

5. 2018-2022 MID-TERM GOVERNANCE REVIEW

**EXAMEN DE MI-MANDAT DE LA STRUCTURE DE GESTION
PUBLIQUE 2018-2022**

COMMITTEE RECOMMENDATIONS

That City Council approve the following:

PART I – COUNCIL, STANDING COMMITTEES AND RELATED MATTERS

1. That staff be directed to provide the Audit Committee with quarterly information reports regarding the status of the City's implementation of accepted audit recommendations, as described in this report and in Document 1;
2. Establish the Debenture Committee as described in this report and in accordance with the Terms of Reference attached as Document 2;
3. That the Terms of Reference for the Built Heritage Sub-Committee be amended to provide that annual staff reports regarding removal of properties from the Heritage Register, as required under Section 4.1 of the Heritage Register Procedures, be routed directly from the Built Heritage Sub-Committee to City Council, as described in this report;
4. That the Terms of Reference for the Transit Commission be amended to provide that staff reports regarding contracts awarded under delegated authority to OC Transpo are received by the Commission and forwarded to Council, as described in this report;
5. That the *Advisory Committee Procedure By-law* be amended to provide for the continuation of electronic meetings for Advisory Committees, as described in this report;
6. Approve the increased meeting frequency for the Accessibility

Advisory Committee as described in this report;

7. Approve administrative process improvements for Advisory Committees further to the pilot project with the Arts, Culture and Recreation Advisory Committee and Advisory Committee feedback, as described in this report;
8. That the Office of the City Clerk, in consultation with the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service, be directed to undertake a comprehensive 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 and report back to Council with findings and any recommendations in advance of the 2022-2023 recruitment process, as described in this report;
9. That the Appointment Policy be amended to include an updated equity and diversity statement as described in this report; and
10. That the standard Council and Committee report template be amended to include optional sections for Climate Implications, Economic Implications, and Indigenous, Gender and Equity Implications, as described in this report.

PART II – ACCOUNTABILITY AND TRANSPARENCY

1. Receive the 2020 Annual Report of the Integrity Commissioner, attached as Document 3;
2. That the Council-approved codes of conduct for Members of Council [By-law No. 2018-400], members of local boards [By-law No. 2018-399], and citizen members of the Built Heritage Sub-Committee [By-law No. 2018-401] be amended as described in this report and in Document 4;
3. That the *Lobbyist Registry By-law* [By-law No. 2012-309] be amended as described in this report and in Document 5;

4. That the Community, Fundraising and Special Events Policy be amended as described in this report and in Document 6; and
5. Receive the Integrity Commissioner's Interpretation Bulletin titled, "Use of Social Media," as attached in Document 3.

PART III – LOCAL BOARDS

1. Approve the following recommendations from the City/Business Improvement Area (BIA) Governance Working Group, as described in this report:
 - a. That ward Councillors appointed directly by City Council to a BIA Board of Management pursuant to Subsection 204(3)(a) of the *Municipal Act, 2001*, be *ex officio*, non-voting members of the Board of Management;
 - b. That the General Manager, Planning, Infrastructure and Economic Development, be delegated the authority to appoint to a BIA Board of Management those directors who have been selected by a vote of the membership of the improvement area in accordance with Subsection 204(3)(b) of the *Municipal Act, 2001*;
 - c. Direct Economic Development Services staff to develop a policy with respect to the relationship between Members of Council and BIA board members and staff, to be brought forward to the Finance and Economic Development Committee and Council in Q1 of 2021;
 - d. Direct Economic Development Services staff to develop a standardized BIA Governance By-law to be brought forward to the Finance and Economic Development Committee and Council in Q1 of 2021;
2. Receive the status report on the compliance of the City's Agencies, Boards and Commissions ("ABCs") with respect to their *Municipal Act, 2001* policy requirements and direct staff to provide a further update on ABC compliance as part of the 2022-

2026 Governance Review;

3. That the Chairs of Ottawa Board of Health and the Ottawa Police Services Board each be provided with a temporary half Full-time Equivalent (FTE) to support their roles, as a two-year pilot project to be funded from the Council Administrative Services budget, as described in this report; and
4. That the Secretary-Treasurer of the Committee of Adjustment report to the City Clerk for administrative matters, as described in this report.

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

1. The amendments to the *Procedure By-law* as described in this report and in Document 7;
2. The amendments to the *Delegation of Authority By-law* as described in this report and in Document 8;
3. The amendments to the *Procurement By-law* as described in this report;
4. The amendments to the Delegation of Powers Policy as described in this report and in Document 9;
5. The amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Procedures as described in this report, including:
 - a. The performance review process for the Auditor General and City Manager, as set out in Document 10;
 - b. The voluntary exit interview process for statutory officers who report directly to City Council, as set out in Document 11;
6. Approve by-laws for statutory officers who report directly to City

Council as described in this report, including:

- a. The City Manager's By-law attached as Document 13;
 - b. The Integrity Commissioner's By-law attached as Document 14; and
7. The amendments to the Auditor General's By-law [By-law No. 2013-375, as amended], including the adoption of the Institute of Internal Auditors' (IIA) *International Standards for the Professional Practice of Internal Auditing* as the City of Ottawa audit standard, as described in this report and attached in Document 15.

PART V – OTHER MATTERS

1. Approve the updated Councillors' Office Manual attached as Document 19;
2. Direct the City Clerk to bring forward in Q3 of 2021 a report regarding matters relating to the 2022 Municipal Elections, as described in this report; and
3. That the City Clerk be delegated the authority to implement changes to all related processes, procedures, policies, 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 COMITÉ

Que le Conseil approuve :

PARTIE I - CONSEIL MUNICIPAL, COMITÉS PERMANENTS ET QUESTIONS CONNEXES

1. Que le personnel soit chargé de remettre au Comité de la vérification des rapports trimestriels sur l'avancement de la mise en œuvre des recommandations acceptées à la suite des vérifications, comme il est décrit dans le présent rapport et dans le Document 1.
2. Créer un Comité des débentures, comme il est décrit dans le présent rapport et conformément au mandat annexé au titre de Document 2.
3. Que le mandat du Sous-comité du patrimoine bâti soit modifié de manière à ce que les rapports annuels du personnel sur la suppression de propriétés du Registre du patrimoine, comme il est requis en vertu de l'article 4.1 des Procédures portant sur le Registre du patrimoine de la Ville, soient transmis directement du Sous-comité du patrimoine bâti au Conseil municipal, comme il est décrit dans le présent rapport.
4. Que le mandat de la Commission du transport en commun soit modifié de manière à stipuler que les rapports du personnel sur l'octroi de contrats en vertu de l'exercice d'un pouvoir délégué à OC Transpo soient reçus par la Commission puis transmis au Conseil, comme il est décrit dans le présent rapport.
5. Que le *Règlement de procédure pour les comités consultatifs* soit modifié afin de permettre le maintien des réunions des comités consultatifs par voie électronique, comme il est décrit dans le présent rapport.
6. Approuve la fréquence accrue des réunions du Comité consultatif sur l'accessibilité, comme il est décrit dans le présent rapport.

- 7. Approuve les améliorations aux procédures administratives des comités consultatifs résultant de l'expérience pilote réalisée de concert avec le Comité consultatif sur les arts, la culture et les loisirs et aux commentaires du Comité consultatif, comme il est décrit dans le présent rapport.**
- 8. Que le Bureau du greffier municipal, en consultation avec le Service de l'équité des genres et des races, de l'inclusion, des relations avec les Autochtones et du développement social, soit chargé d'entreprendre un examen complet des pratiques de recrutement, de sélection et de nomination et des politiques et des lois connexes qui pourraient améliorer la capacité du Conseil à assurer une plus grande diversité de représentation dans les nominations publiques, qu'il en rende compte au Conseil et qu'il formule des recommandations avant le début du processus de recrutement de 2022-2023, comme il est décrit dans le présent rapport.**
- 9. Que la Politique de nomination soit modifiée pour inclure un énoncé actualisé en matière d'équité et de diversité, comme il est décrit dans le présent rapport.**
- 10. Que le modèle de rapport normalisé au Conseil et aux comités soit modifié pour inclure des sections facultatives consacrées aux répercussions climatiques, aux répercussions économiques et aux répercussions sur les Autochtones, les genres et l'équité, comme il est décrit dans le présent rapport.**

PARTIE II – RESPONSABILISATION ET TRANSPARENCE

- 1. Reçoive le rapport annuel de 2020 du commissaire à l'intégrité, joint au présent rapport au titre de Document 3.**
- 2. Que les codes de conduite des membres du Conseil [règlement 2018-400], des membres des conseils locaux [règlement 2018-399] et des membres citoyens du Sous-comité du patrimoine bâti [règlement 2018-401] soient modifiés, comme il**

est décrit dans le présent rapport et dans le Document 4.

3. Que le *Règlement sur le registre des lobbyistes* [règlement 2012-309] soit modifié, comme il est décrit dans le présent rapport et dans le Document 5.
4. Que la Politique sur les activités spéciales, communautaires et de financement soit modifiée, comme il est décrit dans le présent rapport et le Document 6.
5. Reçoive le bulletin d'interprétation du commissaire à l'intégrité intitulé « Utilisation des réseaux sociaux », ci-joint dans le Document 3.

PARTIE III - CONSEILS LOCAUX

1. Approuve les recommandations suivantes du Groupe de travail - gestion publique de la Ville et gouvernance des zones d'amélioration commerciale (ZAC), comme il est décrit dans le présent rapport :
 - a. Que les conseillers et conseillères nommés directement par le Conseil municipal à un conseil de gestion d'une ZAC en vertu de l'alinéa 204(3)(a) de la *Loi de 2001 sur les municipalités* en soient membres d'office sans droit de vote;
 - b. Que soit conféré au directeur général de Planification, Infrastructure et Développement économique le pouvoir de nommer à un conseil de gestion d'une ZAC les administrateurs qui ont été choisis par un vote des membres de la zone d'amélioration, conformément à l'alinéa 204(3)(b) de la *Loi de 2001 sur les municipalités*;
 - c. Charger le personnel des Services de développement économique d'élaborer une politique portant sur la relation entre les membres du Conseil municipal et les administrateurs du conseil de gestion de la ZAC et son personnel et de la présenter au Comité des finances et du

développement économique et au Conseil municipal au cours du 1^{er} trimestre de 2021;

- d. Que le personnel des Services de développement économique soit chargé d'élaborer un règlement normalisé encadrant la gouvernance des ZAC et que ce règlement soit présenté au Comité des finances et du développement économique et au Conseil municipal au cours du 1^{er} trimestre de 2021.
2. Reçoive le rapport sur l'état de conformité des organismes, des conseils et des commissions de la Ville eu égard aux dispositions de la *Loi de 2001 sur les municipalités* s'appliquant à eux et charger le personnel de préparer une nouvelle mise à jour à ce sujet dans le cadre de l'examen de la gestion publique de 2022-2026.
3. Que, sous la forme d'une expérience pilote de deux ans financée à même le budget des Services administratifs du Conseil, soient attribués à chacune des présidences du Conseil de santé d'Ottawa et de la Commission de services policiers d'Ottawa les services temporaires d'un demi-employé équivalent temps plein pour les appuyer dans leur fonction, comme il est décrit dans le présent rapport.
4. Que le secrétaire-trésorier du Comité de dérogation relève du greffier municipal en ce qui concerne les questions administratives, comme il est décrit dans le présent rapport.

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

1. Les modifications au *Règlement de procédure*, comme il est décrit dans le présent rapport et dans le Document 7;
2. Les modifications au *Règlement sur la délégation de pouvoirs*, comme il est décrit dans le présent rapport et dans le

Document 8;

3. Les modifications au *Règlement sur les approvisionnements*, comme il est décrit dans le présent rapport;
4. Les modifications à la Politique de délégation des pouvoirs, comme il est décrit dans le présent rapport et dans le document 9.
5. Les modifications 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, y compris :
 - a. Le processus d'examen du rendement du vérificateur général et du directeur municipal, comme il est décrit dans le Document 10;
 - b. Le processus d'entrevue de départ volontaire pour les titulaires d'une charge créée par une loi relevant directement du Conseil municipal, comme il est décrit dans le Document 11.
6. Approuve les règlements régissant les titulaires d'une charge créée par une loi relevant directement du Conseil municipal, comme il est décrit dans le présent rapport, y compris :
 - a. Le *Règlement sur le directeur municipal*, annexé au titre de Document 13;
 - b. Le *Règlement sur le commissaire à l'intégrité*, annexé au titre de Document 14.
7. Les modifications au Règlement sur le vérificateur général [Règlement 2013-375, version modifiée], y compris l'adoption des *Normes internationales pour la pratique professionnelle de l'audit interne* de l'Institut des auditeurs internes en tant que normes de vérification de la Ville d'Ottawa, comme il est décrit dans le présent rapport et annexé au titre de Document 15.

PARTIE V – AUTRES QUESTIONS

- 1. Approuve le manuel administratif des conseillers et conseillères actualisé, annexé au titre de Document 19;**
- 2. Que le greffier municipal soit chargé de soumettre au 3^e trimestre de 2021 un rapport sur les questions liées aux élections municipales de 2022, comme il est décrit dans le présent rapport;**
- 3. Que soit conféré au greffier municipal le pouvoir délégué de mettre en œuvre les changements proposés à l'ensemble de ces procédures, processus, politiques et 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 s'assurer qu'ils reflètent l'actuelle structure organisationnelle**

DOCUMENTATION/DOCUMENTATION

1. City Clerk's report, Office of the City Clerk, dated 20 November 2020 (ACS2020-OCC-GEN-0006).

Rapport du greffier municipal, Bureau du greffier municipal, daté le 20 novembre 2020 (ACS2020-OCC-GEN-0006).

2. Extract of draft Minutes, Finance and Economic Development Committee, 1 December 2020

Extrait de l'ébauche du procès-verbal, Comité des finances et du développement économique, le 1 décembre 2020

**Report to
Rapport au:**

**Finance and Economic Development Committee
Comité des finances et du développement économique
1 December 2020 / 1er décembre 2020**

**and Council
et au Conseil
9 December 2020 / 9 décembre 2020**

**Submitted on November 20, 2020
Soumis le 20 novembre 2020**

**Submitted by
Soumis par :
M. Rick O'Connor, City Clerk / greffier municipal**

**Contact Person
Personne-ressource :
Kiel Anderson, Manager, Policy and Business Operations / gestionnaire,
Politiques et activités opérationnelles
613-580-2424, ext. 13430, Kiel.Anderson@ottawa.ca**

Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2020-OCC-GEN-0006

SUBJECT: 2018-2022 Mid-term Governance Review

OBJET : Examen de mi-mandat de la structure de gestion publique 2018-2022

REPORT RECOMMENDATIONS

**That the Finance and Economic Development Committee recommend City
Council approve the following:**

PART I – COUNCIL, STANDING COMMITTEES AND RELATED MATTERS

- 1. That staff be directed to provide the Audit Committee with quarterly information reports regarding the status of the City's implementation of accepted audit recommendations, as described in this report and in Document 1;**
- 2. Establish the Debenture Committee as described in this report and in accordance with the Terms of Reference attached as Document 2;**
- 3. That the Terms of Reference for the Built Heritage Sub-Committee be amended to provide that annual staff reports regarding removal of properties from the Heritage Register, as required under Section 4.1 of the Heritage Register Procedures, be routed directly from the Built Heritage Sub-Committee to City Council, as described in this report;**
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- 6. Approve the increased meeting frequency for the Accessibility Advisory Committee as described in this report;**
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9. That the Appointment Policy be amended to include an updated equity and diversity statement as described in this report; and
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3. That the *Lobbyist Registry By-law* [By-law No. 2012-309] be amended as described in this report and in Document 5;
4. That the Community, Fundraising and Special Events Policy be amended as described in this report and in Document 6; and
5. Receive the Integrity Commissioner's Interpretation Bulletin titled, "Use of Social Media," as attached in Document 3.

PART III – LOCAL BOARDS

1. Approve the following recommendations from the City/Business Improvement Area (BIA) Governance Working Group, as described in this report:
 - a. That ward Councillors appointed directly by City Council to a BIA Board of Management pursuant to Subsection 204(3)(a) of the *Municipal Act, 2001*, be *ex officio*, non-voting members of the Board of Management;
 - b. That the General Manager, Planning, Infrastructure and Economic Development, be delegated the authority to appoint to a BIA Board of

Management those directors who have been selected by a vote of the membership of the improvement area in accordance with Subsection 204(3)(b) of the *Municipal Act, 2001*;

- c. Direct Economic Development Services staff to develop a policy with respect to the relationship between Members of Council and BIA board members and staff, to be brought forward to the Finance and Economic Development Committee and Council in Q1 of 2021;
 - d. Direct Economic Development Services staff to develop a standardized BIA Governance By-law to be brought forward to the Finance and Economic Development Committee and Council in Q1 of 2021;
2. Receive the status report on the compliance of the City's Agencies, Boards and Commissions ("ABCs") with respect to their *Municipal Act, 2001* policy requirements and direct staff to provide a further update on ABC compliance as part of the 2022-2026 Governance Review;
 3. That the Chairs of Ottawa Board of Health and the Ottawa Police Services Board each be provided with a temporary half Full-time Equivalent (FTE) to support their roles, as a two-year pilot project to be funded from the Council Administrative Services budget, as described in this report; and
 4. That the Secretary-Treasurer of the Committee of Adjustment report to the City Clerk for administrative matters, as described in this report.

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

1. The amendments to the *Procedure By-law* as described in this report and in Document 7;
2. The amendments to the *Delegation of Authority By-law* as described in this report and in Document 8;
3. The amendments to the *Procurement By-law* as described in this report;
4. The amendments to the Delegation of Powers Policy as described in this report and in Document 9;

5. The amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Procedures as described in this report, including:
 - c. The performance review process for the Auditor General and City Manager, as set out in Document 10;
 - d. The voluntary exit interview process for statutory officers who report directly to City Council, as set out in Document 11;
6. Approve by-laws for statutory officers who report directly to City Council as described in this report, including:
 - c. The City Manager's By-law attached as Document 13;
 - d. The Integrity Commissioner's By-law attached as Document 14; and
7. The amendments to the Auditor General's By-law [By-law No. 2013-375, as amended], including the adoption of the Institute of Internal Auditors' (IIA) *International Standards for the Professional Practice of Internal Auditing* as the City of Ottawa audit standard, as described in this report and attached in Document 15.

PART V – OTHER MATTERS

1. Approve the updated Councillors' Office Manual attached as Document 19;
2. Direct the City Clerk to bring forward in Q3 of 2021 a report regarding matters relating to the 2022 Municipal Elections, as described in this report; and
3. That the City Clerk be delegated the authority to implement changes to all related processes, procedures, policies, 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

Que le Comité des finances et du développement économique recommande au Conseil d'approuver :

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

1. Que le personnel soit chargé de remettre au Comité de la vérification des rapports trimestriels sur l'avancement de la mise en œuvre des recommandations acceptées à la suite des vérifications, comme il est décrit dans le présent rapport et dans le Document 1.
2. Créer un Comité des débentures, comme il est décrit dans le présent rapport et conformément au mandat annexé au titre de Document 2.
3. Que le mandat du Sous-comité du patrimoine bâti soit modifié de manière à ce que les rapports annuels du personnel sur la suppression de propriétés du Registre du patrimoine, comme il est requis en vertu de l'article 4.1 des Procédures portant sur le Registre du patrimoine de la Ville, soient transmis directement du Sous-comité du patrimoine bâti au Conseil municipal, comme il est décrit dans le présent rapport.
4. Que le mandat de la Commission du transport en commun soit modifié de manière à stipuler que les rapports du personnel sur l'octroi de contrats en vertu de l'exercice d'un pouvoir délégué à OC Transpo soient reçus par la Commission puis transmis au Conseil, comme il est décrit dans le présent rapport.
5. Que le *Règlement de procédure pour les comités consultatifs* soit modifié afin de permettre le maintien des réunions des comités consultatifs par voie électronique, comme il est décrit dans le présent rapport.
6. Approuver la fréquence accrue des réunions du Comité consultatif sur l'accessibilité, comme il est décrit dans le présent rapport.
7. Approuver les améliorations aux procédures administratives des comités consultatifs résultant de l'expérience pilote réalisée de concert avec le Comité consultatif sur les arts, la culture et les loisirs et aux commentaires du Comité consultatif, comme il est décrit dans le présent rapport.
8. Que le Bureau du greffier municipal, en consultation avec le Service de l'équité des genres et des races, de l'inclusion, des relations avec les Autochtones et du développement social, soit chargé d'entreprendre un

examen complet des pratiques de recrutement, de sélection et de nomination et des politiques et des lois connexes qui pourraient améliorer la capacité du Conseil à assurer une plus grande diversité de représentation dans les nominations publiques, qu'il en rende compte au Conseil et qu'il formule des recommandations avant le début du processus de recrutement de 2022-2023, comme il est décrit dans le présent rapport.

9. Que la Politique de nomination soit modifiée pour inclure un énoncé actualisé en matière d'équité et de diversité, comme il est décrit dans le présent rapport.
10. Que le modèle de rapport normalisé au Conseil et aux comités soit modifié pour inclure des sections facultatives consacrées aux répercussions climatiques, aux répercussions économiques et aux répercussions sur les Autochtones, les genres et l'équité, comme il est décrit dans le présent rapport.

PARTIE II – RESPONSABILISATION ET TRANSPARENCE

1. Recevoir le rapport annuel de 2020 du commissaire à l'intégrité, joint au présent rapport au titre de Document 3.
2. Que les codes de conduite des membres du Conseil [règlement 2018-400], des membres des conseils locaux [règlement 2018-399] et des membres citoyens du Sous-comité du patrimoine bâti [règlement 2018-401] soient modifiés, comme il est décrit dans le présent rapport et dans le Document 4.
3. Que le *Règlement sur le registre des lobbyistes* [règlement 2012-309] soit modifié, comme il est décrit dans le présent rapport et dans le Document 5.
4. Que la Politique sur les activités spéciales, communautaires et de financement soit modifiée, comme il est décrit dans le présent rapport et le Document 6.
5. Recevoir le bulletin d'interprétation du commissaire à l'intégrité intitulé « Utilisation des réseaux sociaux », ci-joint dans le Document 3.

PARTIE III - CONSEILS LOCAUX

1. Approuver les recommandations suivantes du Groupe de travail - gestion publique de la Ville et gouvernance des zones d'amélioration commerciale (ZAC), comme il est décrit dans le présent rapport :
 - a. Que les conseillers et conseillères nommés directement par le Conseil municipal à un conseil de gestion d'une ZAC en vertu de l'alinéa 204(3)(a) de la *Loi de 2001 sur les municipalités* en soient membres d'office sans droit de vote;
 - b. Que soit conféré au directeur général de Planification, Infrastructure et Développement économique le pouvoir de nommer à un conseil de gestion d'une ZAC les administrateurs qui ont été choisis par un vote des membres de la zone d'amélioration, conformément à l'alinéa 204(3)(b) de la *Loi de 2001 sur les municipalités*;
 - c. Charger le personnel des Services de développement économique d'élaborer une politique portant sur la relation entre les membres du Conseil municipal et les administrateurs du conseil de gestion de la ZAC et son personnel et de la présenter au Comité des finances et du développement économique et au Conseil municipal au cours du 1^{er} trimestre de 2021;
 - d. Que le personnel des Services de développement économique soit chargé d'élaborer un règlement normalisé encadrant la gouvernance des ZAC et que ce règlement soit présenté au Comité des finances et du développement économique et au Conseil municipal au cours du 1^{er} trimestre de 2021.
2. Recevoir le rapport sur l'état de conformité des organismes, des conseils et des commissions de la Ville eu égard aux dispositions de la *Loi de 2001 sur les municipalités* s'appliquant à eux et charger le personnel de préparer une nouvelle mise à jour à ce sujet dans le cadre de l'examen de la gestion publique de 2022-2026.
3. Que, sous la forme d'une expérience pilote de deux ans financée à même le budget des Services administratifs du Conseil, soient attribués à chacune

des présidences du Conseil de santé d'Ottawa et de la Commission de services policiers d'Ottawa les services temporaires d'un demi-employé équivalent temps plein pour les appuyer dans leur fonction, comme il est décrit dans le présent rapport.

