result, it is recommended that the matters listed above be considered at the first meeting of Transit Commission for the 2022-2026 Term of Council. During consultation for the 2022-2026 Governance Review process, Members generally agreed with this approach.

**Delegated authority for the City Clerk to make necessary changes further to Council's decisions**

**Part V, Recommendation 8: Approve that the City Clerk be delegated the authority to implement changes to all related processes, procedures, policies and Terms of Reference, and to bring forward by-laws as required to implement Council's decisions further to the approval of this report and to reflect the current organizational alignment.**

This recommendation would provide the City Clerk with the delegated authority to implement changes approved by Council through this report and to bring forward any required by-laws, while ensuring the current organizational alignment is reflected.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

## **LEGAL IMPLICATIONS**

There are no legal impediments to approving the recommendations in this report.

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

This is a city-wide report.

## **ADVISORY COMMITTEE(S) COMMENTS**

The City Clerk met with the Chairs and Vice-Chairs of Advisory Committees to discuss the current governance structure and to receive feedback and experiences from the past term of Council, as set out in the report.

## **CONSULTATION**

As part of the preparation for the report, the City Clerk consulted with elected representatives, members of the Senior Leadership Team and operational staff, as well as staff in the Office of the City Clerk, Legal Services and the City Manager's Office who work most closely with the legislative process.

## **ACCESSIBILITY IMPACTS**

Accessibility impacts have been assessed throughout this report. The appropriate legislative accessibility obligations of the City have been considered and met, which will have a positive impact on people with disabilities in the City of Ottawa.

Under Subsection 29(1) of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), the council of every municipality having a population of not less than 10,000 is required to establish and maintain an accessibility advisory committee (AAC). This report contains recommendations to Council that:

- Ensures the current AAC members' terms are extended until recruitment of the new committee members can be conducted,
- Prioritizes recruitment and appointment for the membership of the statutory Accessibility Advisory Committee in early 2023; and
- Adds more meetings to the committee's schedule to ensure they can be consulted on important programs, services, plans and policies that can affect people with disabilities in our community.

In addition, it provides direction for Council-appointed public members to complete the City's mandatory training with respect to the *Accessibility for Ontarians with Disabilities Act, 2005*. This training provides Councillors with a framework for the City's obligations towards creating accessible built environments, information and communication, procurement, employment practices, customer service, and transportation to ensure residents, visitors and employees with disabilities are receiving accessible services as they live, work and play in the city.

## **INDIGENOUS GENDER AND EQUITY IMPLICATIONS**

The purpose of the City of Ottawa's equity strategies and plans is to enable the City to be more deliberate and impactful in making sustainable progress to further advance its commitment to reconciliation with Indigenous Peoples, and achieving equity both within the organization and through the City's service delivery. The integration of equity and reconciliation principles into planning, operations, practices, and policies, affects every aspect of the work done by the City and applies to all City of Ottawa residents. As described in this report, staff with the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service (GREIIRSD) worked with the Office of the City Clerk to determine and recommend the most appropriate governance alignment and Committee reporting structures for the oversight of the gender, equity and race relations matters at the City of Ottawa.

On June 22, 2022, Council approved the Anti-Racism Strategy and Associated Action Plan. The Action Plan included a goal to increase awareness of the City's governance structures and remove barriers to participation on City committees and boards and the electoral process to ensure representation of Black and other racialized communities, and a recommendation to, "Ensure equitable opportunities for Black and racialized communities to participate in the City's governance and decision-making processes." The Office of the City Clerk worked with GREIIRSD staff to undertake a review of recruitment, selection and appointment practices and associated policies and legislation with the intent to improve Council's ability to achieve diverse representation in public appointments and better align with Council's objectives to increase diversity in its public membership. The Office of the City Clerk also worked with Public Information and Media Relations and GREIIRSD to review the recruitment strategy for public appointments and associated outreach and communications.

To provide leadership and work with City staff on activities and actions related to the Anishinabe Algonquin Nation Civic Cultural Protocol and Implementation Plan, the

Mayor recommends that Council approve establishing a Council Liaison for the Anishinabe Algonquin Nation Civic Cultural Protocol and Implementation Plan.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with this report.

### **RURAL IMPLICATIONS**

There are no specific rural implications associated with this report.

### **SUPPORTING DOCUMENTATION**

Document 1 – Extract of Ontario Regulation 246/22

Document 2 – Recommended Ward- and position-specific appointments

Document 3 – Recommended amendments to the Appointment Policy

Document 4 – Recommended revised Advisory Committee Participation Expense Policy

Document 5 – Closed outstanding Inquiries from the 2018-2022 Term of Council

Document 6 – 2022 Annual Report of the Integrity Commissioner

Document 7 – Recommended amendments to the Code of Conduct for Members of Council [By-law No. 2018-400]

Document 8 – Recommended amendments to the Code of Conduct for Members of Local Boards [By-law No. 2018-399]

Document 9 – Recommended amendments to the Code of Conduct for Citizen Members of the Built Heritage Sub-Committee [By-law No. 2018-401]

Document 10 – Recommended amendments to the Community, Fundraising and Special Events Policy

Document 11 – Recommended amendments to the *Lobbyist Registry By-law* [By-law No. 2012-309]

Document 12 – Draft complaint protocol for the *Lobbyist Registry By-law* [By-law No. 2012-309]

Document 13 – Update on the City of Ottawa's local boards



Document 14 – Recommended amendments to the *Delegation of Authority By-law*

Document 15 – Recommended amendments to the *Procedure By-law*

Document 16 – Recommended amendments to the Accountability and Transparency Policy

Document 17 – Recommended amendments to the Council-Staff Relations Policy

Document 18 – Recommended amendments to the Council Expense Policy

Document 19 – Recommended amendments to the Delegation of Powers Policy

Document 20 – Recommended amendments to the Routine Disclosure and Active Dissemination Policy

Document 21 – Recommended amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Policy

Document 22 – Recommended amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Procedures

Document 23 – Updated Councillors' Office Manual

Document 24 – Mayor's delegation of certain assigned statutory powers under the *Municipal Act, 2001*

## **DISPOSITION**

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