4. Que le secrétaire-trésorier du Comité de dérogation relève du greffier municipal en ce qui concerne les questions administratives, comme il est décrit dans le présent rapport.

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

1. Les modifications au *Règlement de procédure*, comme il est décrit dans le présent rapport et dans le Document 7;
2. Les modifications au *Règlement sur la délégation de pouvoirs*, comme il est décrit dans le présent rapport et dans le Document 8;
3. Les modifications au *Règlement sur les approvisionnements*, comme il est décrit dans le présent rapport;
4. Les modifications à la Politique de délégation des pouvoirs, comme il est décrit dans le présent rapport et dans le document 9.
5. Les modifications 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, y compris :
 - c. Le processus d'examen du rendement du vérificateur général et du directeur municipal, comme il est décrit dans le Document 10;
 - d. Le processus d'entrevue de départ volontaire pour les titulaires d'une charge créée par une loi relevant directement du Conseil municipal, comme il est décrit dans le Document 11.
6. Approuver les règlements régissant les titulaires d'une charge créée par une loi relevant directement du Conseil municipal, comme il est décrit dans le présent rapport, y compris :

- c. **Le *Règlement sur le directeur municipal*, annexé au titre de Document 13;**
 - d. **Le *Règlement sur le commissaire à l'intégrité*, annexé au titre de Document 14.**
7. **Les modifications au Règlement sur le vérificateur général [Règlement 2013-375, version modifiée], y compris l'adoption des Normes internationales pour la pratique professionnelle de l'audit interne de l'Institut des auditeurs internes en tant que normes de vérification de la Ville d'Ottawa, comme il est décrit dans le présent rapport et annexé au titre de Document 15.**

PARTIE V – AUTRES QUESTIONS

1. **Approuver le manuel administratif des conseillers et conseillères actualisé, annexé au titre de Document 19;**
2. **Que le greffier municipal soit chargé de soumettre au 3^e trimestre de 2021 un rapport sur les questions liées aux élections municipales de 2022, comme il est décrit dans le présent rapport;**
3. **Que soit conféré au greffier municipal le pouvoir délégué de mettre en œuvre les changements proposés à l'ensemble de ces procédures, processus, politiques et 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 s'assurer qu'ils reflètent l'actuelle structure organisationnelle.**

EXECUTIVE SUMMARY

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

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

Since amalgamation, the City of Ottawa has undertaken governance reviews twice over each Term of Council. The first review takes place at the beginning of a Term of Council and traditionally is when major changes are made to the governance structure, such as the establishment or elimination of Standing Committees and/or Sub-Committees. In contrast, the Mid-term Governance Review traditionally ‘tweaks’ the governance structure to address any issues that have arisen in the interim.

This is the Mid-term Governance Review for the 2018-2022 Term of Council. This Governance Review, as in each previous review, was guided by the principles that any proposed change must ensure that:

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

This 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 procedures and policies required for Council, Committees of Council and other related bodies. In addition, there are a number of recommended “housekeeping” amendments (changes where existing processes need to be ‘cleaned up’, or where new direction or updates are suggested), as is normal practice.

In keeping with past practice, these recommendations were developed through interviews conducted by the City Clerk and the Manager, Policy and Business Operations, with all Members of Council. As well, the City Clerk met with the Chairs and Vice-Chairs of the City’s Advisory Committees, and sought input from senior staff with respect to improvements that they might recommend. Any relevant legislative changes that came into force since the 2018-2022 Governance Review were also reviewed.

Consistent with the standard practice, where there was a consensus for a change among Members of Council, this report indicates this and there is a corresponding recommendation. The report also indicates where the recommendation originates with staff. In some instances, staff are bringing forward recommendations that arose after the consultations with Members of Council were complete. In all cases, staff feel that the recommendations align with the principles set out above.

In keeping with previous governance reports, the City Clerk worked closely with the Mayor in finalizing the recommendations in this Mid-term Governance Review report. One of the fundamental responsibilities of the “Head of Council” under Subsections 225(c) and (c.1) of the *Municipal Act, 2001* is to “provide leadership to the council; [and] ... to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1)”. Clauses 224 (d) and (d.1) relate specifically to ensuring administrative and controllership “policies, practices and procedures ... are in place to implement the decisions of council; [and] to ensure the accountability and transparency of the operations of the municipality...”. A similar process took place during past governance reviews.

Highlights of the recommendations are provided below:

Part I – Council, Standing Committees and related matters

- This report proposes that staff provide the Audit Committee with quarterly updates regarding the City’s implementation of accepted audit recommendations. The Audit Committee would receive updates on audits that have high-priority recommendations as identified by the Chair of the Audit Committee, working with the City Manager (or designate) and the Auditor General. The updates would complement the Auditor General’s current practice of bringing forward audit follow-up reports.
- It is recommended that the Debenture Committee be re-established. This Committee, composed of the Mayor, the Vice-Chair of the Finance and Economic Development Committee (FEDCO), the City Manager and the Chief Financial Officer/Treasurer, was previously used during the 2010-2014 Term of Council. The Committee would meet 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.

- Amendments are proposed to the Terms of Reference for the Built Heritage Sub-Committee (BHSC) and Transit Commission. The BHSC amendments would formalize that annual staff reports regarding removal of properties from the Heritage Register rise directly from the BHSC to Council without the intermediate step of consideration by Planning Committee. If approved, this would also require consequential amendments to the Planning Committee's Terms of Reference. For the Transit Commission, the proposed amendments would clarify that the Commission has the responsibility to receive and forward to Council semi-annual information reports submitted by the Chief Procurement Officer regarding contracts exceeding \$25,000 awarded under delegated authority to OC Transpo. This would clear up previous inconsistency in the routing of these reports and align with the routing from FEDCO to Council for similar City-wide reports prepared by the Chief Procurement Officer.
- Proposed changes would apply to Advisory Committees, including amendments to the *Advisory Committee Procedure By-law* to provide for the continuation of electronic meetings for Advisory Committees during the current Term of Council as well as increased meeting frequency for the Accessibility Advisory Committee (two additional regular meetings per year). Various administrative process improvements are also recommended, including an option for Advisory Committees to hold one meeting per year in the community, as described in this report, once in-person meetings resume following the end of restrictions relating to the COVID-19 pandemic.
- Staff propose to undertake a comprehensive 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. It is also recommended that the Appointment Policy be amended to include an updated equity and diversity statement.
- This report recommends the standard Council and Committee report template be amended to include optional sections for Climate Implications, Economic Implications, and Indigenous, Gender and Equity Implications, with the standard report template to be reviewed as part of the 2022-2026 Governance Review process.

Part II – Accountability and transparency

- The 2020 Annual Report of the Integrity Commissioner is provided and includes an Interpretation Bulletin titled, “Use of Social Media,” for Council to receive.
- Amendments are proposed to codes of conduct for Members of Council, members of local boards and citizen members of the BHSC. This includes adding the definition of municipal staff to the Code of Conduct for Members of Council (and that the definition make explicit reference to Councillors’ Assistants as municipal staff), along with removing the administrative role of the City Clerk in the transmittal of formal complaints and recommendation reports, and formalizing a practice of providing a Respondent an opportunity to comment on a draft Integrity Commissioner’s report to Council.
- Proposed amendments to the *Lobbyist Registry By-law* would include Letters of Direction and Compliance Agreements as part of the formal, escalating discipline measures available if the Integrity Commissioner finds that a lobbyist has not met the requirements of the by-law.
- It is recommended that Council formalize an informal practice whereby the Meetings Investigator is advised in advance of the public notice of any Committee, Commission or Council meeting where it is expected that confidential matters will be considered. This practice provides the opportunity to review the appropriateness of the planned closed session before the Clerk’s Office issues public notice as part of the meeting agenda.
- A recommended amendment to the Community, Fundraising and Special Events Policy would allow for the possibility of an exemption, with the approval of the Integrity Commissioner, to certain restrictions on Members relating to ‘new’ events in an election year. The report notes that by-elections during the 2018-2022 Term of Council have highlighted that the restrictions may disproportionately disadvantage new Members of Council.

Part III – Local boards

- A recommendation from the City/Business Improvement Area (BIA) Governance Working Group would provide that ward Councillors appointed directly by City Council to a BIA Board of Management be *ex officio*, non-voting members of the Board of Management. Another recommendation from the working group would provide the General Manager, Planning, Infrastructure and Economic

Development (PIED) with delegated authority to appoint to a BIA Board of Management those directors who have been selected by a vote of the membership of the improvement area. The working group also recommends that staff be directed to develop a policy with respect to the relationship between Members of Council and BIA board members and staff, as well as a standardized BIA Governance By-law.

- An update is provided for Council's information regarding the compliance of the City's Agencies, Boards and Commissions with respect to their *Municipal Act, 2001* policy requirements.
- It is recommended that the Board of Health Chair and the Police Services Board Chair each be provided with a temporary half FTE to support their roles, as a two-year pilot project, so that board-related work does not take away from the Members' responsibilities to their constituents. This is consistent with the way in which Council has recognized the additional workload placed on Standing Committee Chairs and Members serving as Deputy Mayors, and would be reviewed as part of the 2022-2026 Council Governance Review.
- It is proposed that the Secretary-Treasurer of the Committee of Adjustment report to the City Clerk for administrative matters, rather than the current informal "dotted-line" relationship that exists between the Secretary-Treasurer and the General Manager of PIED, in order to mitigate any perceived conflict of interest as described in this report.

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

- The report includes the traditional review of the *Procedure By-law*, the *Delegation of Authority By-law* and the *Procurement By-law*, including recommendations from Members and/or staff.
- Staff recommend Council approve amendments to the Delegation of Powers Policy that would formalize protocols to reflect a completed management response to an Auditor General's recommendation. The proposed amendments would in part provide that staff exercising delegated authority are responsible for ensuring that Members of Council and/or the Ward Councillor, as appropriate, are engaged early in the process, particularly in instances where a matter is high-profile or sensitive.

- Proposed amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Procedures would provide a performance review process for the Auditor General and City Manager further to formal direction provided by Council on December 3, 2014, and incorporating the process recently used for the 2018-2020 City Manager performance review process. Other amendments to the procedures would provide for a voluntary exit interview process for all statutory officers who report directly to City Council, based on the exit interview framework recently established in accordance with Council's direction for the Auditor General recruitment and appointment process.
- Further to an Ontario Ombudsman's report recommendation, it is proposed that Council establish new overarching by-laws for the City Manager and Integrity Commissioner. The proposed new by-laws would incorporate general statutory information regarding Council's establishment of the positions under the *Municipal Act, 2001*, as well as their respective powers and duties.
- Amendments are proposed to the Auditor General's By-law, including the incorporation of a recommendation from the Auditor General that Council adopt the Institute of Internal Auditors' (IIA) *International Standards for the Professional Practice of Internal Auditing* as the audit standard to replace the existing City of Ottawa Audit Standards that Council adopted on June 13, 2012.

Part V – Other matters

- Pursuant to Council's direction, the Office of the City Clerk reviewed and updated the Councillors' Office Manual for the first time since 2005. This report also includes a review of Members' office-related matters, including employment matters.
- It is recommended that the City Clerk bring forward a report in Q3 of 2021 regarding matters relating to the 2022 Municipal Elections, following various election-related matters that have arisen since the October 2018 Municipal Elections.

In addition, this report provides information and updates regarding various matters, including:

- A forthcoming review of the governance and Committee reporting structure as it relates to gender, equity and race relations matters (in Part I of this report);
- The meeting location pilot project for FEDCO (in Part I of this report);
- Report routing for annual staff information reports regarding heritage permits issued through delegated authority (in Part I of this report);
- Integrity Commissioner appointment and recruitment (in Part II of this report);
- The City's review of the Public-Private Partnership Policy and related by-laws (in Part IV of this report); and
- Proactive disclosure to identify numbered companies (in Part V of this report).

BACKGROUND

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

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

The 2018-2022 Mid-term Governance Review, as in each previous review, was guided by the principles that any proposed change must ensure that:

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

The City's authority is determined by its enabling legislation, which primarily is the *Municipal Act, 2001* (the Act) and the *City of Ottawa Act, 1999*. The *Municipal Act, 2001* was amended by Bill 130, the *Municipal Statute Law Amendment Act, 2006*, where many of the changes to the Act came into effect by January 2008. The overall intent of the changes in Bill 130 was to provide municipalities with the flexibility and autonomy to respond to local matters and fulfill responsibilities within their jurisdiction. To this end, the Bill provided municipalities with greater powers and autonomy 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 mandatory 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 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 procedures and policies required for Council, Committees of Council and other related bodies. Recommendations can be brought forward in a number of ways, including consultation with individual Members of Council, by way of referral or direction from a Committee or Council, or by staff.

Consistent with the standard practice, where there was a consensus for a change among Members of Council, the report indicates this and there is a recommendation. The report also indicates where the recommendation originates with staff. In some instances, staff are bringing forward recommendations that arose after the consultations with Members of Council were complete. In all cases, staff feel that the recommendations align with the principles set out above.

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

As part of the preparation for the report, the City Clerk 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.

DISCUSSION

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

PART I – COUNCIL, STANDING COMMITTEES AND RELATED MATTERS

STANDING COMMITTEES

Committee/board/other membership

Members of Council sit on a variety of bodies including Standing Committees, Sub-Committees and other entities (e.g. external boards, federal/provincial/ municipal organizations, etc.).

As a reflection of general practice, the [2009 Mid-term Governance Review](#) report recommended that the mid-term review become a regular opportunity for Members of Council to review their membership on Standing Committees and other Council bodies and to make any changes at that time.

In accordance with this practice, Members of Council were surveyed for any requests for changes to current membership. There are no such changes being recommended in this report.

Agriculture and Rural Affairs Committee

No changes are recommended for the Agriculture and Rural Affairs Committee.

Audit Committee

Part I, Recommendation 1: That staff be directed to provide the Audit Committee with quarterly information reports regarding the status of the City's implementation of accepted audit recommendations, as described in this report and in Document 1.

Currently, reporting out to Committee and Council on the implementation of accepted audit recommendations occurs through the tabling of the Auditor General's reports on audit follow-ups. The Office of the Auditor General (OAG) conducts audit follow-ups two to three years after an audit is complete, although a follow-up may be conducted sooner if corrective action is complete.

The audit follow-ups are considered by the Audit Committee, which under its Terms of Reference is in part responsible to Council for:

- Receiving and resolving any audit recommendations where management does not agree as directed by Council;
- Receiving reports and additional background information on changed or disputed audit recommendations, and direct staff on next steps or make recommendations to Council on potential resolutions; and
- Receiving regular status reports on the City's implementation of accepted audit recommendations.

On October 14, 2020, Council considered the report titled, "[Office of the Auditor General – Report on Audit Follow-ups and Detailed Audit Follow-up Reports](#)," and approved Motion No. 41/4. This motion noted that "there is a desire to establish a regular reporting schedule for receiving status reports, in addition to annual reports on Follow Ups, on the City's implementation of accepted audit recommendations," and referred the issue of establishing a regular reporting schedule for Audit Committee to receive status reports on the City's implementation of accepted audit recommendations to the Mid-term Governance Review process.

Motion No. 41/4 also referred another motion [Motion No. 41/3, brought forward at the same Council meeting], "for consideration as part of [the Mid-term Governance Review] process." Motion No. 41/3 recommended that Council "direct the Office of the City Manager to submit quarterly, a status report of the implementation of outstanding audit recommendations to members of the Audit Committee and Council for information and if required, serve notice to relevant staff to appear to respond to questions from members of Audit Committee and Council at a subsequent meeting of the Audit Committee."

Directing staff to provide regular updates to the Audit Committee

After the Auditor General's audit reports are tabled and approved by Council, staff begin to implement and track accepted audit recommendations. While it is a best practice for municipal Auditors General to follow up on each audit with a report to Committee/Council some time after it is complete – as is currently the process in the City of Ottawa – staff note that determining the nature and frequency of any formal interim status updates from operational staff to the Audit Committee requires consideration of matters such as resource requirements and potential duplication with follow-up work already conducted by the Auditor General.

As described below in more detail, staff recommend Council adopt a focused quarterly status reporting approach, further to the Audit Committee's responsibility to receive "regular status reports on the City's implementation of accepted audit recommendations," as well as the notion set out in Motion No. 41/4 that Council wishes to establish a regular reporting schedule for receiving status reports on the implementation of audit recommendations in addition to the Auditor General's regular follow-up reports.

Under the proposed approach set out below, staff would provide the Audit Committee with quarterly information reports that contain status updates regarding audits with high-priority accepted recommendation(s) as identified by the Chair of the Audit Committee, working with the City Manager (or designate) and the Auditor General.

In developing this recommendation, staff considered the proposal in Motion No. 41/3 for the Office of the City Manager "to submit quarterly, a status report of the implementation of outstanding audit recommendations to members of the Audit Committee and Council for information and if required, serve notice to relevant staff to appear to respond to questions from members of Audit Committee and Council at a subsequent meeting of the Audit Committee." While this motion did not provide details of the scope and content of the suggested status reports, staff note it does recommend updates be provided on a quarterly basis. Staff further note that providing quarterly updates on all outstanding audit recommendations, and potentially serving notice to all relevant staff to attend a subsequent Committee meeting, would raise concerns with respect to resource requirements, particularly as certain outstanding recommendations may involve complex matters and/or span multiple departments.

Therefore, staff propose a reporting approach that would focus each quarter on the status of audits that include accepted recommendation(s) deemed to be a high priority by the Audit Committee Chair, working with the City Manager (or designate) and the Auditor General, based on the following criteria – most of which were used by the City of Toronto's Auditor General in 2019 [in determining outstanding audit recommendations that were of greatest concern](#):

1. Significant health and safety risk;
2. Significant amount of potential savings;
3. Significant reputation risk;

4. Previously updated audits for which staff provided an expected implementation date for high priority recommendation(s) and that implementation date has passed; and/or
5. Recommendation(s) from audit reports that remain outstanding for five years or more since the related report was issued.

Further to the above-noted criteria, the proposed quarterly status information reporting process is as follows:

- Every six months, the Audit Committee Chair, working with the City Manager (or designate) and Auditor General, would determine up to eight audits that would each be subject to a status update from staff in one of the following two quarters (e.g. four audits in one quarter and four in the next, or another combination), as any or all of the accepted recommendation(s) in the audits are considered to be a high priority, based on the above-noted criteria.
- The Audit Committee Chair would advise the Audit Committee of the selected audits by way of an IPD memo that provides details of the audits and the accepted recommendations, as well as the quarter in which the status update is to be provided for each audit. The memo would also identify which of the audit recommendation(s) are deemed to be a high priority and provide the reasons for that classification.
- Staff would work with the Auditor General to bring forward in each of the following two quarters a status information report to the Audit Committee regarding a portion of the selected audits. The information report would be expected to provide the following information regarding each accepted recommendation in each audit:
 - Percentage of completion;
 - Expected implementation date;
 - Reason for change to implementation date (if applicable); and
 - For any recommendation(s) identified as a high priority, narrative of the action taken or to be taken to implement.

Relevant staff would be expected to attend the Audit Committee meeting when the status report was considered for information.

The recommended approach, in addition to the OAG's current practice of tabling annual reports on audit follow-ups, would provide a quarterly opportunity for the Audit Committee to focus on audits with high-priority recommendation(s) without leading to a significant time and resource requirement that may otherwise result from a quarterly reporting model for all accepted audit recommendations and/or all outstanding accepted audit recommendations. Furthermore, rather than receiving a high-level overview of all outstanding recommendations, the proposed focused approach would provide for a deeper look at the implementation status for audits containing recommendation(s) identified as a high priority.

It is recommended that a review of the proposed practice, if implemented, be included as part of any Quality Assurance Review process of the OAG that the Audit Committee may consider and recommend to Council. Under the City of Ottawa Audit Standards (as well as the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing* on which the City's standards are based), external assessments must be conducted at least once every five years by a qualified, independent reviewer or review team from outside the City.

If Council approves this recommendation, it is proposed that the above-noted process begin in Q3 of 2021, as described in Document 1.

Community and Protective Services Committee

No changes are proposed for the CPSC.

That said, staff note that on September 30, 2020, the City Manager announced the establishment of a Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service within the Community and Social Services Department (CSS). This new service area will work to create barrier-free and inclusive policies, programs, services and community strategies in partnership with the community, staff and Members of Council.

The new service area complements various measures Council has put in place to address gender, equity and race relations initiatives in recent years, including as follows:

1. 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.
2. 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.
3. 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 light of the establishment of the new service area and the above-noted Council-approved measures, CSS intends to undertake a comprehensive review of the related governance structure in advance of the 2022-2026 Governance Review. Working with the Council Liaisons, Council Sponsors Group and relevant Committee Chairs, CSS staff will review the governance and Committee reporting structure as it relates to gender, equity and race relations matters with a view of determining the most appropriate alignment moving forward and will make any recommendations as part of the 2022-2026 Governance Review report.

Debenture Committee

Part I, Recommendation 2: Establish the Debenture Committee as described in this report and in accordance with the Terms of Reference attached as Document 2.

The former Debenture Committee was established by City Council on January 27, 2010, through consideration of the staff report titled, “[Establishment of a Debenture Committee and Delegation of Authority to enact Debenture By-Laws, other related By-Laws and Temporary Borrowing By-Laws for Current Purposes](#).”

The Committee was composed of the Mayor, the Vice-Chair of the Finance and Economic Development Committee (FEDCO), the City Manager and the City Treasurer, who met 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 had already been approved by Council. To accomplish this, the Committee met on short notice rather than going through the normal Council meeting process to enact the required debenture by-laws.

The [2014-2018 Governance Review](#) report noted that from an administrative perspective, while the Debenture Committee had proven to be an effective means of ensuring that debenture by-laws are enacted in a timely manner, it was believed that efficiencies could be realized. In particular, it was noted that the Committee generally held a relatively small number of meetings that were quite brief (less than 15 minutes, given that both the projects and the amount of debt were already approved by Council). However, each meeting required resources and staff time to coordinate and operate, and necessitated the scheduling of Committee members with limited notice. To address this, it was recommended that the Debenture Committee be eliminated, and that the City Treasurer and the City Manager be jointly authorized to place any debenture by-law required for debt issued pursuant to provisions of the *Delegation of Authority By-law* directly on the meeting agendas of FEDCO or City Council with 48 hours' notice.

Council approved the recommendation and the process set out above was implemented.

Proposed re-establishment of the Debenture Committee

On April 8, 2020, Council considered the staff report titled, "[City Debenture Issuance](#)," which noted as follows:

"The City has plans to issue debt in 2020 as outlined in the 2020 budget approved by Council. Based on discussions with the City's financial agents, financial market conditions, as a result of the COVID-19 pandemic, are considered complex and will require a high degree of flexibility, market timing and coordination for the City to place a debenture issue into the marketplace during 2020.

Under normal conditions, the process for issuing debentures requires a report requesting Council to enact a by-law to authorize the issuance of the debentures.

Due to the state of market conditions resulting from the pandemic, staff is recommending that the Mayor be authorized to approve and enact the necessary by-laws over the remainder of 2020, when required, without having to wait for the next Council meeting. This will provide staff with the flexibility to proactively coordinate with its financial agents to effectively launch a debt issue(s) to fulfill the 2020 budget mandate approved by Council.”

During consideration of the staff report, Council approved Motion No. 31/2, which:

- Amended the recommendation of the above-noted staff report to provide, “That City Council delegate the authority to the Mayor or his designate to execute and enact the necessary debenture by-laws associated with this report to authorize the issuance of debentures where the project debt authority has been approved by Council over the 2020 time period and that this delegated authority be reviewed at the first, in-person Council meeting once the COVID-19 emergency has ended”; and
- Provided “That during the Mid-Term Governance Review, staff be directed to examine the possibility of re-establishing the Debenture Committee.”

During interviews for the Mid-term Governance Review, Members generally supported re-establishing the Debenture Committee, with some Members suggesting the Committee would provide additional accountability and transparency. Furthermore, staff anticipate that the possibility of holding electronic meetings may resolve any scheduling issues that affected the previous Committee.

Therefore, this report recommends that Council re-establish the Debenture Committee with membership consistent with the previous committee (the Mayor, the Vice-Chair of FEDCO, the City Manager and the Chief Financial Officer/Treasurer). The proposed Terms of Reference for the re-established Committee, based on those used for the former Committee and the current responsibilities with respect to debentures as set out in the Council-approved Terms of Reference for FEDCO, are attached as Document 2.

In keeping with current practices, and in view of the routine nature of the authority to be exercised and the necessity for the City to react quickly to market conditions to coincide with investor demand and market liquidity, it is believed that a minimum of 48 hours’ notice in advance of the Debenture Committee meeting to all Members of Council and the public would continue to be sufficient. For the general public, such notice would be

provided by way of the Debenture Committee agenda, with a public service announcement. The Debenture Committee would report out to Council regarding the exercise of its delegated authority as part of the regular “Disposition of Items Approved by Committees under Delegated Authority” information item on the Council Agenda. In addition, consistent with past practice, quorum of the Committee would be one-half of all members, with at least one of those members being an elected official. These matters are reflected in the draft *Procedure By-law* amendments attached as Document 7.

If Council re-establishes the Debenture Committee, the FEDCO Terms of Reference would be amended to provide the Debenture Committee with authority to enact the required debenture by-laws (those matters for which FEDCO is currently delegated the authority to make final decisions) at its regular meetings. Specifically, the section regarding “Debentures” (Section 41) under FEDCO’s “Specific Responsibilities” would be removed from the FEDCO Terms of Reference and incorporated in the Debenture Committee Terms of Reference.

In addition, the *Delegation of Authority By-law* [By-law No. 2019-280] 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(3), the Chief Financial Officer/Treasurer and the City Manager currently are jointly authorized to place the debenture by-law directly on a FEDCO or Council agenda. If the delegation of authority to the Debenture Committee described in this report is authorized by Council, the *Delegation of Authority By-law* will require amendments to indicate that the debenture by-law will go to the Debenture Committee for enactment, and that the exercise of delegated authority by the Chief Financial Officer/Treasurer and the Debenture Committee shall be reported to Council at the earliest opportunity following each debt issuance. These changes are reflected in the draft *Delegation of Authority By-law* amendments attached as Document 8.

Council’s consideration of this matter through the Mid-term Governance Review is considered to be the review of the Mayor’s delegated authority as contemplated in Motion No. 31/2, given the timing of this report and its recommendation to establish the Debenture Committee, as well as the ongoing nature of COVID-19 restrictions on in-person Council meetings. Should Council re-establish the Debenture Committee, the above-noted delegated authority provided by Council to the Mayor or his designate through the report titled, “[City Debenture Issuance](#),” as amended, would immediately be replaced by the Debenture Committee’s process and delegated authority in this regard.

That said, the Chief Financial Officer/Treasurer advised at the time of the writing of this report that staff do not anticipate bringing forward any debenture by-laws during the remainder of 2020.

Standing Committee on Environmental Protection, Water and Waste Management

No changes are recommended for the Standing Committee on Environmental Protection, Water and Waste Management.

Finance and Economic Development Committee

As noted above, should Council approve the recommendation in this report to re-establish the Debenture Committee [Part 1, Recommendation 2], the Finance and Economic Development Committee (FEDCO) Terms of Reference would be amended to provide the Debenture Committee with the required authority as it relates to debentures.

No other changes are proposed for FEDCO. That said, the City Clerk consulted Members regarding a pilot project related to the FEDCO meeting location, as described below in more detail. As there was no consensus regarding the formalization of the pilot project, no recommendation is made.

Consultation with Members regarding meeting location

Subsection 81(1)(a) of the *Procedure By-law* provides that regular meetings of Committees/Commissions “shall be on the day of the week determined by Council **but at such time and at such place as shall be determined by Committee/Commission**” [emphasis added]. Subsection 81(1)(b) of the *Procedure By-law* provides that, “**Individual regular meetings of a Committee/Commission may be varied by the Chair from** the day of the week determined by Council and **the time and place determined by Committee/Commission** subject to the notice provisions ... provided that the date or time do not conflict with the date and time assigned to another Standing Committee/Commission by Council or the regular meeting times of the Ottawa Board of Health, the Ottawa Public Library Board or the Ottawa Police Services Board” [emphasis added].

Similar to other Standing Committees, FEDCO did not consider its meeting location further to Council’s approval of meeting locations through the 2018-2022 Governance

Review report. As such, the Committee began the 2018-2022 Term of Council with regular meetings held in the Champlain Room.

On September 25, 2019, Council approved Motion No. 20/12, as amended by Motion No. 20/13. These motions provided “that regular meetings of the Finance and Economic Development Committee be held in Andrew S. Haydon Hall as a pilot project to be reviewed at the time of the 2018-2022 Mid-term Governance Review,” and, “that, in accordance with Subsection 81(b) of the *Procedure By-law*, the Mayor as Chair of FEDC[O] retain the authority to vary the location of individual FEDC[O] meetings should there be a light legislative agenda where there are no significant city-wide issues.”

Motion No. 20/12 noted that FEDCO meetings are regularly attended by a large number of non-Committee members because the Committee’s mandate and Terms of Reference include a number of significant, City-wide matters of interest to all Members of Council. The motion further noted that moving regular meetings of FEDCO from the Champlain Room to the larger and better-equipped Andrew S. Haydon Hall (Council Chambers) would better provide for non-Committee members to participate in FEDCO meetings.

Due to the restrictions surrounding the COVID-19 pandemic, this pilot project continued until the end of in-person meetings in March 2020. That said, during consultation for the Mid-term Governance Review, there was no consensus among the Members to formalize the practices suggested for the pilot project. Some Members noted that the Mayor as Chair of the Committee already has authority under the *Procedure By-law* to determine any changes to the meeting location that may be required. Given the lack of consensus, there is no recommendation being made, and the Champlain Room will remain as the formal location for regular FEDCO meetings unless changed by the Committee in accordance with Subsection 81(1)(a) of the *Procedure By-law*. The Chair continues to have the authority to move an individual regular meeting pursuant to Subsection 81(1)(b).

That said, staff note that all Council and Committee meetings are currently affected by the ongoing COVID-19 pandemic, as described in more detail in the *Procedure By-law* section of this report (Part IV, Recommendation 1).

Sub-Committee of the Finance and Economic Development Committee

Information Technology Sub-Committee

No changes are being recommended for the Information Technology Sub-Committee.

Planning Committee

As discussed below in more detail in the Built Heritage Sub-Committee (BHSC) section (Part I, Recommendation 3), it is recommended that the Terms of Reference for the BHSC be amended to formalize the direct routing of certain annual heritage-related staff reports from the BHSC to Council, rather than requiring intermediate Planning Committee consideration. If Council approves the recommendation, the Terms of Reference for the Planning Committee would require consequential amendments to set out the authority of the BHSC with respect to these reports.

No other changes are proposed for the Planning Committee.

Sub-Committee of the Planning Committee

Built Heritage Sub-Committee

Part I, Recommendation 3: That the Terms of Reference for the Built Heritage Sub-Committee be amended to provide that annual staff reports regarding removal of properties from the Heritage Register, as required under Section 4.1 of the Heritage Register Procedures, be routed directly from the Built Heritage Sub-Committee to City Council, as described in this report.

On May 11, 2016, Council considered the staff report titled, “Heritage Register – Procedures,” and approved the City of Ottawa’s Heritage Register Procedures that are meant to provide a clear process for the addition and removal of properties to the Heritage Register and clarity on the demolition process for property owners.

Section 4.1 of the Heritage Register Procedures provides that Heritage staff will prepare a report in the first quarter of each year that addresses all removals from the Heritage Register. This includes recommending removal of all buildings demolished from the previous year, any staff-initiated removals as well as recommendations regarding any requests for removal received from property owners.

On June 27, 2019, the Planning Committee considered the staff report titled, “[Removal of properties from the Heritage Register 2016-2018](#).” Prior to the Planning Committee’s

consideration of the report, it was considered by the Built Heritage Sub-Committee (BHSC).

At the Planning Committee meeting, the former Chair of the BHSC suggested that Council look at implementing a change in practice in its next governance review to have this type of report rise directly from BHSC to Council, rather than requiring consideration by Planning Committee.

In 2020, the staff report titled, "[Heritage Register Annual Report, 2019](#)," was routed directly from the BHSC to Council, where it was considered on June 24, 2020.

Formalizing the removal of Planning Committee consideration

During interviews for the 2018-2022 Mid-term Governance Review, Members generally supported the proposal to remove the requirement for Planning Committee to consider the annual staff reports regarding removal of properties from the Heritage Register.

As such, this report recommends that the BHSC's Terms of Reference be amended to formalize that the reports rise directly from the BHSC to Council without the intermediate step of consideration by Planning Committee.

Staff also note that through the 2018-2022 Governance Review report, Council approved the direct routing of additions to the Heritage Register from BHSC to Council. This recommendation would allow both additions and removals relating to the Register to follow consistent routing.

If Council approves the recommendations, the Terms of Reference for the Planning Committee would require consequential amendments to set out the authority of the BHSC with respect to these reports.

Annual information reports regarding heritage permits issued through delegated authority

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.

Transit Commission

Part I, Recommendation 4: That the Terms of Reference for the Transit Commission be amended to provide that staff reports regarding contracts awarded under delegated authority to OC Transpo are received by the Commission and forwarded to Council, as described in this report.

Under Section 39 of the *Procurement By-law*, the Chief Procurement Officer is required to submit to Council a semi-annual information report containing details relevant to the exercise of delegated authority for all contracts awarded by Directors exceeding \$25,000, and Supply Services shall certify in the report that the awards are in compliance with the *Purchasing [Procurement] By-law*. This semi-annual information report is consistently routed through the Finance and Economic Development Committee (FEDCO) to Council.

The Transit Commission’s Terms of Reference provide that a responsibility under delegated authority of the Commission is that it “shall have final decision-making authority with respect to ... [r]eceiving reports from staff regarding the exercise of delegated authority (By-law 2019-280) on items within the Commission’s mandate.” Therefore, in a second semi-annual report, the Chief Procurement Officer provides the Transit Commission with information regarding the exercise of OC Transpo’s delegated authority. This focused report contains the same information as the broader report to FEDCO, but with the addition of line item details. Each report includes information on

contracts exceeding \$25,000 awarded under delegated authority to OC Transpo; identifies all contracts categorized as consulting services, professional services, follow-on contracts and extensions, and amendments; and identifies the reason for outsourcing.

Staff note that there has been inconsistency in the routing of the focused reports to the Transit Commission. In some cases, the report has been received by the Commission and forwarded to Council for information, while in other instances the Commission alone has received the report for information.

Proposed consistency in the routing of OC Transpo delegated authority contract reports

To ensure a consistent approach that aligns with the routing of the Chief Procurement Officer's broader delegated authority report through FEDCO to Council, staff recommend the Transit Commission's Terms of Reference be amended to state that the Commission has the responsibility to receive and forward to Council the semi-annual information reports submitted by the Chief Procurement Officer regarding contracts exceeding \$25,000 awarded under delegated authority to OC Transpo.

Transportation Committee

No changes are being recommended for the Transportation Committee.

ADVISORY COMMITTEES

Historically, any substantive changes to the structure or mandate of Advisory Committees are made at the beginning of each Term of Council. However, the Office of the City Clerk reviews Advisory Committees as part of the Mid-term Governance Review in order to determine if any interim process "tweaks" need to be made, or to identify any emerging issues. Part of this process includes consulting with the Advisory Committee Chairs and Vice-Chairs.

Continuation of electronic meetings for Advisory Committees

Part I, Recommendation 5: That the *Advisory Committee Procedure By-law* be amended to provide for the continuation of electronic meetings for Advisory Committees, as described in this report.

On January 25, 2006, Council considered the report titled, "[Advisory Committee Procedure By-Law, Appointment Policy and Participation Expense Policy Mid-term Review](#)," and adopted the Advisory Committee E-Meetings Policy (the Policy). The Policy allows a maximum of two members of Advisory Committees to attend remotely, and only when required to achieve quorum for urgent matters. Further, only participation by telephone is permitted.

Current Advisory Committee meeting practices

As discussed in more detail in the *Procedure By-law* section of this report relating to "Electronic Participation in Council and Committee meetings" (Part IV, Recommendation 1), Section 238 of the *Municipal Act, 2001*, as amended by Bill 197, the *COVID-19 Economic Recovery Act, 2020*, permits Council and committees of Council to meet remotely. Although Advisory Committees are not committees of Council as defined under Section 238 of the *Municipal Act, 2001*, Council established Rules of Procedure and policies to govern their proceedings in a manner that mirrors its own proceedings and provides that, unless otherwise provided for the Advisory Committee's Rules, the Council *Procedure By-law* applies.

Due to the COVID-19 pandemic, since May 2020, remote meetings of Advisory Committees have been held in a manner similar to those of Council and its Standing Committees, using Zoom Webinars. While Advisory Committee meetings are not streamed on YouTube, the public and media may join meetings directly via a link on the public agenda.

The feedback on electronic participation from Advisory Committee members has been largely positive. Specifically, members have noted that video conferencing enables some members to participate more effectively when there are barriers to in-person attendance. Others have expressed that there are advantages with meeting in person at City Hall and expressed a desire to continue to do so when possible following the pandemic.

Advisory Committee E-Meetings Policy update

Since the Policy was approved in 2006, there have been improvements in communications technology and to meeting room facilities (such as teleconferencing hardware). Further, new electronic participation practices have been developed and implemented as a result of pandemic distancing requirements.

Although there is a need for the Policy to be updated, pandemic distancing requirements may vary in unforeseeable ways over the next two years.

In the interim, similar to the recommended approach for Standing Committees, staff propose that the current format of Advisory Committee electronic meetings continue for the remainder of this Term and that the Policy be reviewed as part of the 2022-2026 Governance Review.

As a result, staff recommend that the *Advisory Committee Procedure By-law* [By-law No. 2019-44] be amended to repeal and replace Subsection 9(9) with a revised Subsection as set out below:

Existing:

Subject to the E-meetings Policy, a maximum of two Members of Advisory Committees may participate in a meeting via telephonic equipment in those instances where quorum is a necessity to address an urgent item requiring immediate action. The off-site Member(s) shall be deemed to be present at the meeting for the purposes of establishing quorum.

Revised:

Notwithstanding the E-meetings Policy, Members of Advisory Committees may participate in a meeting via telephonic or electronic means within the parameters in the *Procedure By-law* for Council and any applicable Council motions, 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. The off-site Member(s) shall be deemed to be present at the meeting for the purposes of establishing quorum.

Accessibility Advisory Committee meeting frequency

Part I, Recommendation 6: Approve the increased meeting frequency for the Accessibility Advisory Committee as described in this report.

As noted in the [2018-2022 Governance Review report](#), a new Advisory Committee structure was approved in 2012 that included tying the Advisory Committees' workplans with the Term of Council Strategic Priorities, reinstituting non-voting Councillor Liaisons,

and streamlining the number of meetings to four regular meetings per year (quarterly), with special meetings as required.

Like the City's other Advisory Committees, the Accessibility Advisory Committee (AAC) provides advice to Council on programs, policies and services that touch on its mandate. Unlike the other Advisory Committees, the AAC also has a statutory role to fulfil the duties of a Municipal Accessibility Advisory Committee as outlined in the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA).

The AAC has raised that the limit of four regular meetings per year impacts the ability for the Advisory Committee to effectively work on the activities outlined in its workplan and, in some instances, fulfil several mandatory consultation provisions in the AODA and the AAC's Terms of Reference.

Since the AODA regulations have been enacted, the AAC has received hundreds of requests from staff for review and feedback. Most of these requests are received and addressed via email, given the infrequency of meetings. While receiving these requests by email is sometimes necessary for truly time-sensitive items, it limits the ability to track the request, equally engage all AAC members and provide effective feedback to staff. Furthermore, some City staff have expressed concern that it is challenging to align their report routing with the AAC's current meeting schedule without the requirement to call a special meeting.

Therefore, staff recommend that two additional regular meetings be added to the AAC annual schedule, one in the spring and one in the fall. In addition to enabling the AAC to meet its workplan and mandatory consultation requirements, the proposed increased meeting frequency would also provide greater opportunity for City staff to consult in a timely manner with the AAC on reports to Committee and Council.

Staff note that the other Advisory Committees would continue to hold four regular meetings a year. For all Advisory Committees, it should be noted that regular meetings may be moved to a different time of the month in order to better align with the business of the parent Standing Committee and the timing of decisions around key City initiatives being brought forward by lead departments. Advisory Committees may also hold special meetings as needed.

At the beginning of each year, Committee coordinators will review the Standing Committee schedules and consult with lead departmental staff when establishing

provisional meeting dates in an effort to ensure that meetings align to the extent possible with staff's legislative agenda and workplan for the year. Coordinators will also work with Committee Chairs and Councillor Liaisons throughout the year to make adjustments as required to better align meetings to City business.

Advisory Committee administrative process improvements

Part I, Recommendation 7: Approve administrative process improvements for Advisory Committees further to the pilot project with the Arts, Culture and Recreation Advisory Committee and Advisory Committee feedback, as described in this report.

On December 5, 2018, Council considered the [2018-2022 Council Governance Review](#) and carried Motion No. 1/5, which directed staff to examine options, within the existing governance framework and budgets, for improving the ability for Advisory Committee members to provide input into decision-making, including but not limited to:

- Having Advisory Committees meet in the community rather than at City Hall, when relevant to the agenda item or project under discussion;
- Providing additional flexibility within and outside of the Advisory Committee Rules of Procedure to eliminate any barriers to participation or feedback; and
- Providing additional guidance to staff on the requirements for bringing forward items to the Advisory Committee in a timely manner, and the requirements for reporting on the feedback received.

Further to Council's direction, some of these administrative process improvements were piloted with the Arts, Culture and Recreation Advisory Committee (ACRAC) with the intent of reporting back as part of the 2018-2022 Mid-term Governance Review.

Meetings in the community

ACRAC held its regular November 2019 meeting at the Arts Court at 2 Daly Avenue. In preparation for the meeting, staff from the Office of the City Clerk met with the lead department and Councillor Liaison to discuss the process and manage expectations. Recreation, Cultural and Facility Services Department staff also organized a tour of the Arts Court and Ottawa Art Gallery for the Advisory Committee members prior to commencing the Committee meeting itself.

The feedback from ACRAC members was positive and another off-site ACRAC meeting was planned for 2020. However, as noted above, in-person meetings were suspended due to the COVID-19 pandemic and Advisory Committee meetings have been held virtually.

It is recommended that once Advisory Committee meetings are able to resume in-person following the COVID-19 pandemic, each Advisory Committee be permitted the option to have one meeting per year in another City facility or location, where appropriate, provided that it can be accommodated within the existing budget and that all members can be accommodated and able to fully participate in the language of their choice and without barriers to accessibility.

Providing additional flexibility to Advisory Committees and additional guidance to staff

The Office of the City Clerk has not taken a “one size fits all” approach with respect to Advisory Committees, but instead endeavors to provide flexibility within the overall scope of the Advisory Committee Rules of Procedure. Outside of formal meetings, a number of tools are made available to Advisory Committee members, including sub-committee meetings, working group reports prepared in advance of a meeting, and email comments to staff that allow for flexibility and prompt feedback to staff in between meetings as needed.

Feedback received from Advisory Committees, including their Chairs, Vice-Chairs and/or Councillor Liaisons, as well as observations from the Office of the City Clerk over the first half of the Term of Council, indicate that each Committee has made effective use of different procedural tools in order to provide effective input aligned with its mandate. Similarly, each Advisory Committee has had its own unique challenges as well as some shared experiences.

The AAC, for example, has made use of the formal tools at its disposal under the *Advisory Committee Procedure By-law*, including passing formal motions, submitting inquiries, and providing direction to the Advisory Committee Chair to engage on the Committee’s behalf with City staff and through delegations to Standing Committees. However, as noted above, the AAC has had challenges with the volume of requests to address outside of its meetings. The AAC has also expressed specific concern related

to the aspect of its mandate that includes review of Site Plans – including the volume of requests, lack of clear guidance, and accessibility of documents.

The French Language Services Advisory Committee (FLSAC) has found it effective to maximize the use of the time between meetings by organizing sub-committees, which are responsible for researching, gathering feedback, and preparing reports for adoption by the full Committee. For this Advisory Committee, ensuring new members have clarity of their role and the Terms of Reference of the Advisory Committee remains a challenge.

ACRAC members, as noted above, have expressed positive feedback towards meeting venues and formats that encourage more engaging discussions. However, they have expressed concern that their meetings do not feel aligned to the decision-making processes of the City.

For the Environmental Stewardship Advisory Committee (ESAC), providing the opportunity for members to be selected to participate in consultations, technical briefings and/or staff working groups on certain projects, such as Energy Evolution and the Solid Waste Master Plan, has provided additional opportunities for engagement outside of formal meetings. However, ESAC has also been challenged with aligning the timing of its quarterly meetings with the timing of major items through Standing Committee and Council.

All Advisory Committees' workplans were to a certain extent impacted by the fact that the Term of Council priorities were not approved until late 2019 and were further delayed when meetings were suspended in the spring of 2020 due to COVID-19. As a result, staff recommend that existing practices continue to be piloted and monitored by the Office of the City Clerk and reviewed as part of the 2022-2026 Governance Review.

Staff further recommend that the Office of the City Clerk undertake the following additional actions in response to feedback received from Advisory Committees as part of the mid-term consultations:

- Provide additional technical and logistical support to sub-committee meetings upon request, including but not limited to setting up virtual meetings;
- Work with Planning Services staff to review and improve the Site Plan review process for the AAC;

- Issue a reminder to City staff in all departments of the requirement and processes for consulting with Advisory Committees as part of their annual legislative agenda planning; and
- Review and report back as part of the 2022-2026 Governance Review on how to more effectively reflect Advisory Committee comments in the consultation section of staff reports.

OTHER COUNCIL AND STANDING COMMITTEE CHANGES AND UPDATES

Diversity and representation in public appointments

Part I, Recommendation 8: That the Office of the City Clerk, in consultation with the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service, be directed to undertake a comprehensive 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 and report back to Council with findings and any recommendations in advance of the 2022-2023 recruitment process, as described in this report.

Part I, Recommendation 9: That the Appointment Policy be amended to include an updated equity and diversity statement as described in this report.

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.

The existing policy includes the following guiding statement in the “Purpose” section:

“The policy outlines a fair and equitable approach and process for recruiting, selecting and appointing citizen members to City committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as external boards and commissions.

To encourage participation, the City will adopt the general concepts of equity, accessibility and accommodation, to ensure that all citizens have equal

opportunity. Membership on City committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as external boards and commissions will, as much as possible, reflect Ottawa's diversity and demographics in such areas as gender, official language, geographic representation, race and disability."

As part of its consideration of the 2018-2022 Governance Review on December 5, 2020, 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. This arose from Motion No. 66/5, approved by Council on March 28, 2018, which included a direction from the Mayor to review the City's recruitment, selection and appointment practices for Advisory Committees with the goal of appointing 50 per cent representation of women for the 2018-2022 Term of Council.

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 are also 50 per cent or more women.

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

- Updated the process appointing reserve members to help maintain gender balance and other demographic balance, throughout the term;
- Updated 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
- Amended the Participation Expense Policy to bring the reimbursement rates for childcare and other dependent care in line with current costs of these services in order to further reduce barriers for women and other primary caregivers who want to volunteer on City Advisory Committees.

At the December 5, 2018, meeting, Council approved Motion No. 1/16, which stated as follows:

THEREFORE BE IT RESOLVED that prior to the next recruitment process, the City Clerk and Solicitor, in consultation with the new Council Liaison on Women and Gender Equity, review the City's recruitment, selection and appointment practices for Commissions and Boards with the goal of appointing 50 percent representation of women, and take into consideration diversity, where possible.

Overview of current recruitment process

As most public appointments are aligned with the Term of Council, the City's primary recruitment drive is undertaken at the end of a Term of Council, with appointments approved by Council early in the following Term.

A smaller, targeted recruitment may be done at mid-term where there are vacancies on Advisory Committees or boards that require filling. As such, it is anticipated that the next full recruitment process will begin at the end of 2022 with a smaller mid-term recruitment to fill certain vacancies in early 2021.

To support the recruitment process and encourage applications, a communication plan is developed for each recruitment drive. In 2018, opportunities were advertised in daily newspapers, via a public service announcement, posted on ottawa.ca, and distributed through 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 a number of community organizations and associations with a potential interest or access to underrepresented community groups, including the City for All Women Initiative (CAWI), community associations and other community and service organizations.

As part of the Nominating Committee process at the beginning of each term, Council appoints Members of Council to the Selection Panel. Each Selection Panel is comprised of two to three Councillors and a representative of the Mayor, and is responsible for receiving and considering applications, and making recommendations to Council on whom to appoint. 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 advising Selection Panels on the Appointment Policy and appointment procedures. As part of the Selection Panel package, staff prepare a qualification summary grid that indicates 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;
- Lived experience and diverse demographic identity as voluntarily disclosed by the candidate; and
- Whether they speak French or any other language beyond English.

Starting in 2018, candidates were required to identify their gender in order to enable the Selection Panel to ensure adequate representation of women among public members as directed by Council; however, demographic data on the intersectional background of women were not collected. Applicants were not required or asked to provide other specific diversity-related demographic information such as race, religion, sexual orientation, nationality etc., but were provided the opportunity to share such information voluntarily with the Selection Panels in response to the following optional question in the application:

Optional – The City is committed to ensuring that the composition of its committees and boards reflects, as much as possible, its population’s diversity in terms of gender, official language(s), geographic representation, race and disability, etc. What information would you like us to know about you in this regard? Do you have a diverse perspective based on your identity and lived experience? If so please explain.

The recommendations from the Selection Panels are then brought forward in a series of public reports to Council for approval.

Recommended approach to address Motion No. 1/16 and work towards further addressing diversity and representation in public appointments

Since the 2018-2022 Governance Review report and Motion No. 1/16 were approved, Council has approved a number of actions under the 2019-2022 City Strategic Plan with respect to building an inclusive City. This includes the development of the Women and Gender Equity Strategy to apply a women and gender equity lens to new and existing policies and programs and remove barriers, anticipated to come forward to Council for

approval in early 2021, and the establishment of the Anti-Racism Secretariat and appointment of Councillor King as the Council Liaison for Anti-Racism and Ethnocultural Relations Initiatives.

In addition, in September 2020, the City Manager announced the creation of a new Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service in the Community and Social Services Department to help fulfil and implement Council's commitment to women and gender equity, anti-racism, Indigenous reconciliation and diversity and inclusion.

In order to leverage the insights from these initiatives, the Office of the City Clerk is proposing to undertake a comprehensive review of the recruitment, selection and appointment practices, as well as any associated policies and legislation that may improve Council's ability to achieve diverse representation in public appointments, and report back to Council with findings in advance of the 2022-2023 recruitment process that will take place at the end of the Term of Council to fill public seats on all Advisory Committees, Boards, Agencies and Commissions.

This review would be undertaken in consultation with staff in the new Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service as well as the Council Liaisons for Women and Gender Equity and Anti-Racism and Ethnocultural Relations Initiatives.

The review will include, but not be limited to:

- Applying a gender and equity lens to the Appointment Policy and Participation Expense Policy and other policies and procedures related to public appointees with a view to identifying any barriers to participation facing specific intersectional groups of women and bringing forward recommended changes as part of the 2022-2026 Governance Review report;
- Developing a methodology for the collection and tracking of gender, race and other demographic data related to public appointments for implementation during the 2022 recruitment process;
- Reviewing the advertising and outreach strategy for the recruitment process to ensure greater engagement and awareness of these opportunities among diverse communities and stakeholder groups, and add new options for outreach

including but not limited to community centres, City partners, immigrant resource centres, and ethno-cultural professional associations; and

- Adopting priority diversity criteria considerations as part of the selection process.

Resulting actions may include strategies and process improvements that may be implemented by the Office of the City Clerk under delegated authority. Should the review result in recommended changes to Council-approved policies, these changes would be brought forward to Council for approval as part of the 2022-2026 Governance Review.

Amending the Appointment Policy to include a new equity and diversity section

As a first step to inform this work, the Office of the City Clerk has worked with staff in the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service to update the Equity and Diversity statement currently found under the “Purpose” section of the Appointment Policy as noted above.

Staff recommend that the Appointment Policy be amended to include the following updated statement reflecting the City of Ottawa’s commitment to pursuing diversity in public appointments, to provide additional clarity and better reflect current best practices and language contained in other City documents:

“The City of Ottawa is committed to equitable and inclusive participation of the public in boards and committees and other bodies that govern and inform the work of the City. It therefore seeks diverse representation on all of these bodies that reflects the demography of the City of Ottawa.

To encourage participation, the City will adopt proactive communications, policies and targeted recruitment strategies aligned to the general concepts of accessibility, equity and diversity to ensure that all citizens have equal opportunity to serve as members on City committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as external boards and commissions. This is adopted with the purpose of reflecting Ottawa’s diverse demography inclusive of Indigenous peoples, members of visible minorities, persons with disabilities, women and gender diverse people, members of the LGBTQ+ communities, Francophones and speakers of other language groups, and people from rural and urban locations.”

Review of implications sections in staff reports

Part I, Recommendation 10: That the standard Council and Committee report template be amended to include optional sections for Climate Implications, Economic Implications, and Indigenous, Gender and Equity Implications, as described in this report.

All staff reports prepared for Committee and Council consideration follow the corporate standard report template. This template includes both mandatory and optional implication sections completed by the report author and 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 implication 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.

Currently, the standard Council and Committee report template includes the following mandatory and optional sections:

Mandatory sections

- **Accessibility Implications** – On October 13, 2011, Council approved Finance and Economic Development Committee (FEDCO) [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 are 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 Implication 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.

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.
- **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.

- **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.

As described below in more detail, Council directed staff to review these “lenses” and specifically consider the inclusion of a “Climate Impact lens” as part of the Mid-term Governance Review. Further to consultations with Members and a review by staff, this report recommends that Council approve amendments to the report template to provide for three new optional sections, being Climate Implications, Economic Implications, and Indigenous, Gender and Equity Implications, as well as the development of guidance and training to support staff in completing these sections. In addition, staff are proposing that the standard report template be reviewed as part of the 2022-2026 Governance Review process.

Proposed new optional implication sections

At its meeting of January 30, 2019, City Council carried Motion No. 4/8, which stated as follows:

WHEREAS the Terms of Reference for the Environment and Climate Protection Committee states that its responsibilities include “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”; and

WHEREAS Climate Protection was a 2014-2018 Term of Council priority and its broad mandate had implications for more than just one committee; and

WHEREAS the Committee’s name does not reference the specific responsibilities in the Terms of Reference regarding Water and Wastewater as well as Solid Waste;

THEREFORE BE IT RESOLVED that the Environment and Climate Protection Committee be renamed the Standing Committee on Environmental Protection, Water and Waste Management;

BE IT FURTHER RESOLVED that a Climate Impact lens be considered for the template for all Standing Committee reports and that this consideration be referred to the Mid-term Governance Review; and

BE IT FURTHER RESOLVED that a comprehensive review of all lenses be included in the Mid-term Governance Review so as to ensure efficient and meaningful reporting to Committees and Council.

Pursuant to Motion No. 4/8, the City Clerk consulted Members regarding the inclusion of a “Climate Impact lens” in the Council and Committee report template and sought feedback from Members with respect to all implication sections.

As described below in more detail, Members generally supported the idea of adding a Climate Implications section to the report template. In addition, there was support for the inclusion of a new section suggested by Members relating to gender and equity. That said, several Members expressed concern that staff subject matter experts related to those new sections would be inundated with a considerable volume of reports requiring comment, which could take away from their operational work, and that tools and training should be provided to support report authors.

Staff agree with Members’ observations and for the reasons set out below, recommend that optional sections be added regarding Climate Implications and Indigenous, Gender and Equity Implications.

In addition, following the conclusion of the consultation period, a Member requested that an optional Economic Implications section be added to the report template. This recommendation, which is described below in further detail, is supported by the City Manager and the General Manager, Planning Infrastructure and Economic Development.

Members further noted that report authors should be provided with training and reference documents developed by subject matter experts, to ensure that operational staff have the tools to complete the implication sections independently and meaningfully, rather than relying on the subject matter experts for this work. To ensure report authors are provided with sufficient guidance to provide meaningful comments in the implication section, staff from the relevant service areas will develop training and guidelines, as described below in more detail. In addition, it was understood by both Members of Council and staff that the subject matter experts would be available to provide guidance and clarity to report authors if necessary.

Climate Implications

During consultations for this Mid-term Governance Review, a majority of Members recognized the climate emergency declared by Council at its meeting of April 24, 2019, and agreed with the proposal to add a Climate Implications section to the report template. However, Members indicated that the focus of this implication section should be on significant and related policy reports or programs rather than on administrative and transactional reports. As noted above, and for those reasons, staff recommend that this section be optional.

The purpose of this proposed Climate Implications section would be to demonstrate how climate change issues have been considered in the development of a recommended project, program or policy, including describing how the project, program or policy will affect climate, through the production or reduction of greenhouse gases, or be affected by climate, through increased exposure to temperature, precipitation or extreme weather. The section would further describe the measures taken to reduce greenhouse gas emissions to meet Council targets and build resiliency to the impacts of changing climate conditions.

While staff are recommending that this be an optional section, there is an expectation that priority reports, such as those relating to the Official Plan, various Master Plans,

and the Long Range Financial Plan, will include a completed Climate Implications section. In addition, any reports where a significant source of corporate emissions has been identified through diesel, gasoline, natural gas, solid waste, wastewater treatment, electricity, propane or heating oil, or where climate vulnerabilities may exist as a result of increased exposure to temperature, precipitation or extreme weather, will be expected to include a completed Climate Implications section. Climate implications will be identified through a series of questions based on the Municipal Climate Lens Tool and staff in the Climate Change and Resiliency Unit will support report writers, with an emphasis on the priority reports identified above.

Staff further note that the proposed Climate Implications section would complement the existing optional Environmental Implications section, rather than replace it.

Economic Implications

On May 5, 2015, the Finance and Economic Development Committee (FEDCO) considered the report titled, “Economic Development Strategy Update 2015-2018,” and issued the following direction to staff (emphasis added):

1. The City Manager to engage Economic Development staff when reports have a significant economic development component.
2. **The Deputy City Clerk to explore, during mid-term governance, the possibility of including an Economic Development section in staff reports.**

Further to FEDCO’s direction, Members were consulted during the 2014-2018 Mid-term Governance Review process regarding the possibility of adding an “Economic Development” section to staff reports. As noted in the 2014-2018 Mid-term Governance Review report, there was no consensus among Members and therefore no recommendation was made. While some Members were in favour of a discretionary section, other Members felt that such information should be included within the body of the report.

Following the conclusion of the consultation period with Members for the development of the 2018-2022 Mid-term Governance Review report, a request was submitted by a Member of Council to revisit the proposal to include an optional Economic Implications in staff reports.

Staff are supportive of this concept and recommend that an optional Economic Implications section be added to the report template as a pilot project focused on select reports from the Planning, Infrastructure and Economic Development Department (PIED), as described below in more detail. The proposed Economic Implications section would outline how the report recommendations have a positive economic impact to the City, specifically as it relates to job creation as well as attracting diversity in employment, creating new municipal assessment growth and addressing economic inequities to disadvantaged groups.

Should the Economic Implications section be approved as a pilot project, the focus will be on select, high impact reports emanating from PIED. The pilot project would be reviewed as part of the 2022-2026 Governance Review process, when consideration would be given to whether this optional section should apply to other departments and reports. In the interim, staff from Economic Development Services would develop guidance to support staff in completing this section, including advice regarding economic considerations that should be taken into account as staff develop a report and its recommendations.

Indigenous, Gender and Equity Implications

During Mid-term Governance Review consultations, Members suggested that a Gender and Equity Implications section be added to report templates. Members highlighted the creation of two Councillor-appointed positions this Term of Council – the Anti-Racism Secretariat and the Liaison for Gender and Equity – as efforts City is taking to advance reconciliation, gender, race and equity initiatives, and Members felt that an implication section on the report template would complement that work.

Furthermore, on September 30, 2020, the City Manager announced the establishment of a Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service within the Community and Social Services Department. This new service area will work to create barrier-free and inclusive policies, programs, services and community strategies in partnership with the community, staff and Members of Council.

To support this work, and further to Members' comments, staff recommend that an Indigenous, Gender and Equity Implications section be added to the report template. The proposed section would allow City staff to demonstrate how the report recommendations will impact Indigenous peoples, women and other gender groups and

equity seeking groups in terms of reducing or removing barriers. Report writers would also include analysis and actions taken to apply an Indigenous, gender and equity lens to their report.

Staff from the Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service recommend that this section be optional at this time. As described below in more detail, all sections will be reviewed as part of the 2022-2026 Governance Review process.

To assist staff in completing this section, Gender and Race Equity, Indigenous Relations, Diversity and Inclusion Branch will develop an Indigenous, Gender and Equity Checklist as a reference tool for staff in Q1 2021. Training on the use of this checklist will be included in the Equity and Inclusion lens training currently offered to City staff. In addition, a subject matter expert will be assigned to coordinate and respond to specific questions raised by staff.

A review of all implication sections

As FEDCO Motion No. 4/8 referred a comprehensive review of all lenses to the Mid-term Governance Review, Members were consulted on the existing report template and whether any existing sections should be made mandatory or optional.

Some Members observed that the term “not applicable” routinely appeared in the existing implication sections of Committee and Council reports; this led to the suggestion that most implication sections should only apply to relevant reports, while other sections could be removed entirely. Other Members stated that all implication sections could be removed entirely, as those matters should be addressed within the body of the report, while other Members indicated that there was no need to change the current approach. Some Members felt that removing or altering sections would not be a “tweak”, which is the focus of the Mid-term Governance Review, and would be more appropriately addressed as part of the full-term governance review.

With the exception of the additional implication sections noted above, there was no consensus among Members as it relates to the current report template and the inclusion or removal of particular sections. That being said, and consistent with the practice that all governance tools are reviewed every two years, 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. This approach would also provide staff with an opportunity to consider whether any additional supports are needed to assist report authors in ensuring efficient and meaningful reporting to Committee and Council.

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 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 Accountability Framework began in January 2011 with the regular public disclosure of office expenses of Members of Council and Members of the City's Executive Committee. In July 2012, Council approved the establishment of the Lobbyist Registry and the position of Integrity Commissioner. In August 2012, Council appointed Robert Marleau to the position of Integrity Commissioner as well as the City's Lobbyist Registrar and Meetings Investigator, and enacted By-law 2012-309 establishing the Lobbyist Registry and Lobbyist Code of Conduct. In May 2013, Council approved the final 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. As of March 1, 2019, the Accountability Framework has 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.

2020 Annual Report of the Integrity Commissioner

Part II, Recommendation 1: Receive the 2020 Annual Report of the Integrity Commissioner, attached as Document 3.

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*).

As part of his mandate, Mr. Marleau is responsible for providing City Council with an annual report on the various aspects of his role as Integrity Commissioner including a

summary of complaints, investigations and advice provided and to make any recommendations for any changes to the approved policies and processes.

The 2020 Annual Report of the Integrity Commissioner is attached as Document 3.

Council-approved codes of conduct

Part II, Recommendation 2: That the Council-approved codes of conduct for Members of Council [By-law No. 2018-400], members of local boards [By-law No. 2018-399], and citizen members of the Built Heritage Sub-Committee [By-law No. 2018-401] be amended as described in this report and in Document 4.

Definition of municipal staff

Section 10 (“Conduct Respecting Staff”) of the Code of Conduct for Members of Council sets out the expectations and obligations of Members in relation to municipal staff. Specifically, the Code of Conduct refers to the role of officers and employees of the municipality as provided in the *Municipal Act, 2001*. The Code of Conduct establishes specific obligations, including, for example, that Members should not “(U)se, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff’s duties.”

At present, “staff” is not defined in the Code of Conduct for Members of Council. The Integrity Commissioner recommends adding a definition of municipal staff to the Code of Conduct, and that the definition make explicit reference to Councillors’ Assistants as municipal staff.

Remove the administrative role of City Clerk in transmittal of formal complaints and recommendation reports

On May 8, 2013, Council considered the joint report from the Integrity Commissioner and the City Clerk and Solicitor titled, “[Code of Conduct for Members of Council and Gifts Registry](#).” In that report, it was recommended that the City Clerk would assume certain tasks to ensure the Integrity Commissioner was not unduly burdened by administrative matters (e.g. receipt of formal complaints).

Through practical experience, the Integrity Commissioner has determined that these administrative requirements are counterintuitive and unnecessarily inform the City Clerk of the identity of a complainant.

Specifically, the Integrity Commissioner recommends amending the following administrative requirements from the Complaint Protocol (Appendix “A”) to the Code of Conduct for Members of Council, the Code of Conduct for Members of Local Boards, and the Code of Conduct for Citizen Members of the Built Heritage Sub-Committee, respectively:

- That a complainant file their formal complaint with the City Clerk who, in turn, forwards the complaint to the Integrity Commissioner [Subsection 4(1) of the Formal Complaint Procedure]; and
- That, upon the completion of the Integrity Commissioner’s recommendation report, the City Clerk give a copy of the report to the complainant and the Member whose conduct is concerned. For complaints under the Code of Conduct for Local Boards, the Complaint Protocol provides for this function to be undertaken by the secretary of the local board [Subsection 11(3) of the Formal Complaint Procedure].

The Integrity Commissioner recommends these requirements be amended such that complaints are filed directly with the Integrity Commissioner, and that the Integrity Commissioner is responsible for providing a copy of a recommendation report to the complainant and the Member whose conduct is concerned.

Respondent comment on draft report to Council

The Complaint Protocol sets out the framework for receiving complaints, conducting investigations and reporting to Council in each of the Council-approved codes of conduct. At the outset of an investigation, Section 9 of the Formal Complaint Procedure provides the Respondent with an opportunity to respond to the allegations detailed in the formal complaint.

Presently, there is no requirement to seek the Respondent’s comments on the Integrity Commissioner’s draft report to Council. Under Section 11 of the Complaint Protocol, the Integrity Commissioner is only required to report to a Respondent in order to provide an interim report or a final recommendation report.

In an effort to uphold the principle of procedural fairness, the Integrity Commissioner has established a practice of providing the Respondent with a copy of his draft report to Council with an invitation to the Respondent to provide comments. The Integrity Commissioner recommends formalizing this practice by adding a provision to the Complaint Protocols requiring the Integrity Commissioner provide the Respondent with a copy of the draft report and invite the Respondent's comment within five business days.

Lobbyist Registry By-law

Part II, Recommendation 3: That the *Lobbyist Registry By-law* [By-law No. 2012-309] be amended as described in this report and in Document 5.

Under the *Lobbyist Registry By-law*, the Lobbyist Registrar has the general authority to enforce the by-law in addition to a responsibility to conduct investigations or inquiries where a contravention may have occurred. In the years since the development of the Lobbyist Registry, the Integrity Commissioner has taken various steps to ensure compliance with the by-law, including Letters of Direction and Compliance Agreements. The Integrity Commissioner has noted these tools work well as steps in an escalating compliance scheme that promotes both education and enforcement of the by-law and Lobbyist Code of Conduct.

The Integrity Commissioner recommends that the *Lobbyist Registry By-law* be amended to formally include a new section under Part V (Sanctions and Penalties) of the by-law, which sets out Letters of Direction and Compliance Agreements as part of the formal, escalating discipline measures available if the Integrity Commissioner finds that a lobbyist has not met the requirements of the by-law.

Advance notice of *in camera* items

As part of the City's ongoing commitment to open government, the Office of the City Clerk regularly consults with the Meetings Investigator and, during the Integrity Commissioner's 2014-2015 reporting cycle, initiated a practice whereby the Meetings Investigator is advised in advance of the public notice of any Committee, Commission or Council meeting where it is expected that confidential matters will be considered. This notice provides the opportunity to review the appropriateness of the planned closed session before the Clerk's Office issues public notice as part of the meeting agenda.

The City Clerk and the Integrity Commissioner recommend that this informal practice be formalized. To implement this change, an amendment to the Council *Procedure By-law* is recommended in Document 7 of this report.

Community, Fundraising and Special Events Policy

Part II, Recommendation 4: That the Community, Fundraising and Special Events Policy be amended as described in this report and in Document 6.

On May 8, 2013, Council approved the Council Expense Policy and the Community, Fundraising and Special Events Policy. With respect to Council Member-organized community events, the Community, Fundraising and Special Events Policy includes the following requirement:

“In an election year, a Member of Council must not seek donations and sponsorships for any event that has not been staged in the previous two years, nor accept donations or stage any new event supported by donations and sponsorships after he or she has filed nomination papers for election to any office in the City of Ottawa.”

The joint report from the Integrity Commissioner and the City Clerk and Solicitor titled, [“Council Expense Policy and Community, Fundraising and Special Events Policy,”](#) noted that there can be a perception that a community event hosted by a Member of Council is in fact a form of campaigning.

The two by-elections that have occurred in the 2018-2022 term (Ward 13 – Rideau-Rockcliffe and Ward 19 – Cumberland) have highlighted that the above-noted restriction on events held in an election year may disproportionately disadvantage new Members of Council. As a result, the Integrity Commissioner recommends that the Community, Fundraising and Special Events Policy be amended to allow for an exemption to the above-noted restriction with the approval of the Integrity Commissioner.

Interpretation Bulletin on social media conduct

Part II, Recommendation 5: Receive the Integrity Commissioner’s Interpretation Bulletin titled, “Use of Social Media,” as attached in Document 3.

At the Council meeting of February 12, 2020, Councillor Dudas issued an inquiry that addressed matters relating to cyberbullying and social media conduct. Council Inquiry OCC 20-7 requested that the Integrity Commissioner and City Clerk "... report back to Council on their leeway to investigate cyber bullying of City Staff, Councillors, Commission, Committee and Board Members." The Inquiry also requested information on existing policies regarding social media behaviour by these officials, including recommendations from other jurisdictions and levels of government for Council's consideration and implementation.

The response to [Council Inquiry OCC 20-7 - Cyber Bullying](#) indicated that the City of Ottawa has a number of existing policies and procedures through which to address internet harassment, and which may guide the social media behaviour of public officials and City employees. The response also noted that Council has established codes of conduct which set out the ethical behaviour expected of elected officials, public officials appointed to positions on local boards of the municipality, and City staff. The response stated that while the various codes can be applied to a variety of violations, they do not contain specific provisions addressing cyberbullying.

Noting that some Canadian municipalities have issued guidelines, policies and bulletins on elected officials' use of social media, including an interpretation bulletin issued by the City of Toronto's Integrity Commissioner, the Inquiry response stated that, "Should Council request to have more clarity respecting how the Code of Conduct for Members of Council applies to social media behaviour, the Integrity Commissioner is prepared to respond to a direction from Council to produce an interpretation bulletin to specifically address social media behaviour."

On September 23, 2020, Council directed the Integrity Commissioner to "work closely with the Office of the City Clerk to review the existing Codes of Conduct with the goal of producing an interpretation bulletin to specifically address social media behaviour by Councillors, Board and Commission members for inclusion in the 2018-2022 Mid-term Governance Review report."

The Integrity Commissioner's Interpretation Bulletin is described in, and attached to, the Integrity Commissioner's 2020 Annual Report (Document 3).

Integrity Commissioner – Appointment and Recruitment

In July 2012, City Council established the position of Integrity Commissioner, including the roles, responsibilities and selection process outlined in the [staff report](#). At the time, the appointment of an Integrity Commissioner was optional for municipalities under the accountability and transparency regime previously established by Bill 130, the *Municipal Statute Law Amendment Act, 2006*.

As a result of legislative changes to the *Municipal Act, 2001* by Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*, which came into force on March 1, 2019, every municipality is now required to ensure that an Integrity Commissioner's responsibilities and functions are provided for, either by appointing its own Integrity Commissioner or by making arrangements for the Integrity Commissioner's responsibilities to be provided by an Integrity Commissioner appointed by another municipality.

Robert Marleau has served as the City of Ottawa's first Integrity Commissioner for eight years. Mr. Marleau was appointed to the role on August 29, 2012, for a one-year appointment that was subsequently renewed for a five-year term which expired on August 31, 2018. As noted above, in addition to his statutory role as Integrity Commissioner, Mr. Marleau was delegated the legislative responsibilities of the City's Lobbyist Registrar and Meetings Investigator.

In November 2017, in an effort to provide consistency in the development of new, mandatory elements of the Accountability Framework resulting from legislative changes to the *Municipal Act, 2001* by Bill 68, Council approved a two-year extension to the Integrity Commissioner's contract and authorized the City Clerk to negotiate optional one-year extensions at the end of that period. Under the two-year extension, the Integrity Commissioner's contract was set to expire on August 31, 2020. As authorized by Council, the City Clerk initiated discussions with Mr. Marleau regarding his interest in continuing in the role. Based on those discussions, the Integrity Commissioner's contract was subsequently extended for a one-year, non-renewable term (at his request), ending on August 31, 2021. A memorandum from the City Clerk regarding the extension was circulated to Members of Council and senior City staff on May 1, 2020.

As the most recent one-year contract extension is non-renewable, staff will begin preparing for the recruitment and appointment of the City's next Integrity Commissioner in Q1 2021.

The recruitment and appointment process will be conducted in keeping with the [Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures](#) approved by Council in April 2020. The policy and procedures formalize the recruitment, hiring and contract administration of the statutory officers who report directly to Council (i.e. the Auditor General, City Manager and Integrity Commissioner) to ensure consistent, accountable and transparent processes are in place.

In recognition of the Integrity Commissioner position as an independent, arm's-length officer responsible for the application of the Code of Conduct for Members of Council as well as matters under the *Municipal Conflict of Interest Act*, the procedures establish a process whereby the City Clerk is delegated the authority to recruit and appoint the Integrity Commissioner in accordance with the criteria and principles approved by Council (and set out in the procedures). The City Clerk will report to Council early in the new year to confirm the established criteria, including potential changes to the remuneration schedule.

PART III – LOCAL BOARDS

Part III, Recommendation 1: Approve the following recommendations from the City/Business Improvement Area (BIA) Governance Working Group, as described in this report:

- a. That ward Councillors appointed directly by City Council to a BIA Board of Management pursuant to Subsection 204(3)(a) of the *Municipal Act, 2001*, be *ex officio*, non-voting members of the Board of Management;**
- b. That the General Manager, Planning, Infrastructure and Economic Development, be delegated the authority to appoint to a BIA Board of Management those directors who have been selected by a vote of the membership of the improvement area in accordance with Subsection 204(3)(b) of the *Municipal Act, 2001*;**
- c. Direct Economic Development Services staff to develop a policy with respect to the relationship between Members of Council and BIA board members and staff, to be brought forward to the Finance and Economic Development Committee and Council in Q1 of 2021; and**

d. Direct Economic Development Services staff to develop a standardized BIA Governance By-law to be brought forward to the Finance and Economic Development Committee and Council in Q1 of 2021.

In late August 2020, Mayor Watson received a letter from the Ottawa Coalition of Business Improvement Areas (OCOBIA) in which the OCOBIA requested a formal review of governance matters related to the relationship between Business Improvement Areas (BIAs) and the City of Ottawa.

On September 9, 2020, City Council considered the Finance and Economic Development Committee (FEDCO) report titled, "[Motion – City/BIA Governance Working Group](#)," and approved establishing a temporary working group "to review governance matters related to the relationship between BIAs and the City of Ottawa and bring forward recommendations for consideration as part of the Mid-Term Governance Review or, where applicable, 2022 Term of Council Governance Review."

The City/BIA Governance Working Group (CBIAGWG) is composed of Councillors Dudas, Sudds, El-Chantiry, Fleury, McKenney, Leiper and Cloutier (all appointed by way of motion at the Council meeting of September 9, 2020), as well as a seven-member stakeholder group from OCOBIA/BIAs, and City staff from the Office of the City Clerk, Legal Services and the Planning, Infrastructure and Economic Development Department.

Prior to launching the temporary working group, Economic Development Services (EDS) collected and reviewed background information from 19 BIAs, including constitutions, by-laws and codes of conduct, to identify current policies related to City engagement and reporting requirements. EDS also contacted nine Ontario municipalities, the Ontario Business Improvement Area Association (OBIAA) and the Toronto Association of Business Improvement Areas (TABIA) to obtain information on BIA engagement best practices. This work helped to identify the key issues for discussion as part of the governance review.

Led by EDS, the CBIAGWG participated in a kick-off meeting where the project mandate, process, schedule and deliverables were confirmed. EDS developed and deployed a survey for each stakeholder group (Councillors and OCOBIA/BIA) and achieved 100 per cent participation. Following receipt of the survey responses, EDS

reviewed the results with each stakeholder group to discuss the responses in further detail. Based on the outcome of those discussions, it was apparent that there was consensus amongst stakeholders on most elements surveyed. As a result, the CBIAGWG developed the following recommendations for consideration.

- a. That ward Councillors appointed directly by City Council to a BIA Board of Management, pursuant to Subsection 204(3)(a) of the *Municipal Act, 2001*, be *ex officio*, non-voting members of the Board of Management.**

Subsections 204(1) and 204(2) of the *Municipal Act, 2001* (the Act) provide that Council “may designate an area as an improvement area and may establish a board of management...” and that “a board of management is a corporation consisting of the number of directors established by the municipality.”

Under Subsection 204(3) of the Act, a BIA board of management shall be composed of:

- (a) one or more directors appointed directly by the municipality; and
- (b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the municipality.

Pursuant to the above-noted statutory requirements, Boards of Management for the City’s BIAs are composed of the local Councillor(s) whose ward(s) are incorporated in the BIA and who are appointed directly by Council in accordance with Subsection 204(3)(a) of the Act, as well as directors selected by a vote of the membership of the improvement area and appointed by the municipality, pursuant to Subsection 204(3)(b) of the Act. Council generally appoints the local Councillors directly to a BIA Board of Management by way of the ward- and position-specific appointments made through the governance review at the beginning of a term of Council. The appointment of BIA board directors selected by a vote of the BIA membership is approved by Council through a staff report to FEDCO and Council.

The role of the local Councillor on a BIA Board of Management is a key issue requiring clarification. While the Act grants voting rights to directly appointed Board of Management members, many appointed Councillors abstain from voting during board meetings and annual general meetings. Survey results and follow-up discussions clearly showed a consensus amongst CBIAGWG participants to make Councillors directly

appointed by the municipality be *ex officio*, non-voting Board of Management directors/members.

- b. That the General Manager, Planning, Infrastructure and Economic Development, be delegated the authority to appoint to a BIA Board of Management those directors who have been selected by a vote of the membership of the improvement area in accordance with Subsection 204(3)(b) of the *Municipal Act, 2001*.**

As noted above, the current practice of appointing new BIA board members selected by a vote of the membership of the improvement area [pursuant to Subsection 204(3)(b) of the Act] requires a staff report and approval from FEDCO and Council. This process can, depending on the timing of Committee and Council, take weeks to finalize, leaving BIA boards with a vacancy until approvals are in place.

By providing delegated authority to the General Manager, Planning, Infrastructure and Economic Development to appoint BIA board members who have been selected by a vote of the membership of the improvement area, the process would be significantly shortened and the level of effort currently required to make such appointments would be reduced. Upon receiving confirmation of the board appointment, EDS would notify the BIA and the Ward Councillor.

The requirement for a BIA to provide board meeting minutes confirming board approval of the new board member and a biography of the board member would remain and would be held on file with EDS. Committee and Council would continue to approve annual BIA budgets and the annual BIA report.

- c. Direct Economic Development Services staff to develop a policy with respect to the relationship between Members of Council and BIA board members and staff, to be brought forward to the Finance and Economic Development Committee and Council in Q1 of 2021.**

Section 270 of the Act, as amended by Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*, requires City Council to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the corporation. Further to this requirement, the Council-Staff Relations Policy approved by Council on November 22, 2017, identifies the legislation, policies, procedures and

practices that the City complies with in order to promote a respectful relationship between Members of Council and the officers and employees of the City of Ottawa.

Members of the CBIAGWG are recommending that a similar overarching policy be established that would set out the roles and responsibilities of Members of Council and BIA Members and staff. Such a policy would incorporate existing codes of conduct and relevant legislation, policies, procedures and practices, and may provide an opportunity to consider matters such as conflict resolution. Staff in EDS would bring forward a proposed policy as part of the recommended process to establish a BIA Governance By-law, which is described below in more detail.

d. Direct Economic Development Services staff to develop a standardized BIA Governance By-law to be brought forward to the Finance and Economic Development Committee and Council in Q1 of 2021.

While the Act contains many BIA-related provisions, a supplemental overarching BIA by-law would include additional elements to ensure operating consistency among BIAs while reducing the administrative requirements to have additional policies. There was strong consensus amongst the CBIAGWG that an overarching by-law would be helpful.

Should Council approve this recommendation, EDS would bring forward to the Finance and Economic Development Committee and Council a staff report in Q1 of 2021 regarding a new by-law that would include provisions on agreed-upon elements such as a budget approval process, financial reporting processes and timelines, and other statutory requirements. The CBIAGWG would continue to provide guidance and feedback during the development of the by-law.

Local board compliance status report

Part III, Recommendation 2: Receive the status report on the compliance of the City's Agencies, Boards and Commissions ("ABCs") with respect to their *Municipal Act, 2001* policy requirements and direct staff to provide a further update on ABC compliance as part of the 2022-2026 Governance Review.

The *Municipal Act, 2001* (the Act) sets out general and specific powers that provide for municipal governance and service delivery. This includes broad authority regarding matters relating to "local boards," which, generally speaking, include a variety of local

entities (Agencies, Boards, Committees and Commissions, or “ABCs”) that typically have ties to an element of municipal business.

Under the Act, City Council has 11 areas of broad authority including the following (emphasis added):

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

Pursuant to the Act, as well as the *Municipal Elections Act, 1996* (MEA), each local board may be subject to provisions that require it to establish certain policies or make it subject to certain oversight mechanisms. Specifically, the Act requires that all municipal “local boards” establish a number of mandatory policies, namely a procedure by-law, including public notice for meetings, as well as policies that must be adopted and maintained with respect to the sale and other disposition of land, the hiring of employees and the procurement of goods and services. In addition, the MEA requires that certain “local boards” (as defined separately under the MEA), must establish rules and procedures with respect to the use of board resources during the election campaign period. These rules and procedures must be established before May 1 in the year of a regular municipal election.

Given Council’s statutory oversight role with respect to local boards, previous governance reviews have examined the ABCs to determine which of these entities is a “local board” of the City subject to the policy requirements under the Act and the MEA. The [2018-2022 Governance Review](#) provided additional background regarding local boards and Council’s oversight role, as well as a listing of the City’s local boards (attached as Document 6 to the 2018-2022 Governance Review report) and an update on their compliance with the legislative policy requirements.

At the time of the 2018-2022 Governance Review, it was noted that 62 per cent of local boards (18 of 29) were in full compliance with their statutory requirements under the *Municipal Act, 2001*. Staff note that most of the outstanding by-laws and policies were those of Business Improvement Areas (BIAs).

During Council's consideration of the 2018-2022 Governance Review report on December 5, 2018, Council approved a recommendation that directed staff to provide a further update on ABC compliance with respect to their statutory policy requirements as part of the 2018-2022 Mid-term Governance Review.

In the interim, Council approved the above-noted working temporary City/BIA Governance Working Group to address matters with respect to BIA governance. Among the recommendations put forward by this working group is for Economic Development Services staff to be directed to develop a standardized BIA Governance By-law [Part III, Recommendation 1(d)]. It is anticipated that the standardized by-law would address matters relating to compliance with legislative requirements such as the above-noted mandatory procedure by-law and policies. As such, staff will provide a further update regarding these matters in the 2022-2026 Governance Review.

In addition, staff will contact applicable local boards in late 2021 to ensure that each is aware of its requirement under Section 88.18 of the MEA to establish rules and procedures with respect to the use of board resources during the election campaign period. Applicable local boards were advised of this requirement prior to the 2018 Municipal Elections, and some decided to adopt the City's [Election-Related Resources Policy](#) as their own for those purposes.

Support for the Ottawa Board of Health and Ottawa Police Services Board Chairs

Part III, Recommendation 3: That the Chairs of Ottawa Board of Health and the Ottawa Police Services Board each be provided with a temporary half Full-time Equivalent (FTE) to support their roles, as a two-year pilot project to be funded from the Council Administrative Services budget, as described in this report.

As part of the development of this report, a request was submitted with regards to providing additional support to the Ottawa Board of Health Chair, such that the Chair would receive additional support and flexibility with respect to their Constituency Services budget, particularly during extraordinary circumstances, including the ongoing COVID-19 pandemic, and in recognition of the significant workload associated with being a Board Chair. Subsequent to consultations with Members of Council on that proposal, a similar request was submitted to provide the Ottawa Police Services Board Chair with additional support in the form of a half Full-time Equivalent (FTE).

These suggestions are consistent with the way in which Council has recognized the additional workload placed on Standing Committee Chairs and Members serving as Deputy Mayors, as follows:

- Council considered and approved the 2006-2010 Mid-term Governance Review, which included a recommendation that the office budgets of certain Standing Committee Chairs be increased by approximately 0.5 of an FTE;
- The Planning Committee has traditionally been, and continues to be, the Committee with the heaviest workload. In recognition of the additional work required of the Committee's Chair, a full FTE has been provided to the Planning Committee Chair to assist in managing the Committee workload, as recommended by the 2014-2018 Mid-term Governance Review; and
- With the formalization of the Deputy Mayor role in the 2010-2014 Governance Review, the appointed Deputy Mayors have been regularly called upon to represent the Mayor at events that he cannot attend due to previous commitments. In recognition of the continuing and significant workload, a temporary FTE has been provided to support the role of the Deputy Mayors so that the work carried out on behalf of the Mayor does not take away from the Deputy Mayors' services to their constituents.

During consultation for this report, the Ottawa Board of Health Chair stated that at times, particularly during the pandemic, chairing the Board meetings is not as predictable considering the fluidity of the pandemic and the far-reaching parameters related to the global issues and various levels of government involved. The Chair emphasized the requirement to liaise with Ottawa Public Health, often several times a day, both at the senior level and within the public health administration. It was also noted that the Member's staff were required to support the Board Chair by attending additional meetings and media briefings, and supporting emergency public health-related files.

The Ottawa Police Services Board Chair made similar comments about an increasing workload, particularly in relation to suggested alternative service delivery models, including community policing needs, budget and expenditures and systemic issues related to mental health, gender, and race. The responsibilities of the Police Services Board Chair are not limited to the Board meetings, but also include policy, media and community relations, budget and strategic planning, as well as assuming a leadership role related to human resources, performance reviews and collective bargaining.

While Members recognized the increased workload associated with these boards, particularly considering the ongoing pandemic, there was no consensus on providing additional support to the Board Chairs. Some Members cited the financial position of the City, unforeseen expenses and loss of revenue experienced during this year and did not support the proposal due to the budget impact. Other Members acknowledged the increased workload and were supportive of the proposal but noted that it should be temporary and reconsidered at the end-of-term governance review.

As previously outlined in this report, the governance review process is undertaken by the City Clerk, who works closely with the Mayor in finalizing the report recommendations. In recognition of the continuing and significant workload associated with the Board of Health and the Police Services Board, and in keeping with the City Clerk's statutory authority set out under Subsection 227(b) of the *Municipal Act, 2001*, "to undertake research and provide advice to Council on the policies and programs of the municipality," the Clerk recommends that the Board of Health Chair and the Police Services Board Chair each be provided with a temporary half FTE to support their roles, so that board-related work does not take away from the Members' responsibilities to their constituents. The temporary annual funding is recommended to be provided as a pilot project beginning in January 2021 for the balance of this Term of Council, and

would be reviewed as part of the 2022-2026 Governance Review. The Mayor has agreed with this pilot project.

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

Committee of Adjustment – Secretary-Treasurer reporting structure

Part III, Recommendation 4: That the Secretary-Treasurer of the Committee of Adjustment report to the City Clerk for administrative matters, as described in this report.

The Committee of Adjustment is a quasi-judicial body established under Subsection 44(1) of the *Planning Act*. The Committee conducts itself in accordance with the *Statutory Powers Act*, and the *Planning Act* grants authority to the Committee to make decisions on the following matters:

- consider and make decisions on applications for Minor Variances from the provisions of a Zoning By-law;
- consider and make decisions on applications for Consent to “sever” a property, or for any agreement, mortgage or lease that extends for more than 21 years;
- consider and make decisions on applications for Permission, which deal with the enlargement or extension of a building or structure that is legally non-conforming, or a change in non-conforming use; and
- consider and make decisions on applications for Validation of Title and Power of Sale.

At the City of Ottawa, the Committee of Adjustment consists of 15 Council-appointed citizen members who are divided into three panels of five members each, and each panel hears applications for a different geographic area of the City. The Committee is supported by the Committee of Adjustment Unit, which is composed of unionized City employees who process applications in accordance with the rules and regulations set out under the governing legislation. In accordance with Subsection 44(8) of the *Planning Act*, the Committee of Adjustment is required to appoint a Secretary-Treasurer, who in

turn leads the Unit. The Secretary-Treasurer reports to the Chair of the Committee of Adjustment.

As the Council-appointed Committee members do not have access to the City of Ottawa's automated systems, an informal "dotted-line" relationship exists between the Secretary-Treasurer and the General Manager of the Planning, Infrastructure and Economic Development Department (PIED). Recognizing the independence of the Committee, the relationship is meant to address transactional and human resources matters, such as vacation leave and mileage claims, in accordance with the terms and conditions of employment as determined between the Committee and the Secretary-Treasurer.

As planners from PIED sometimes appear before the Committee to provide comments or speak to the City's policies in relation to an application being considered by the Committee, there are on occasion decisions rendered by the Committee that are at odds with the priorities and mandate of Planning Services. To mitigate any perceived conflict of interest between the "dotted-line" relationship of the Secretary-Treasurer and the General Manager, PIED, and the statutory independence of the Committee, the General Manager and the City Clerk are recommending a new "dotted-line" relationship be established for transactional, administrative matters as referenced above.

A review of other Ontario municipalities provides varying structures that exist between the administration and Committee of Adjustment. One such model, which is used in Mississauga, aligns the Committee of Adjustment with the Office of the City Clerk.

During consultations for this report, Members of Council were supportive of the staff proposal to move the administrative relationship for the Secretary-Treasurer from the General Manager, PIED, to the City Clerk in order to mitigate any perceived conflict of interest and to better align the Committee of Adjustment with the City's Council and Committee structure.

As such, should this recommendation be approved by Council, the Office of the City Clerk will work with PIED, the Committee of Adjustment and Human Resources to implement the new structure effective January 1, 2021.

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

Amendments to the *Procedure By-law*

Part IV, Recommendation 1: The amendments to the *Procedure By-law* as described in this report and in Document 7.

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

The recommended revisions to the *Procedure By-law* in this report include some substantive amendments based on recommendations and feedback received from elected officials, as well amendments of a housekeeping nature, such as corrections to spelling, punctuation, reordering or renumbering to reflect recent amendments, or updating position titles.

All amendments are underlined in the attached Document 7, and the more substantive changes are described further below.

Clarifying the Definition and Scope of Inquiries and Directions to Staff

Some Members have expressed concern that in certain instances, Inquiries and Directions to Staff are being used to request staff to undertake significant work, including new research, developing policy recommendations, or undertaking pilot projects, and the scope of such work may be significant and/or have unknown and substantial financial implications.

During consultations for this report, some Members noted that such actions should require a Motion of Council. It was suggested that it would be helpful if, prior to staff commencing such potentially significant work, Council would have an understanding of the effect as it relates to staff workload, financial costs and impact on other previously-approved items on a departmental workplan, including those in the Term of Council priorities.

Inquiries and Directions to Staff are governed by Section 33 of the *Procedure By-law*, which permits Members of Committee and Council to bring forward Directions to Staff or formal Inquiries at any given meeting. The *Procedure By-law* sets out the process for

submission of both Inquiries and Directions but is silent on the definition and scope of each.

Formal Inquiries, Motions and Directions to Staff are also governed by the [Council Inquiry/Motion Tracking process](#) approved by City Council on July 11, 2008. This process distinguishes between a standard Inquiry and a significant Inquiry, based on whether it can be answered using existing resources and information within a reasonable amount of time. The process further reflects the principle that if the work required to respond to an Inquiry or a Motion cannot be accomplished within existing resources, or could impact the delivery of existing Council-approved initiatives, Council should approve that work. However, these processes and definitions are not currently reflected in the *Procedure By-law*, and Members have observed that they are not consistently understood or applied by staff.

Staff recommend Council approve amendments to the *Procedure By-law* to better define the scope of Inquires and Directions to Staff, and direct the Office of the City Clerk to work with the City Manager's Office to provide updated guidelines to staff that reflect these amendments as well as the principles of the Council-approved 2008 Inquiry/Motion Tracking process described above.

As such, it is recommended that the following definitions of Direction to Staff and Inquiry be added under Section 2 of the *Procedure By-law* ("Definitions"):

- **"Direction to Staff" means a request submitted by a Member in accordance with Section 33, and with the will of Council/Committee/Commission where staff has agreed to undertake additional actions, within existing resources and within the scope of an item of business already on the Agenda.**
- **"Inquiry" means a written question filed by a Member at a Council or Committee meeting, in accordance with Section 33, where staff has been asked to provide additional information in writing about an existing by-law, program, policy, service, legislation or operational matter within the jurisdiction of Council or the respective committee. An Inquiry may be defined as either:**

- (i) a standard inquiry, where staff can respond using existing resources and information within a reasonable amount of time; or
- (ii) a significant inquiry, where staff has identified that, due to the subject matter or scope of the inquiry, staff cannot respond using existing resources and information within a reasonable amount of time.

Where a Member's request to staff does not fall within the above two definitions, a Motion, such as by Notice of Motion, or report, such as a Councillor's Report, would be required.

It is further recommended that the following new provisions be added to Section 33 of the *Procedure By-law* ("Directions, Inquiries and Answers"). These new provisions are consistent with the principles of the Council-approved [Council Inquiry/Motion Tracking process](#) and are intended to provide additional clarity to Members of Council, Committee Chairs and staff on how out-of-scope Inquiries and Directions may be dealt with.

NEW: Where staff has identified that an Inquiry is a "significant inquiry" as defined in Subsection 2(17)(b), staff shall communicate this to Committee and Council and, should the Member wish their Inquiry to proceed, a Motion approved by Council is required.

NEW: The Chair or any Member may call for a recorded vote on a direction to staff or Inquiry, at which point it would then be treated as a Motion and, if submitted at Council, would require a seconder.

NEW: Where a direction to staff or Inquiry would result in the development of new policy or program recommendations or changes to policies or programs already approved by Council, or where staff has identified that a direction or Inquiry cannot be completed with existing resources or without impacting workplans or priorities previously approved by Council, a Motion approved by Council is required.

Closure of outstanding Inquiries at the end of a Term of Council

Since 2010, a process of reviewing outstanding motions, directions and Inquiries has occurred each Term of Council immediately following Council's approval of its Term of Council Priorities, to ensure that staff's efforts continue to reflect the current Council's priorities.

On April 8, 2020, Council considered the report titled, "[Motions, Directions and Inquiries Recommended for Closure](#)," and approved Recommendation 2 as follows:

Direct the City Clerk to bring forward an amendment to the Procedure By-law for Council's consideration as part of the Mid-Term Governance Review that would provide for outstanding Council and Committee Inquiries to be closed at the end of a Term of Council, as described in this report.

Staff recommend that the *Procedure By-law* be amended to provide that all outstanding Inquiries will be closed at the end of a Term of Council and that, at the beginning of each new Term of Council, the Office of the City Clerk provide the new Council with a list of what was closed so that Councillors may decide if they wish to resurrect any Inquiries submitted by Members of the previous Council. During consultations for this report, Members expressed support for this proposed approach.

Electronic participation in Council and Committee meetings

Prior to the COVID-19 pandemic, the *Procedure By-law* did not permit any form of electronic participation by Members of Council in Council or Committee meetings. While the *Municipal Act, 2001* permitted municipalities to allow electronic participation, provided a quorum of Members was physically present and remote participants did not participate in closed meetings, Ottawa was not among the municipalities that chose to adopt such provisions.

Bill 187, the Municipal Emergency Act, 2020

Following the Province's declaration of a State of Emergency on March 17, 2020, as a result of the COVID-19 pandemic, the Ontario Legislature on March 19, 2020, passed Bill 187, the *Municipal Emergency Act, 2020*. This legislation amended the *Municipal Act, 2001* to provide that, during emergencies, municipalities could permit unrestricted electronic participation by Members of Council, committees and local boards, temporarily removing the restriction on electronic participation in closed meetings and the requirement to maintain a physical quorum. Subsequently, at its special meeting of

March 25, 2020, Council approved Motion No. 30/01 that amended the *Procedure By-law* to allow Members to participate electronically in the remainder of that meeting and all meetings of City Council and Standing Committees held thereafter during the emergency declaration made by the Province.

Beginning in April 2020, Council and Committee meetings resumed using electronic participation via teleconference and Zoom. The April 9, 2020, Planning Committee meeting was the first Standing Committee meeting to be held electronically using Zoom. Subsequently, on May 11, 2020, the City of Ottawa was among the first municipalities in Ontario to conduct a fully electronic Standing Committee meeting that included live participation by public delegations. During its three-day meeting, the Joint Planning Committee and Agriculture and Rural Affairs Committee heard from 93 public delegations, facilitated using the Zoom webinar function.

On May 27, 2020, in anticipation of the end of the Province's State of Emergency, Council approved Motion No. 34/19 that amended 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 the *Municipal Act, 2001*, as amended, or other provincial statutes. The Motion also directed the City Clerk to review the matter of continued remote participation in Council and Committee meetings as part of the Mid-Term Governance Review.

Bill 197, the COVID-19 Economic Recovery Act, 2020

Bill 197, the *COVID-19 Economic Recovery Act, 2020*, received Royal Assent on July 21, 2020. Bill 197 amended and updated various pieces of legislation as part of the Province's COVID-19 recovery strategy. As it pertains to Council and Committee meetings, this legislation amended the *Municipal Act, 2001* to allow for proxy voting, as described below, and to permanently allow the continuation of electronic meetings outside of a declared state of emergency whereby:

- a member of a Council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- a member of a Council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

As a result, electronic meetings of Council and Committee have continued under the authority of the revised *Municipal Act, 2001* and the *Procedure By-law*.

Current format of Council and Committee meetings

Since March 2020, Council and Committee meetings have been held using remote participation by way of teleconference, Microsoft Teams and/or the Zoom webinar function, or a combination thereof. In-person attendance has been limited largely to the Mayor, the Committee Chair, and staff directly involved in running and live streaming the virtual meetings from Council Chambers or occasionally from the Champlain Room. All other Members of Council and staff have participated remotely.

While there were some initial growing pains as Members and staff adjusted to the technology and the new meeting processes, remote meetings have largely been successful. Efforts have been made to streamline certain practices to ensure efficient meeting operations, including:

- the public delegation registration and written submission processes;
- the processes for Members and staff to submit motions and presentations to the Clerk's Office for sharing during meetings;
- the incorporation of Simultaneous Translation and Sign Language Interpreters with the meeting technology as needed;
- the live stream to YouTube of all Standing Committee and Council meetings conducted via Zoom; and
- collaboration between the Clerk's Office and IT Services staff to ensure each meeting is sufficiently supported with staff covering the various roles associated with running remote meetings.

To date, due to the evolving COVID-19 pandemic and associated limits on gatherings, no members of the public have been permitted entrance to the Council Chambers and public delegations have been limited to remote participation via Zoom or phone. All members of the public have been able to view Council and Committee meetings on YouTube and, in the case of Council meetings, the meetings are also broadcast on RogersTV and the RogersTV website.

Media access to the Council Chambers has also been restricted since March 2020. Public Information and Media Relations continues to facilitate media inquiries and has been hosting virtual media availabilities with the Mayor and senior staff following each Council meeting and some Committee meetings.

Continuation of electronic participation

During consultation for this report, Members of Council expressed support for the continuation of electronic participation in Council and Committee meetings. That said, some Members have indicated their preference for moving to “hybrid” meetings with combined virtual and in-person participation to accommodate those Members who would prefer to attend in person.

Other Members expressed that, while unrestricted electronic participation may be appropriate during the ongoing pandemic, on an ongoing basis some limitations to electronic participation would be appropriate to provide that electronic participation would be used only in limited and specific circumstances.

In light of the evolving situation of the COVID-19 pandemic and the likelihood that in-person attendance limits will be reduced for some time by the requirement for physical distancing, the City Clerk is recommending that Council and Committee meetings continue to be held electronically and that the *Procedure By-law* provisions permitting unrestricted electronic participation in Council and Committee meetings remain in place.

When it is both legal and safe for Members of Council, City staff, members of the public and representatives of the media to attend Council and Committee meetings in person, the Office of the City Clerk will communicate any related guidelines and procedures via a memo and/or the Council Procedure Memo, in consultation with the Medical Officer of Health, or her designate, and the City Solicitor.

The provisions for electronic meetings will be reviewed as part of the 2022-2026 Governance Review report. At that time, consideration will be given to imposing further restrictions on electronic participation based on the manner in which it has been used by Members in the intervening time period.

Public and media access to Council and Committee meetings

At the time of writing this report, the Public and Media Gallery in Council Chambers remain closed for public access. Members of the public and media will continue to be

accommodated in Council and Committee meetings through electronic participation, including:

- Watching live Council meetings on YouTube and RogersTV;
- Watching live Committee meetings on YouTube;
- Registering to appear as a public delegation at Committee using Zoom (which includes a telephone option); and
- Submitting written comments on any item before Committee or Council.

Additional supports are available upon request to the Office of the City Clerk to any members of the public with disabilities or other limitations that require an accommodation or further support to participate in virtual meetings.

Media Relations will continue to facilitate regular virtual media availabilities following most Council meetings and to respond to media inquiries. In order to increase access to information for the public, post-Council media availabilities now include sign language interpretation and simultaneous translation.

The Office of the City Clerk will communicate any changes with respect to the ability for members of the public to appear in person by posting them on the City's website no later than the time when the Agenda for the meeting is published.

It is also recommended that the live performance of the National Anthem at Council meetings continue to be suspended until there is an ability to accommodate guests, including school groups, in the Council Chambers. Those Members of Council that had not yet coordinated the anthem this Term would be scheduled first once performances resume.

Proxy Voting

Bill 197 also amended Section 243 of *Municipal Act, 2001* to give municipalities the authority to permit proxy voting for Members of Council. If adopted as part of a municipality's *Procedure By-law*, proxy voting would proceed "in accordance with a process to be established by the Clerk," and subject to certain limitations, as set out in Section 243 of the *Act*, including that any Member could not act as proxyholder for more than one other Member at time.

During consultations for this report, no Members of Council expressed support for proxy voting. As such, no recommendation is being put forward to amend the *Procedure By-law* to permit proxies.

Proactive disclosure of certain closed meeting reports

Subsection 13(7) of the *Procedure By-law* provides that all reports intended to be considered in a closed meeting shall indicate either the reporting out date, being a date the report can be made public, or a legal opinion indicating why the report cannot be made public. Upon the passing of the reporting out date, the report “shall be made accessible to the public.” However, the by-law does not prescribe how the reports are made public. Currently, the practice is such that reports are released on an as-requested basis through the Office of the City Clerk.

The overarching principle of the City’s Routine Disclosure and Active Dissemination Policy is to provide greater public access to information by making certain records routinely available in response to informal requests for access or by means of periodically releasing certain records.

In keeping with the spirit of the policy, the City Clerk is recommending that Subsection 13(7) of the *Procedure By-law* be amended to clarify that upon the passing of the reporting out date, reports that were considered in closed session will be proactively disclosed with the minutes of the relevant meeting on ottawa.ca.

There is no change being recommended where there is a legal opinion indicating why the report cannot be made public.

Amendments to the *Delegation of Authority By-law*

Part IV, Recommendation 2: The amendments to the *Delegation of Authority By-law* as described in this report and in Document 8.

Pursuant to Section 23.1 of the *Municipal Act, 2001*, the *Delegation of Authority By-law* sets out delegations to various officers of the City and their corresponding accountability and transparency mechanisms. It outlines the specific monetary thresholds for delegated authority and the process for implementing delegated authority. The Office of the City Clerk 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 review was completed during the summer of 2019 at which time By-law No. 2018-397 was repealed and replaced with the current By-law No. 2019-280, enacted at the September 11, 2019, Council meeting. A majority of the revisions at that time were related to the City Manager's realignment of the organizational structure.

Due to the number of changes recommended in this report and to facilitate ease of navigation, it is recommended the current By-law No. 2019-280 be repealed and replaced with a new by-law. The draft version is provided as Document 8. The new by-law is to be enacted at the Council meeting held following the December 9, 2020, consideration of this report.

The staff recommendations are summarized below and the specific reason for each requested change is provided with the description of the proposed amendment. In addition to what is presented below, any further recommended amendments to the *Delegation of Authority By-law* that are needed because of recommendations made elsewhere in this report will be reflected in the final by-law.

Main By-law – 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 to the Delegation of Authority By-law to reflect previous Council approval of staff reports have also been made. Finally, references to legislation, by-laws and Regulations have been updated as required.
- Staff are recommending an amendment to the “emergency application” definition. The proposed change broadens the definition of emergency application to include instances where there is an immediate health and safety concern if the work is not immediately undertaken. For instance, a chimney on a heritage building is in danger of imminent collapse and needs to be dismantled immediately to alleviate safety concerns.
- An update to the “sponsorship” definition to reflect the current operational practice as applied by the Recreation, Cultural and Facility Services Department is recommended.

- Staff are recommending an amendment to Section 3(2) – General, to include the current practice and requirement for all sub-delegations to be made in writing, provided to the City Clerk, and filed in accordance with the City’s information and records management policies.
- Staff are recommending an amendment to Section 9 – Execution of Documents, to include the ability for the City Manager’s signature and any other City employees signing authority to be completed using various means, including by electronic means or measures.

Schedule “B” – Finance Services

- In addition to minor housekeeping amendments related to the department’s name, position titles and by-law references, staff are recommending the following amendments:
 - Adjustments to Sections 8, 9(6), and 11(3) regarding the reporting requirements to be consistent with similar sections elsewhere in the by-law.
 - Amendment to Section 9(1)(a) whereby individuals are permitted to make capital budget transfers provided the outlined criteria is fulfilled, changing the total amount of the transfer not to exceed 10 per cent or \$200,000 (previously \$100,000). The \$100,000 limit was previously established in 2004 and is no longer an operationally viable number after considering the construction price index and cost of inflation since 2004.
 - Amendments to Section 12(3) and (5) – Debt Issues, whereby debenture by-laws required for debt issued are placed on the agenda of the Debenture Committee, rather than the Finance and Economic Development Committee or Council, and the committee name change in subsection (5). These amendments are subject to Council approval of Part I, Recommendation 2, and the re-establishment of the Debenture Committee.
 - Amendment to Section 24 – Tax Certificates and Water and Sewer Certificates, to update the by-law number and include the ability for the signature of the Deputy City Treasurer, Revenue, to be completed using various means, including by electronic means or measures (consistent with the amendment in the City Manager’s Schedule).

Schedule “C” – Office of the City Clerk

- Staff are recommending a new authority to Section 1 – General Responsibilities, that allows for Council-approved policies, procedures and by-laws to be amended by the City Clerk in the event of a corporate or departmental alignment, provided that it does not expand one’s delegated authority beyond what Council has delegated to the General Manager and/or the head of the department. The amending by-law would be placed on the agenda of Council for enactment.

Schedule “D” – Community and Social Services

- Staff are recommending amendments and new authorities to Sections 4 and a new Section 11, all related to the former Partner and Stakeholder Initiatives Unit that is now entitled the “Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service” and the new “Social Policy, Research and Analytics Service”. The authorities are similar to those currently held by other service areas throughout the by-law.
- Amendment to Section 6 to include the ability for the signature of the General Manager to be completed using various means, including by electronic means or measures (consistent with the same amendments in other Schedules).

Schedule “E” – Recreation, Cultural and Facility Services

- Staff are recommending a new authority as Section 4(1) and (2) whereby the General Manager, RCFS, is delegated the authority to approve, amend, extend and execute agreements related to the use of unmanned air vehicles (UAVs) on City property, provided that such agreements meet the criteria as outlined in the by-law, with subsection (2) setting out the required annual reporting to the appropriate Standing Committee. Currently the *Parks and Facilities By-law* and the *Transit By-law* are both silent on the use of UAVs. Both by-laws will be updated if this new authority is approved.
- Staff are recommending minor adjustments to Sections 19(7) and (8) – Advertising and Sponsorship, adjusting the reporting period to be at least once in each calendar year (rather than the restrictive wording of by January 31 of the following year).

Schedule “F” – Emergency and Protective Services

- Adjustments to Sections 2(1), 3(1), and 14(1) regarding the wording related to the authorities to approve, amend, extend and execute agreements. The minor amendments would result in consistency with similar sections throughout the by-law.
- Staff are recommending the addition of the two new authorities (Sections 11 and 12 – Vehicle-for-Hire License Transfers and Renewals) that were previously approved as part of the staff report titled, “[Vehicle-for-Hire Accessibility Fund – Allocation Plan](#).” The General Manager, EPS and the Director, By-law and Regulatory Services, are delegated authorities related to the annual allocation of fees and the ability to negotiate, finalize and execute voluntary accessibility surcharges with private transportation companies.

Schedule “G” – Transportation Services

- Staff are recommending a new authority as Section 13 related to ATU Benefits Agreements whereby the General Manager is authorized to approve and execute amendments to benefit agreements with respect to transit services where there is no increased cost to the City and provided that the affected bargaining agent agrees with the amendment. Subsection (2) sets out the reporting requirement to the Transit Commission as soon as is practicable. This agreement between OC Transpo and ATU dates back to pre-amalgamation and the new authority is required to establish the ability for the General Manager to approve and execute amendments.

Schedule “H” – Innovative Client Services

- A housekeeping amendment to Section 4(1) – Emergency or Special Circumstances – Reduction or Waiver of Service Fees, removing “on-street parking permits”, which are not in the Director’s purview to authorize a reduction to or waiver of fees.
- Amendments to Sections 6 to 8 to add the Information Technology authorities for the position of “Chief Information Security and Digital Risk Officer”, similar to other Directors’ authorities outlined in the by-law.

Schedule “I” – Public Works and Environmental Services

- Amendment to the title of Section 9 and Section 9(1) to include “Rebates”, in that the existing authority involves both grants and rebates, and an housekeeping amendment to update the name of the Lead Pipe Replacement Program.
- Replacement of Sections 11 and 12 – Municipally Managed Parking Rates, to reflect the changes approved by Council during its October 9, 2019, meeting and outlined in the updated Municipal Parking Management Strategy, Rate Setting Guidelines.

Schedule “J” – Planning, Infrastructure and Economic Development

- Minor amendments to various sections throughout to add the Director, Economic Development and Long Range Planning, to the existing authorities.
- Addition of new authority as Section 14(1), (2) and (3). Part Lot Control Exemptions By-laws are enacted by Council, following a delegated approval process, to permit the conveyance of land in subdivision blocks to individual purchasers. This mechanism allows the further division of lots and blocks on registered plans of subdivision without the necessity of an application for consent for severance. It is generally the mechanism used to convey title to townhome units in a development. To complete the by-law prior to enactment, the number of the subdivision plan must be known. As subdivision registrations occur regularly throughout the year, many property conveyances cannot be completed without the registration of a part lot control bylaw and where Council is recessed for a period outside of its regular schedule closings may be delayed. Delegating authority to the Director of Planning Services in this fashion permits these closings to occur without delay as a result of changes to the regular Council schedule. This authority has been specifically delegated by way of motion on three occasions during 2020 without issue: first, in the spring, when there was uncertainty as a result of the pandemic; second, in July to address the summer recess of Council and; third, during the October 28 Council meeting to account for the cancellation of the November 12 meeting.
- Removal of the current Section 15 – Site Plan Control, to be consistent with the Council-approved amendments to the *Site Plan Control By-law*.

- Amendment to Section 16(1)(i) by adding “if required” to clarify the current practice that Councillor concurrence is not actively sought for standard type applications, being a staff level approval, unless it was clearly requested by the Councillor during the initial circulation period.
- Staff are recommending the addition of new authorities as Sections 21 (2) and (4) – 30 cm Reserves. Currently, Sections 21 (1) and (2) provide the authority for the Managers of Development Review individually to approve the release and conveyance or dedication. However, the by-law was previously not amended to include the delegated authority to refuse a lifting when refusal authority was added for other planning applications.
- As a housekeeping item, staff are recommended the addition of a new authority (Section 27) under the current Reduction or Waiver of Application Fees, providing authority to the General Manager, Planning, Infrastructure and Economic Development. This authority was approved by Council on November 12, 2012, when it approved an amendment related to the implementation of the Guaranteed Application Timeline Initiative (GATI) program. This Council-approved amendment was not incorporated into the current by-law.
- Various amendments are being recommended by staff related to Part IV and V – *Ontario Heritage Act (OHA)*, as follows:
 - Amendment to Sections 33(1)(c) (vi) and 33(2)(c) (vii), removing “meet the requirements of the *Zoning By-law* and”. This proposed change would eliminate the requirement to bring a report to the Built Heritage Sub-Committee (BHSC) and Council for accessory buildings where a minor variance to the *Zoning By-law* is required. Delegating authority for construction of accessory structures that have no impact on the cultural heritage value of the property or HCD would alleviate the burden of additional reports on the Committee and Council agendas.
 - New authorities to Section 33(1)(c) (vii) and (viii) and 33(2)(c) (viii) and (ix). Demolition of additions and outbuildings currently requires approval of Council regardless of heritage value. Delegating authority for demolition of additions and accessory structures that have no cultural heritage value would alleviate the burden of additional reports on the Committee and Council

- agendas. This change is in keeping with the other approvals delegated to staff under the OHA.
- New authority to Section 32(3), which provides the authority to approve applications with conditions. There are instances where staff feel an application is appropriate and a permit is approved with outstanding conditions such as documentation, conservation of trees or material selection. Inclusion of the authority explicitly in the by-law would give staff the clear authority to continue this practice.
 - New authority as Section 33(7), which provides the authority for the General Manager to reduce or waive application fee for permits under the *Ontario Heritage Act* according to stated requirements. It is noted that in the tabled 2021 Operating Budget, new fees for heritage permits are being proposed for Council approval as a result of the cost implications related to the introduction of Bill 108 changes to the *Ontario Heritage Act*. In order for staff to exempt projects that are not intended to be subject to the fees, language providing the circumstances where a permit would be exempted from fee payment has been proposed for the *Delegation of Authority By-law*. This change would be subject to the approval of the corresponding section of the 2021 Operating Budget, to be considered by Council on the same day as this Mid-term Governance Review report.
 - Minor amendments to Section 38(1) and (2) – Miscellaneous Permits, Section 39(1) and (2) – Encroachments, to add the current authority to the position of Program Manager, Public Realm and Urban Design, and to include the “right of way patios”, for operational flexibility due to departmental realignments.
 - Addition of Section 38(4) and amendment to (5) – Miscellaneous Permits to expand authority to issue permits for water and sewer connections to also include the Director, Planning Services and Managers of Development Review to align the authority with the applicable service areas responsible for the review and approval of water and sewer connections to both existing and proposed developments. Subsection (5) was amended to include the reporting on the authorities in (4).

- Housekeeping amendment to Section 48 – Municipal Review of Antenna Systems, to update the reference to the current name of Innovation, Science and Economic Development Canada.
- Staff are recommending a new authority as Section 58 – Accessibility Design Standards, providing the General Manager the authority to make technical changes or clarifications to the City of Ottawa Accessibility Design Standards when deemed necessary, with reporting to the applicable Standing Committee and Council annually through the City of Ottawa Municipal Accessibility Plan (COMAP) report, and to the Accessibility Advisory Committee. This authority was previously approved by Council on November 14, 2012, but had not been incorporated into the by-law.
- Staff are recommending a new authority as Section 60, delegating to the General Manager the authority to enter into Municipal Access Agreements to allow the installation of transmission lines by telecommunication carriers in the City's rights-of-way by smaller carriers. The authority is subject to the inclusion of appropriate insurance and indemnity provisions, as well as an annual fee reflective of the costs incurred by the City due to the installation of the equipment within the City's rights-of-way. The authority is limited to allowing the installation of equipment that would represent a cost to the City not exceeding \$10,000 per year, generally representing the work of smaller carriers. The intent of this authority is to allow staff flexibility to respond quickly to requests by smaller carriers to install their equipment, for example within rural areas of the City. This is in keeping with the City's goals under its Smart City 2.0 strategy to create a connected City and in particular improve the availability of high-speed internet services in rural areas.
- Staff are recommending a new authority as Section 62(1) and (2) – Federal and Provincial Agreements. This authority would capture those agreements with Federal and Provincial governments and any crown agencies, i.e. VIA Rail for their access permits (for maintenance and rehabilitation projects of existing structures), crossing agreements (grade separation projects), crossing utility agreements (water, etc.), as well as the reporting requirements to the Standing Committee at least once in each calendar year.

- Staff are recommending a new authority as Section 66 – Demolition Control, providing the General Manager the authority to delegate to named staff any of their authority pursuant to the *Demolition Control By-law*.
- Amendment to Section 70 – Ottawa Light Rail Project – Property Acquisitions, to include the requirement that “any required expropriations by-laws are placed on the Agenda of Council for enactment”. This amendment is in line with the Stage 2 Light Rail Transit Implementation – Project Definition and Procurement Plan report considered by Council on March 8, 2017.
- Staff are recommending a new authority as Section 74(1) and (2) – Leases – Termination of Agreements. This authority relates to the implementation of the Auditor General’s recommendation no. 1 from the Investigation of the Lease Cancellation for 300 Coventry Road – Audit report, which states “That the City request that Council update the *Delegation of Authority By-law* to include the delegated authority to terminate leases”, as approved by the Audit Committee during its October 27, 2020, meeting. The new section also includes the reporting requirements.
- Minor amendments to Sections 75 and 76 to add the current authority to the position of Manager, Realty Initiatives and Development, for operational flexibility due to departmental realignments.

Amendments to the *Procurement By-law*

Part IV, Recommendation 3: The 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 and in conjunction with the various departments and portfolios to incorporate changes in administrative and operational practices.

The proposed amendments to the by-law are recommended by the Chief Procurement Officer. While the majority of the amendments being made are to reflect the current

corporate alignment, summarized below are additional recommendations. The specific reason for each requested change is provided with the description of the proposed amendment.

- Proposed amendment to Section 8 such that where the by-law prescribes financial limits on contracts that may be awarded on the authority of a Director, or provides for financial limits on contracts required to be reported to Council, for the purpose of determining whether a contract falls within these prescribed limits, the contract amount shall be the sum of all costs paid to the supplier under the contract excluding taxes. Previously, Section 8 included all taxes less any rebates. Staff are recommending this change to simplify processes for City departments and reduce violations of the *Procurement Bylaw* due to *de minimis* calculation errors. Given that the tax is 13 per cent and the rebate is 11.24 per cent, staff anticipate the impact to be minimal.
- Proposed amendment to add Subsection 22(1)(j) such that the requirement for competitive bid solicitation for goods, services and construction may be waived under joint authority of the appropriate Director and Supply Services and replaced with negotiations by the Director and Supply Services under the following circumstances:
 - (j) where additional deliveries by the original supplier of goods or services that were not included in the initial procurement if a change of supplier for such additional goods or services:
 - (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; and
 - (ii) would cause significant inconvenience or substantial duplication of costs.

Pursuant to s.10(1) of the *Procurement By-law*, the City is subject to the provisions of applicable trade agreements. The additional clause proposed in Subsection 22(1)(j) aligns the *Procurement By-law* more effectively with the Comprehensive Agreement on Economic Trade (CETA) Article 19.12(1)(c) and

Article 513(1)(c) of the Canadian Free Trade Agreement (CFTA) as there is no equivalent clause in the existing *Procurement Bylaw*.

Amendments to the Delegation of Powers Policy

Part IV, Recommendation 4: The amendments to the Delegation of Powers Policy as described in this report and in Document 9.

Section 23.1 of the *Municipal Act, 2001* 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 *Municipal Act, 2001*, a municipality is required to adopt and maintain a policy with respect to the delegation of its powers and duties.

In accordance with the applicable legislation, 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 in more detail, staff recommend Council approve amendments to the Delegation of Powers Policy that would formalize protocols related to a completed management response to an Auditor General’s recommendation.

Findings of an Auditor General’s investigation

In July 2016, the Office of the Auditor General began an investigation into the Giver 150 Playground, which involved an agreement signed with a Toronto-based company to construct a new playground at Mooney’s Bay Park. The Auditor General’s investigation report, titled, “[Investigation into the Giver 150 Playground at Mooney’s Bay Park](#),” was considered by the Audit Committee on June 22, 2017.

While the investigation concluded that the City did not breach any relevant by-laws, policies, procedures or other applicable requirements, the report made recommendations and observations with respect to transparency and accountability and the potential for consultation and engagement, particularly in high-profile or sensitive situations.

The Audit investigation found that the authority set out for staff to access and use cash-in-lieu funds under the Cash-in-Lieu of Parkland Funds Policy was clearly respected in

the case of the Giver 150 Playground. However, the report noted that the Delegation of Powers Policy requires that “every delegation of a power or duty [of Council] shall be accompanied by a corresponding accountability and transparency mechanism,” and further stated as follows:

“The Investigation revealed that the authority exercised, lacked formal consideration of the corresponding accountability mechanism. Specifically, given the atypical nature and reputational risk associated with the project, it would be reasonable for the City to have chosen a more formal accountability and transparency mechanism in the case of the Giver 150 Playground. This would have included documenting the assessment of how and when City Council should be consulted or otherwise engaged on this matter.”

The report recommended the City “implement a protocol whereby formal consideration of accountability and transparency mechanisms is considered in potentially high-profile (e.g. sensitive or higher risk) situations.”

In response to the investigation report recommendation, staff updated orientation for new managers to included specific reference to the Delegation of Powers Policy and the *Delegation of Authority By-law*, as well as obligations set out under the policy and by-law. This was noted in a management update provided in an audit follow-up report tabled by the Auditor General at the Audit Committee meeting of September 30, 2020, as follows [emphasis added]:

“... The training has also been updated to indicate that staff should formally consider and assess enhanced accountability and transparency mechanisms, including consultation and reporting over and above what may be required under the *Delegation of Authority By-law*, in potentially high-profile situations (such as the situations set out in Section 2 of the Donations to the City for Community Benefit Policy). It is further expected that any business decisions with respect to consultation and reporting the exercise of delegated authority will be documented in accordance with applicable information management policies and procedures.

The above-noted protocols will be included as a proposed update to the Delegation of Powers Policy, where necessary, through the 2018-2022 Mid-term Governance Review report to Council in Q4 2020.”

The Auditor General indicated that “this recommendation is complete” in the report titled, “[Office of the Auditor General – Report on Audit Follow-ups and detailed audit follow-up reports](#),” which Council considered on October 14, 2020. To formalize the above-noted protocols, staff recommend Council approve the following update to the Delegation of Powers Policy.

Proposed amendments to the Delegation of Powers Policy

While current requirements of the Delegation of Powers Policy are such that every delegation of a power or duty of Council is accompanied by a corresponding accountability and transparency mechanism, it is noted that reporting-out requirements typically come into effect after staff have exercised their delegated authority. It is recommended that the Delegation of Powers Policy be amended to provide that staff exercising delegated authority are responsible for ensuring that Members of Council and/or the Ward Councillor, as appropriate, are engaged early in the process, particularly in instances where the matter is high-profile or sensitive.

It is further recommended that in potentially high-profile or sensitive matters, staff exercising delegated authority shall ensure that they formally consider and assess enhanced accountability and transparency mechanisms, including consultation and reporting over and above what may be required under the *Delegation of Authority By-law*.

Examples of potentially high-profile or sensitive matters are set out in the proposed Definitions section of the policy. These matters may include, “Significant City projects, programs or services with respect to budget, project scale, risk level or public interest where an authority has been specifically granted by Council,” as well as events such as those described in the City’s Donations for Community Benefit Policy, including:

- Modifications, enhancements, replacement, alterations or removal of City facilities, amenities, programs or services available to the public;
- An introduction of new facilities, amenities, or equipment to a City owned or leased location accessed by the public;
- A significant reconfiguration of a public property, facility or programming space within a City facility;

- A recognition benefit to a donor that has significant impact on site or facility aesthetics and/or use; and/or
- A requirement to waive all or a portion of City policies and/or standards such as accessibility, bilingualism, etc.

Staff also recommend that the Delegation of Powers Policy be amended to provide that staff exercising delegated authority must ensure that any business decisions with respect to consultation and reporting the exercise of delegated authority will be documented in accordance with applicable information management policies and procedures.

The proposed amendments are included in Document 9.

Public-Private Partnership Policy

On February 12, 2020, City Council approved [Motion No. 27/6](#), which contained several actions and follow-on items related to the City's Public-Private Partnership Policy and the Light Rail Transit projects.

As well as directing staff to “incorporate a review of the City's Public-Private Partnership Policy, in addition to the City's *Purchasing By-law* and the *Delegation of Authority By-law*, as part of the Mid-Term Governance Review process,” the motion directed that an “independent consultant be engaged to undertake a ‘Lessons Learned’ exercise on the Stage 2 Light Rail Transit Project Procurement Process.”

The Council-approved scope of work for the independent consultant includes a requirement to review and assess the recommendations provided by the Auditor General in the report titled, “Audit of Stage 2 Light Rail Transit (LRT) Project Procurement,” which recommended a number of changes to the City's Public-Private Partnership Policy. The recommendations of the independent consultant will inform the City's review of the Public-Private Partnership Policy and related by-laws.

As identified in the staff report titled, “[Approval of Preferred Proponent and budget for LRT Stage 2 Lessons Learned Exercise](#),” which was considered by Council on September 9, 2020, it was intended that the independent consultant's report would be presented to Committee and Council by November 2020, in time for the Mid-term Governance Review process. However, given delays in Council's consideration of the LRT Lessons Learned Scope of Work resulting from the COVID-19 pandemic, and

requests for extensions of time submitted by the industry during the procurement process, it is anticipated that the consultant's report will not be presented to Committee and Council until Q1 2021.

Any required amendments to the City's Public-Private Partnership Policy and related by-laws will be developed at that time for consideration by Committee and Council.

Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures

Part IV, Recommendation 5: The amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Procedures as described in this report, including:

- a. The performance review process for the Auditor General and City Manager, as set out in Document 10; and**
- b. The voluntary exit interview process for statutory officers who report directly to City Council, as set out in Document 11.**

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, including the Auditor General.

The policy and procedures also incorporate best practices and other recommendations identified by the Ontario Ombudsman, whose mandate includes investigating decisions made by municipalities and making recommendations based on the findings. This includes recommendations made by the Ontario Ombudsman in a 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 followed an investigation that 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.

This Mid-term Governance Review report includes the following recommendations regarding amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Procedures.

a. The performance review process for the Auditor General and City Manager

Direction to include proposals for a performance review process

On December 3, 2014, Council considered the [2014-2018 Council Governance Review](#) report and approved amended recommendations with respect to performance assessments of the Auditor General and City Manager. The Governance Review report noted that “there has not been a consistent approach to dealing with performance review-related matters associated with the positions of City Manager and Auditor General such as performance reviews, and salary adjustments that are within the Council-approved pay scale.”

At the time of the 2014-2018 Governance Review report, the above-noted matters were within the mandate of the Finance and Economic Development Committee and the former Audit Sub-Committee. The Governance Review report noted that, “In practice, it ... has proven very difficult to conduct regular performance reviews by a Committee or Sub-Committee of Council. As a result, there have not been regular performance reviews conducted for these positions.”

The report further noted there were complexities involved in convening meetings of subcommittees of Council, and that the Mayor, as the Head of Council and Chief Executive Officer under the *Municipal Act, 2001*, “has responsibilities under Section 225 (c.1) of the *Municipal Act, 2001* with respect to providing recommendations to Council with respect to Council’s role to ensure accountability for the operations of the municipality, including the activities of senior management...”

The staff report recommended that, “the Mayor be given delegated authority to conduct performance reviews, authorize salary adjustments within the Council-approved pay scale and approve vacation and sick leave requests for the City Manager and Auditor General, as described in this report.” The report outlined a proposed process and parameters as follows:

“This would allow the Mayor to conduct performance reviews, make minor adjustments to the job descriptions, approve salary adjustments that are within

the Council-approved pay scale and approve vacation and sick leave requests. Council would continue to have sole authority over hiring and dismissal. As well, any changes to the job descriptions and salary that go beyond previously approved Council guidelines would continue to require Council approval. In executing this delegation of authority, it is expected that the Mayor will consult with the Director of Human Resources, the City Clerk and Solicitor and/or Council colleagues as appropriate. As was done during the 2010-2014 Term of Council, the Mayor may also ask the Deputy Mayors for input and to participate in these matters.

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

During Council’s consideration of the matter, two amending motions were approved that changed the original staff recommendation. One of the motions [Motion No. 1/11] referred to the Board of Health having “introduced a new process to review the performance of the Medical Officer of Health such that the Chair of the Board conducts the review based on a weighted, written evaluation survey completed by all Members of the Board.” The recommendations approved by Council, as amended, were that:

- a) the Mayor and Deputy Mayors be given delegated authority to conduct performance review meetings for the City Manager based on written weighted evaluation forms filled out by each Member of Council and report the results of the meetings to Council in the manner deemed most appropriate by the Mayor, in consultation with the City Clerk and Solicitor; and
- b) the Mayor and the Chair and Vice-Chair of the Audit Committee be given delegated authority to conduct performance review meetings for the Auditor General based on written weighted evaluation forms filled out by each Member of Council and report the results of the meetings to Council in the manner deemed most appropriate by the Mayor, in consultation with the City Clerk and Solicitor; and

- c) the Mayor be delegated the authority to approve vacation leave, sick leave, expense reports and similar matters for both the City Manager and the Auditor General.

Since then, Council on April 8, 2020, approved Recommendation 2 of the staff report titled, "[Recruitment, Appointment and Contract Administration for Statutory Officers who report directly to City Council](#)," which directed staff "to include proposals to address the Ombudsman's recommendations with respect to a policy governing the process for Auditor General and City Manager performance assessments, as part of the 2018-2022 Mid-term Governance Review consultations."

The staff report noted that the Ontario Ombudsman's "Inside Job" report found there was an "inconsistent approach" to CAO performance reviews in Niagara Region that was marked by the lack of a by-law, policy or procedure "that clearly sets out how and when the CAO's performance should be reviewed, and who should do it." The staff report further noted that the Ombudsman recommended that in order to promote consistency and clarity, Niagara Region should adopt a policy specifying the process for CAO performance appraisals, and that "such a policy should provide guidelines on how to conduct an appraisal, and clarify who should be involved."

The staff report also stated as follows:

"Given the Ombudsman's recommendation that a policy with respect to performance assessments should include guidelines on how to conduct a performance assessment, staff recommend that this matter be included in the 2018-2022 Mid-term Governance Review consultation process. This approach would provide an opportunity for Council to incorporate recent suggestions from the Ombudsman and establish a consistent approach that provides Council's desired direction for performance reviews in more detail than was set out in the amended recommendations approved in December 2014, with express direction to staff regarding implementation.

The proposed consultation as part of the Mid-term Governance Review would include consideration of the framework of Council's decisions from December 2014, as well as best practices noted by the Ombudsman. Specifically, the Ombudsman stated in his report that, 'the Canadian Association of Municipal Administrators has developed a toolkit that includes templates and best practices

for evaluating CAO performance and providing feedback,’ and that, ‘the region may also want to seek out similar policies at other municipalities using the municipal Google search created by the Association of Municipal Managers, Clerks, and Treasurers.’

In addition, staff note that the Ontario Municipal Administrators’ Association and Ontario Municipal Human Resources Association issued a document in October 2019 titled, “Chief Administrative Officer Employment Guidelines,” which includes a section on CAO performance appraisal that would be reviewed as part of Mid-term Governance Review preparations.”

Details of the proposed performance review process

For the December 2018 to October 2020 City Manager performance review process conducted by the Mayor and Deputy Mayors in October and November 2020, an interim written weighted evaluation form was used pursuant to Council’s direction of December 3, 2014. The form was developed by the Mayor’s Office, in consultation with the Deputy Mayors, the City Manager and the Office of the City Clerk, further to a review of:

- The Medical Officer of Health’s performance review process, which was cited in Motion No. 1/11 approved by Council on December 3, 2014;
- The City’s performance evaluation program for Management and Professional Exempt (MPE) staff; and
- Templates provided by way of:
 - The “CAO Performance Evaluation Toolkit” (2016) developed by the Canadian Association of Municipal Administrators, as noted by the Ontario Ombudsman and highlighted in the above-noted staff report;
 - The “Chief Administrative Officer Employment Guidelines” (2019) developed by the Ontario Municipal Administrators’ Association and the Ontario Municipal Human Resources Association, as noted in the above-noted staff report; and
 - Other municipal examples.

In compliance with the standard rules of procedural fairness, the City Manager was provided with a copy of the proposed evaluation form and asked whether he had any questions or concerns regarding same.

The Mayor provided Members with a submission prepared by the City Manager as it related to his achievements and successes over his tenure. The Mayor requested this information from the City Manager as providing an opportunity for an employee to highlight their achievements is standard practice in most performance appraisals.

Members were also provided with an opportunity to provide feedback to the City Clerk regarding the interim evaluation form, which was used to inform staff's work on the performance review policy recommendations in this staff report.

Pursuant to Council's direction of December 3, 2014, the Mayor and the Deputy Mayors reviewed the feedback received through the written evaluation forms provided by Members of Council and conducted a meeting with the City Manager for the 2018-2020 performance review.

It is recommended that the 2018-2020 City Manager performance review process be incorporated into the Statutory Officer Recruitment, Appointment and Contract Administration Procedures as the process to be used for future annual performance reviews of the Auditor General and City Manager.

The proposed process is set out in Document 10 and follows the formal direction provided by Council on December 3, 2014, with formalized steps and responsibilities for the Mayor, Council-approved delegates and City staff. Examples of written evaluation forms are also included. The process includes as follows:

1. The process shall commence at a time of choosing by the Mayor but shall be on an annual basis.
2. The Mayor shall review the previous year's evaluation form and may adjust the present year's form to include assessment of special projects, assigned issues and/or key objectives that may arise from time to time.
3. The Mayor shall provide the Auditor General/City Manager with a copy of the proposed present year's evaluation form and request whether the Auditor General/City Manager has any questions or concerns regarding same.

4. The Mayor shall request that the Auditor General/City Manager provide a submission as it relates to their achievements and successes over the past year.
5. Once the present year's evaluation form is finalized, the Mayor shall send the evaluation form and the Auditor General/City Manager's submission to all Members of Council.
6. Members' responses will be kept confidential in accordance with provisions of the Municipal Freedom of Information and Protection of Privacy Act, and Members are not required to answer any or all of the questions on the evaluation form.
7. Once Members have had an opportunity to complete and return the evaluation form to the Mayor (or Mayor's designate), the Mayor, with other approved Council designates, shall meet with the Auditor General/City Manager to review the outcome of the evaluation.
8. To complete the process, the Auditor General/City Manager shall respond in writing to the Mayor with respect to the feedback.
9. The Auditor General/City Manager shall be requested to sign the evaluation. The original shall be kept with the Auditor General/City Manager's employee file in accordance with any record-keeping requirements, with copies to the Auditor General/City Manager, as the case may be.
10. The Mayor shall consult with the City Clerk with respect to the manner deemed most appropriate to report the results of the performance review meetings to Council, and shall report the results of the meetings to Council accordingly.

It should be noted that given the Integrity Commissioner's independent and arm's-length relationship with Council and oversight of the Code of Conduct for Members of Council, as well as the fact that the Integrity Commissioner is not a full-time City employee, there is no similar Council-driven performance review process. Under the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures, the City Clerk has delegated authority with respect to the recruitment and appointment of the Integrity Commissioner as well as matters relating to contract administration, including renewals and extensions.

It is noted, however, that the Statutory Officer Recruitment, Appointment and Contract Administration Procedures provide that the initial term of the Integrity Commissioner

shall be set at one year with an optional renewal for a five-year term. As described in the staff report titled, “[Integrity Commissioner](#),” which was considered by Council on July 11, 2012, the initial term of the Integrity Commissioner’s appointment has provided for the initial one-year term, “to ensure that the Integrity Commissioner works well with Council,” before a contract extension is considered under the City Clerk’s delegated authority. As part of future Integrity Commissioner appointment processes, the City Clerk intends to provide a formal confidential opportunity for Members to submit at their discretion any comments, compliments or concerns regarding the Integrity Commissioner during the third quarter of the first year of the appointment, for the City Clerk to consider prior to any extension.

In addition, as a housekeeping matter, staff intend to update the relevant contract administration sections within the Statutory Officer Recruitment, Appointment and Contract Administration Procedures in keeping with Council’s direction of December 3, 2014, such that the Mayor be delegated the authority to consider and approve/reject vacation leave, sick leave, expense reports and similar matters for both the Auditor General and the City Manager.

b. The voluntary exit interview process for statutory officers who report directly to Council

Direction to bring forward proposals for a voluntary exit interview process

On May 13, 2020, Council approved Motion No. 33/3, as amended, which began the recruitment and appointment process for a new Auditor General to replace the City’s current Auditor General, Ken Hughes, when his appointment expires on December 31, 2020. The motion noted that the process would be conducted in accordance with the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures.

The above-noted motion was amended by Motion No. 33/4, which added the following steps as part of the process to recruit and appoint a new Auditor General:

That Council direct the City Clerk to:

- a) Establish, in consultation with the Chair and Vice-Chair of the Audit Committee, the City Solicitor (or delegate) and the Director, Human Resources (or delegate), the framework for a voluntary exit**

interview with Mr. Hughes to be conducted by the Chair and Vice-Chair of the Audit Committee, including the interview's structure, questions, timing (schedule) and confidential reporting out mechanism; and

b) Report back to City Council by the end of Q2 2020 by way of a memorandum that includes details of the exit interview framework and how the interview will fit into the overall process and schedule for hiring a new Auditor General.

BE IT FURTHER RESOLVED that staff be directed to bring forward, as part of the 2018-2022 Mid-term Governance Review, proposals that would amend the Statutory Officer Recruitment, Appointment and Contract Administration Policy and/or Procedures to provide an opportunity for all statutory officers who report directly to City Council to participate in a voluntary exit interview when they leave their position.

In accordance with the above-noted direction set out in the amending motion, the City Clerk established, in consultation with the Chair and Vice-Chair of the Audit Committee, the City Solicitor and the Director, Human Resources, the framework for a voluntary exit interview with the Auditor General that was set out in a memorandum to Council issued on June 29, 2020. This memorandum is attached as Document 12.

Details of the proposed voluntary exit interview process

Staff recommend the exit interview framework recently established further to Council's direction for the Auditor General recruitment and appointment process be applied to future processes related to the Auditor General, City Manager and Integrity Commissioner. Proposed amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Procedures are attached as Document 11.

The voluntary exit interview process would include as follows:

- The opportunity for a voluntary exit interview would be included in the motion considered by Council to begin the recruitment and appointment process for a successor.
- The voluntary exit interview would be conducted by the Chair and Vice-Chair of the relevant Standing Committee (Finance and Economic Development

Committee in the case of the City Manager, Audit Committee in the case of the Auditor General), or the City Clerk/City Clerk's designate in the case of the Integrity Commissioner, within four to six weeks of the end of the statutory officer's term. As noted above, given the Integrity Commissioner's independent and arm's-length relationship with Council and oversight of the Code of Conduct for Members of Council, the City Clerk has delegated authority with respect to the recruitment and appointment of the Integrity Commissioner as well as matters relating to contract administration, including renewals and extensions. As such, it is recommended that the City Clerk/City Clerk's designate conduct the exit interview process for the Integrity Commissioner.

- In the case of the Auditor General/City Manager, the City's exit interview template would be adapted for the purposes of the statutory officer voluntary exit interview by the Office of the City Clerk in consultation with Human Resources, Legal Services and the Chair and Vice-Chair. For the purposes of the interview with the Integrity Commissioner, the City Clerk/City Clerk's designate would adapt the exit interview template in consultation with Human Resources and Legal Services.
- The Chair and Vice-Chair, or the City Clerk/City Clerk's designate as the case may be, would be accompanied by a representative from Human Resources who would take notes and compile the responses from the incumbent for the Chair and Vice-Chair (or City Clerk/City Clerk's designate). Following the interview, the results would be themed by Human Resources so that the Chair and the Vice-Chair (or City Clerk/City Clerk's designate) could decide on information and comments to report to Council.
- The outcome of the exit interview would be reported confidentially to Council by way of an in camera verbal update/PowerPoint presentation from the Chair and Vice-Chair, or City Clerk/City Clerk's designate as the case may be.
- Information from the incumbent regarding suggested key skills, qualities and qualifications of a successor may be sought through an informal discussion between the applicable Chair and Vice-Chair and the incumbent Auditor General/City Manager, conducted in accordance with the timeline established for the recruitment and appointment process, with the key points of this consultation provided through the Office of the City Clerk to the search firm to form part of the

information provided to the Hiring Panel and integrated into the candidate interview questions. In the case of the Integrity Commissioner, the City Clerk/City Clerk's designate may seek the informal discussion for information purposes and to integrate the key points into the candidate interview questions.

By-laws for statutory officers who report directly to City Council

Part IV, Recommendation 6: Approve by-laws for statutory officers who report directly to City Council as described in this report, including:

- a. The City Manager's By-law attached as Document 13;**
- b. The Integrity Commissioner's By-law attached as Document 14;**

As described above, Council established the [Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures](#) on April 8, 2020, further to consideration of the staff report titled, "[Recruitment, Appointment and Contract Administration for Statutory Officers who report directly to City Council](#)."

The staff report noted that if Council approved the report recommendations, staff would "follow up with associated by-laws and by-law amendments to further formalize these requirements and clarify the relationship between the statutory officers and Council, as part of the 2018-2022 Mid-term Governance Review." Accordingly, this report recommends two new by-laws, as described below in more detail, as well as proposed related amendments to the existing Auditor General's By-law (as included under Part IV, Recommendation 7).

Ontario Ombudsman's by-law recommendation

As outlined in the previous section of this report, the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures incorporate best practices and other recommendations identified by the Ontario Ombudsman, including recommendations from the 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."

Among recommendations in the "Inside Job" report, the Ombudsman called on Niagara Region to adopt a by-law "setting the parameters of the relationship between council and the CAO [Chief Administrative Officer], including the role of council with respect to amending the CAO's contract and salary." This recommendation arose after the Ombudsman's investigation determined that Niagara's Regional Chair extended the CAO's contract without involving Council, based on a single performance appraisal in 2017. The Regional Chair "also added another year, bringing the overall length of the contract from five to six years. The amended contract also included new benefits, and a

significant change to the termination provisions in the contract,” the Ombudsman’s report stated. Members of Council told the Ombudsman that they did not know the CAO’s contract had been amended at the time, according to the Ombudsman’s report. Council did not pass any resolution or by-law authorizing the extension, the Ombudsman wrote.

Since the validity of the former CAO’s contract was before the courts at the time of the Ombudsman’s report, the Ombudsman did not make any findings with respect to the agreement’s validity or whether the Regional Chair had the authority to approve the contract. However, the Ombudsman recommended that to avoid any future confusion, the region “should clarify the role of Council with respect to the negotiation and approval of a CAO contract.”

At the City of Ottawa, the Auditor General has a by-law setting out the position’s roles, responsibilities and general relationship with Council [being By-law No. 2013-375, as amended by By-law No. 2015-11]. There is no such by-law for the City Manager and Integrity Commissioner.

That said, the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures set out details of the relationship between Council and each of the statutory officers, including the City Manager and Integrity Commissioner, as it relates to appointments and contract administration. This includes the roles of staff and Council with respect to matters such as appointments, contract matters and extensions.

Establishing new by-laws for the City Manager and Integrity Commissioner

Following the Ombudsman’s recommendation regarding the use of a by-law to set the parameters of the relationship between Council and CAO and clarify Council’s roles with respect to contract negotiation and approval, staff recommend that Council approve new overarching by-laws for the City Manager and Integrity Commissioner.

Further to the existing by-law for the Auditor General, establishing new by-laws for the City Manager (Document 13) and Integrity Commissioner (Document 14) would provide consistency among all of the statutory officers who report directly to City Council.

The proposed new by-laws would also ensure that the requirement for the Council-approved Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures to be used for recruitment, appointment and contract

administration is included in the foundational documents for each position. As described in the following section of this report, it is also recommended that this requirement be incorporated in the existing Auditor General's By-law.

The proposed new by-laws for the City Manager and Integrity Commissioner would incorporate general statutory information regarding Council's establishment of the positions under the *Municipal Act, 2001*, as well as their respective powers and duties (including the Integrity Commissioner acting as Lobbyist Registrar and Meetings Investigator). The by-laws would also include reference to any instances of Council-approved delegated authority (such as the *Delegation of Authority By-law*), and relevant processes and protocols (such as the Code of Conduct for Members of Council and its Complaint Protocol). Furthermore, they would provide consistency among statutory officers in providing that the appointment of a person to the position may be suspended or revoked (and in the case of the Auditor General and City Manager, made) only by a two-thirds majority vote of all members of City Council.

Both proposed by-laws would set out the general parameters of the relationship between the statutory officers and Council without being specific in a manner that may restrict the authority of Council and/or the statutory officer, or provide overlapping responsibilities between the by-laws and each statutory officer's job description.

Amendments to the Auditor General's By-law

Part IV, Recommendation 7: The amendments to the Auditor General's By-law [By-law No. 2013-375, as amended], including the adoption of the Institute of Internal Auditors' (IIA) *International Standards for the Professional Practice of Internal Auditing* as the City of Ottawa audit standard, as described in this report and attached in Document 15.

As noted above, the Auditor General's By-law [No. 2013-375, as amended by By-law No. 2015-11] sets out the position's roles, responsibilities and general relationship with Council. Further to a review of this by-law – which included a review of the City of Ottawa Audit Standards as directed by Audit Committee – proposed amendments are set out in Document 15.

While a number of housekeeping and by-law consolidation amendments are recommended in the attached draft by-law, the more significant changes are described below.

Adopting the Institute of Internal Auditors' (IIA) *International Standards for the Professional Practice of Internal Auditing* as the audit standard to replace the *City of Ottawa Audit Standards* adopted by Council on June 13, 2012

Subsection 6(5) of the Auditor General's By-law currently provides that the Auditor General "shall establish such protocols and procedures that are necessary for the conduct of such audits, consistent with the *City of Ottawa Audit Standards* (modified from the [Internal Auditors' (IIA) *International*] *Standards for the Professional Practice of Auditing*)..."

Audits conducted by the Auditor General are carried out in accordance with the requirements of the *City of Ottawa Audit Standards* to ensure that sufficient and appropriate audit procedures are conducted and evidence gathered to provide reasonable assurance of the accuracy of audit findings and conclusions, as they exist at the time of the audit. As noted above and described below in more detail, the *City of Ottawa Audit Standards* are based on the IIA Standards, which provide a framework for performing and promoting internal auditing.

The *City of Ottawa Audit Standards* were approved by Council on June 13, 2012, through consideration of the former Auditor General's report titled, "[Office of the Auditor General \(OAG\) – Response to the Quality Assurance Review](#)." The Auditor General's report was brought forward in response to an external Quality Assurance Review of the OAG that was conducted by PricewaterhouseCoopers LLP (PwC). The PwC review included a recommendation for the OAG to adopt a modified version of the IIA Standards in order to address a number of opportunities to improve its efficiency and effectiveness. PwC's report was received by Council at its meeting of June 13, 2012, through the staff report titled, "[Quality Assurance Review – Office of the Auditor General](#)."

The PwC report stated that a majority of IIA Standards "are consistent with the need to ensure appropriate independence of the [Auditor General] and alignment with the [former Audit Sub-Committee's] Terms of Reference." However, the PwC report included a table, attached as "Appendix A," which outlined "those Standards which should be modified in order to help reinforce the [Auditor General's] independence and accountability to Council through the [former Audit Sub-Committee]." The PwC report also noted that, "Given the [Auditor General's] mandate, none of the IIA Standards pertaining to Consulting Services are considered relevant to the OAG." The "Appendix

A” document from the PwC report is attached to this report as Document 16 for reference purposes.

The former Auditor General’s report in response to the PwC Quality Assurance Review stated that the former Auditor General had “prepared a complete set of proposed City of Ottawa OAG Audit Standards which are based on IIA standards, and which reflect the modifications recommended in Appendix A of the PwC report” (see Document 17). The report also stated as follows:

“It is important to note that the City’s OAG was not created with the intent of complying with IIA standards. IIA standards were created to govern an Internal Audit model and, as such, some are not necessarily appropriate or relevant to the Auditor General model that the City has implemented (for example, standards related to providing consulting services). Each model has merit and can be effective in providing management and Council with information on efficiency and effectiveness however the governance and independence features are, in the AG’s opinion, different. A full set of proposed audit standards are contained in [an attachment to the Auditor General’s report]. These Standards are based on the October 2010 version of the IIA International Standards for the Professional Practice of Internal Auditing and were modified by, and are for the use of, the City of Ottawa’s OAG.”

The former Auditor General’s report further noted that, “modifications [to the IIA Standards] were required to better reflect an [Auditor General] versus an internal audit model. In addition, the modifications better reflect the municipal environment as well as the current relationship between management and the OAG and do not include references to consulting services.”

Direction to work on recommended changes to the City Audit Standards

On October 22, 2019, the Audit Committee considered the report titled, “[Office of The Auditor General – Report on Audit Follow-Ups and Detailed Audit Follow-Up Reports](#),” and issued a direction to staff that, “the Auditor General and Clerk will work on the recommended changes to the City Audit Standards for consideration at the Mid-Term Governance Review.”

The Auditor General has advised that issues have arisen due to the *City of Ottawa Audit Standards* being based on the IIA Standards at a given point in time (i.e. October 2010),

particularly given that the existing standards may change from time to time. The IIA Standards were revised effective January 2017, for example.

To ensure that the City's audit standard remains consistent with the international standards, while avoiding the resource requirement for the OAG and staff to otherwise monitor the international standards and track any resulting changes to the *City of Ottawa Audit Standards*, the Auditor General recommends Council adopt as the City's standard the IIA Standards and changes to these standards from time to time. This is with the exception of requirements related to consulting services, which the Auditor General advises are not applicable to the OAG, as was noted above. Specifically, in order to adhere to the legislative requirement for the OAG to be independent, the Office does not conduct any form of consulting services for the municipality, the Auditor General notes.

The Auditor General advises that from an operational perspective, some IIA Standards provisions would require modifications that mostly relate to terminology and the organizational differences between a corporation and a municipality, and to take into account any relevant provisions of the *Municipal Act, 2001* and/or the Auditor General's By-law. That said, the Auditor General suggests that the OAG has always followed standards with the appropriate modifications, and such modifications do not need to be written into a separate document that is tied to the IIA Standards at a particular point in time. Furthermore, the Auditor General notes that professional obligations (i.e. Chartered Professional Accountant and Certified Internal Auditor) require that audit and accounting professionals follow their professional standards.

The IIA Standards are attached as Document 18.

If Council approves the recommendation to adopt the IIA Standards, staff recommend that use of the IIA Standards be reviewed as part of any future Quality Assessment Review process for the OAG that the Audit Committee may consider. Under the City of Ottawa Audit Standards (as well as the IIA Standards), external assessments must be conducted at least once every five years by a qualified, independent reviewer/assessor or review/assessment team from outside the City/organization.

If the report recommendation is approved, the proposed changes would be reflected in amendments to Subsection 6(5) of the Auditor General's By-law.

Incorporating the Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures

Staff recommend the Auditor General's By-law be amended to include the requirement for the [Statutory Officer Recruitment, Appointment and Contract Administration Policy and Procedures](#) to be used for Auditor General recruitment, appointment and contract administration. This follows similar recommendations in this report to incorporate the Council-approved policy and procedures in new by-laws for other statutory officers that report to Council (i.e. the City Manager and Integrity Commissioner, as set out in Part IV, Recommendation 6), further to recommendations from the Ontario Ombudsman.

In addition, to provide consistency with the language used in the policy and procedures, it is also recommended that Subsection 3(1) of the Auditor General's By-law be amended to provide that Council shall appoint the Auditor General by public resolution, rather than by by-law.

Housekeeping amendments and related processes with respect to “local boards”

Subsection 6(3) of the Auditor General's By-law currently provides that the Auditor General shall be responsible for carrying out financial (excluding attest), compliance, and performance audits of “local boards of the City,” “municipally-controlled corporations” and “grant recipients” – all as defined under the relevant part of the *Municipal Act, 2001*.

With respect to the Auditor General's mandate regarding local boards, the by-law specifically refers to “local boards of the City as defined in Part V.1 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, **and as may be further prescribed in Schedule “A” to this by-law**” [Subsection 6(3)(b), emphasis added]. A review of Schedule “A” has determined that the listed boards are in some cases out of date and need to be removed or updated. It is further noted that any local boards that would remain on the list would meet the definition of “local board” under the *Municipal Act, 2001* and therefore be captured under the definition set out in Subsection 6(3)(b) of the by-law.

Therefore, for clarity and consistency, it is proposed that the list of local boards in Schedule “A” be removed from the Auditor General's by-law. Rather than including a schedule to the by-law that requires updating each time a statutory definition/interpretation changes, or a local board is established or dissolved, it is proposed that a regular review of local boards to which the Auditor General's purview

may apply be included in the local board review that is conducted in governance reviews at the beginning of a term of Council, beginning with the 2022-2026 Governance Review. A similar review was conducted for the 2018-2022 Governance Review to indicate local boards that fall under the Integrity Commissioner's statutory mandate.

The Mid-term Governance Review process would also be a regular opportunity to provide any interim updates regarding local board status. Should any questions arise regarding whether or not a particular local board fits the required statutory definition between Council's consideration of this report and the 2022-2026 Governance Review, the Office of the City Clerk and Legal Services would provide assistance to make that determination.

Staff note that the current Auditor General's By-law also includes Schedule "B", which lists municipally-controlled corporations. As this list currently includes only two entities and rarely changes, it is proposed that those municipally-controlled corporations remain in a schedule to the by-law.

PART V – OTHER MATTERS

Proactive disclosure to identify numbered companies

At its meeting of May 10, 2017, City Council considered the report titled, "2016 Procurement Year in Review." During consideration of the report, a Member asked staff to determine the feasibility of identifying names of owners of numbered companies in the City's procurement reporting.

In response, staff noted that companies are legally permitted to do business under their corporate number and further advised that there is no publicly available listing or online database where one can determine who the owners and/or shareholders of a federally or provincially incorporated, privately-held company are. As such, the City has limited options when it comes to identifying this information.

The matter of identifying numbered companies was also raised with the City Clerk by a Member of Council prior to the consultations for the 2018-2022 Mid-term Governance Review.

Staff can further advise that in preparing its annual reports, Supply Services attempts to identify numbered companies by more recognizable operating names, if such operating

names exist. It is only where Supply has been unable to identify an operating name, or in situations where a company chooses to do business exclusively under their corporate number, that the numbered company name is listed in the report. Supply Services and Legal Services have advised that corporate searches could be performed on an as and when requested basis at the departmental level. However, a corporate search would only identify the names and addresses of active corporate directors and officers of the company who may or may not be shareholders of the company

However, in keeping with the City's commitment to transparency and further to the Member's request, Supply Services is now proactively recording operating names for any new numbered companies registered for payment by the City, and this information will be published in Supply Services' annual reports. Recipients of municipally-funded grants and contributions are disclosed annually on ottawa.ca, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

Councillors' Office Manual and office-related matters

Part V, Recommendation 1: Approve the updated Councillors' Office Manual attached as Document 19.

As described in the staff report titled, "[Review of Recruitment and Hiring Processes for Councillors' Assistants](#)," allegations in September 2019 of inappropriate conduct by a Member of Council during interviews with female candidates for a Councillors' Assistant position highlighted the need to identify and address gaps in the processes and procedures that govern the recruitment and hiring practices of Councillors' Assistants, as well as how well these processes and procedures are communicated to and understood by Councillors' Assistants. On July 15, 2020, Council approved several recommendations and related motions arising from the above-noted staff report, as set out in Document 20.

One of the recommendations approved by 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.

Additional information regarding these matters is below.

Councillors' Office Manual

The *Councillor's 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. A revised version of the manual was approved by the Member Services Sub-Committee on November 14, 2005.

Further to Council's direction of July 15, 2020, the Office of the City Clerk reviewed and updated the Councillors' Office Manual for the first time since 2005 to incorporate updated policies and guidelines that have been developed or amended in the subsequent years, as well as to reflect feedback received from Members of Council and Councillors' Assistants.

A copy of the updated Office Manual is attached as Document 19. Key updates include:

- Enhanced entitlement information for Councillors' Assistants and Members of Council;
- Increased office management processes and procedures;
- Updates to reflect new recruitment and hiring processes approved by Council; and
- Current information on available internal services and resources to support Member's offices and staff.

The manual will be reviewed twice per term as part of the regular governance review cycle, with any substantive changes brought forward to Council for consideration and approval. 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 memo to Council advising of the nature of the amendments, along with a copy of the updated Office Manual.

Should Council approve the revised Office Manual, the manual will be provided to all Members of Council and Councillors' Assistants. A copy of the manual will also be 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.

Members' office-related matters

Recommendation 2 of the "Review of Recruitment and Hiring Processes for Councillors' Assistants" report directed the City Clerk "to incorporate a review of Members' office-related matters, including employment matters, as part of each governance review."

Staff advise that the Office of the City Clerk has worked in conjunction with Human Resources and Legal Services to review Members' office-related matters and implement various changes, as described below in more detail.

Recruitment and hiring toolkit

Under Recommendation 1(a) in the above-noted report, staff were directed to "develop a recruitment toolkit for Members of Council, including best practices, statutory and administrative responsibilities, job description templates and standardized interview questions."

Staff advise that a Recruitment and Hiring Toolkit is in development and is expected to be available to Members and their staff by January 2021. The toolkit will include new documents developed to assist Members of Council in implementing Council-approved changes to the hiring process and existing human resources guidelines for City staff that have been adapted to fit the unique nature of the Councillors' Assistant positions. These documents include:

1. Generic job descriptions for Councillors Assistants;
2. Councillors' Assistant Recruitment and Hiring Checklist;
3. Mandatory Prevention Messaging to ensure job applicants know they can expect a respectful environment free from harassment, violence, and discrimination and where to turn to for support. This is in accordance with Motion No. 37/9 (included in Document 20), which in part directed the Office of the City Clerk and Human Resources "to provide mandatory prevention messaging and information for

Councillors' Assistant applicants on where to seek support and redress before, during and after the interview process”;

4. Sample Recruitment and Hiring Communications;
5. Virtual Interview and Assessment Guide;
6. Interview Question Bank for Councillors' Assistant Interviews;
7. Interview Rating Guide and Interview Consensus Rating Forms; and
8. New Employee Checklist for Councillors' Assistants.

The toolkit documents will be provided to Members' offices and saved to the Council Administration SharePoint site.

Other new mandatory requirements approved by Council in Motion No. 37/9 have already been implemented, specifically:

- A third party from the Office of the City Clerk or Human Resources shall be present during all interviews for Councillors' Assistant positions; and
- All interviews for Councillors' Assistant positions shall take place in a City facility or by electronic means.

A reminder of these new requirements and the supports available to any Members who may be hiring was issued by the City Clerk in September 2020 and Council Support Services or Human Resources staff have been attending interviews with Members of Council and their office staff.

Training and support to new Members

Through Recommendation 1(b) of the staff report, Council approved that “staff develop mandatory hiring and recruitment training for incoming Members-elect as part of Council orientation.”

Staff in the Office of the City Clerk will be fully updating its new Councillor Orientation to include mandatory, enhanced hiring and recruitment training for incoming Members-elect, to be implemented following the 2022 election.

Following the Ward 19 by-election in October 2020, staff updated the orientation session on office management for the incoming Councillor to include more emphasis on Human Resources, including the enhanced supports available during recruitment and hiring and new mandatory requirements established by Council as part of the “Review of Recruitment and Hiring Processes for Councillors’ Assistants” report.

Staff in the Office of the City Clerk also posted a number of generic Councillors’ Assistant job postings and pre-screened resumes to generate an applicant pool for the incoming Councillor’s consideration, as well as providing additional support for interviews.

These efforts will be replicated and further enhanced for the 2022 Municipal Elections to provide any new Members-elect with as much support as possible to address the challenge of staffing their offices during the short time period between winning an election and their first day in office.

The orientation session material will continue to evolve in keeping with best practices.

Orientation sessions and ongoing training for Councillors’ Assistants

Recommendation 1(c) of the staff report directed “that staff implement mandatory individualized orientation sessions for Councillors’ Assistants.”

Staff advise that Council Support Services continues to deliver orientation sessions to all newly-hired Councillors’ Assistants. All assistants hired after July 15, 2020, have been invited to attend orientation sessions, which are currently being held virtually as a result of the COVID-19 pandemic. Staff have also reviewed and enhanced the orientation session to ensure it includes:

- A clear understanding of the Assistant’s rights, including a detailed examination of the contract and such matters as vacation, sick leave and benefit entitlements;
- A clear understanding of the administrative and statutory policies and procedures governing the Assistant’s work, including legislative responsibilities (e.g. the *Municipal Freedom of Information and Protection of Privacy Act*), as well as the Council Expense Policy, the Employee Code of Conduct and other relevant policies; and

- A clear understanding of key contacts within the administration. Every new Assistant is made aware that Council Support Services and Human Resources are available to support them, and are the appropriate contacts for questions and/or concerns about any matter the Assistant may encounter during the hiring process and/or during their tenure.

As part of the above-noted hiring toolkit, Council Support Services is adapting a new employee checklist for the hiring of Councillors' Assistants, based on the checklist that Human Resources has developed for hiring managers. The checklist for Councillors' Assistants includes the roles and responsibilities during the hiring and onboarding process for Members of Council, existing staff, the Clerk's Office, Human Resources, and the new employee.

In addition, staff note that Council further approved through Recommendation 1(g) of the staff report "that staff provide ongoing training to Councillors' Assistants throughout a Term of Council."

Staff advise that Council Support Services will be working with Human Resources to develop a training program to assist Councillors' Assistants in effectively performing their roles in Councillors' offices, developing their careers, and effectively managing the personal and professional challenges that come with the role. This may include leveraging formal training opportunities offered through the City of Ottawa's Learning Centre, self-directed learning opportunities available to City staff (including the Corporate Mentoring Program) as well as the development of new learning sessions for Councillors' Assistants. One suggestion that has been offered by a Councillors' Assistant is a session provided by a mental health and trauma specialist targeted at Councillors' Assistants, who may work with individuals experiencing these issues as part of their constituency case work.

Exit interviews for Councillors' Assistants

Through Recommendation 1(e) of the staff report, Council approved "that staff implement voluntary exit interviews for Councillors' Assistants who voluntarily leave their position, to better inform the recruitment and hiring process."

Staff advise that Council Support Services continues to invite Councillors' Assistants who voluntarily leave their position to participate in exit interviews, including staff that departed the Ward 19 office following the October 2020 by-election. Since July 15,

2020, only one Councillors' Assistant was not invited to participate in an exit interview before the end of their contract due to an oversight by Council Support Services.

Development of a new mandatory gender equity, diversity and harassment training session, and prevention campaign

Recommendation 1(f) of the staff report directed staff to establish a mandatory gender equity, diversity and harassment training session for all Members of Council and their staff. Motion No. 37/9 further directed Human Resources, in consultation with the Women and Gender Equity Specialist and the Council Liaison for Women and Gender Equity, to develop a mandatory workplace sexual violence and harassment prevention campaign for Members of Council and Councillors' Assistants, to augment the mandatory gender equity, diversity and harassment training session.

Human Resources is currently undertaking a comprehensive review and update of the City's Violence and Harassment in the Workplace Policy and Program. It is anticipated that this review and update will be completed by the end of 2020.

In early 2021, Human Resources will lead the development of the training session for Members of Council and staff, with input from the Office of the City Clerk and the new Gender and Race Equity, Inclusion, Indigenous Relations and Social Development Service, which includes the Diversity and Inclusion unit that previously resided in Human Resources. The training session will serve to augment the mandatory violence and harassment in the workplace training that all Members and their staff are required to take in accordance with the *Occupational Health and Safety Act*.

The accompanying harassment prevention campaign for Members of Council and Councillors' Assistants will build on the updated Violence and Harassment in the Workplace Policy and Program to include targeted messages to Councillors and their staff.

Human Resources support and reporting options for Councillors' Assistants and job applicants

Motion No. 37/8 (included in Document 20) provided “that Human Resources Services be directed to establish a point of contact within the HR Programs and Planning Branch to support Councillors’ Assistants by responding in an independent, impartial and confidential manner to any inquiries arising from their employment, including but not limited to relevant provincial statutes, by-laws, policies or procedures involving employment matters, as described in this motion,” and “that the identified support person be communicated to all Councillors’ Assistants by way of a memo no later than August, 2020.”

Further to this direction, Human Resources has established a dedicated point of contact within the HR Programs and Planning Branch to support Councillors’ Assistants by responding in an independent, impartial and confidential manner to any inquiries arising from their employment, including but not limited to relevant provincial statutes, by-laws, policies or procedures involving employment matters. This point of contact was established and communicated to Councillors’ Assistants in August 2020, and since that time has received largely standard human resources queries related to benefits, leave and other entitlements.

Motion No. 37/9 further directed staff “to develop and bring forward as part of the 2018-2022 Mid-term Governance Review an anonymous reporting mechanism for the filing of workplace concerns and complaints by Councillors’ Assistants or job applicants for Councillors’ Assistant positions, similar to that in place at OC Transpo.” Staff have consulted with OC Transpo regarding its reporting system, and will review this matter further in 2021, once Human Resources has updated the Violence and Harassment in the Workplace Policy and Program, to ensure that any new reporting mechanisms align with existing statutory provisions, policies and formal investigatory procedures, as described below in more detail.

As it relates to the reporting of workplace concerns by employees, OC Transpo has a Violence Prevention in the Workplace Program that applies to federally regulated City of Ottawa workplaces and City workers. This program is similar to the City of Ottawa’s Violence and Harassment in the Workplace Program that applies to the majority of City workplaces, which are provincially-regulated.

Under these programs, reporting of workplace harassment and other complaints is to management, and management is accountable for responding and ensuring that investigations are undertaken in accordance with the protocols established under the program. In addition to the Labour Relations Consultants, other supports, such as a Human Resources Consultant, Human Resources Strategist, Safety Consultant, Diversity and Inclusion Consultant or another Manager may be requested to assist with investigating a workplace harassment complaint and an independent workplace investigator may also be engaged in some cases. These programs include requirements for confidentiality by all parties in receipt of a harassment complaint, but do not provide a process for anonymous reporting by staff.

OC Transpo's anonymous reporting mechanism referenced in Motion No. 37/9 is part of its online public incident reporting system. This reporting system allows Transit users, some of whom may choose to remain anonymous, to report incidents of sexual harassment or other unacceptable or illegal behaviours that take place on transit vehicles or properties. Prior to implementing the anonymous reporting of harassment incidents, OC Transpo worked with a number of organizations such as Hollaback Ottawa, the Ottawa Coalition to End Violence Against Women (OCTEVAW), and Women's Initiatives for Safer Environments (WISE) to ensure an understanding of what the gap was before identifying potential solutions.

Staff note that OC Transpo's anonymous reporting mechanism is part of a broader public incident reporting tool and was developed in a different context than that of workplace concerns and complaints by Councillors' Assistants or job applicants. As there is an existing confidential reporting mechanism for staff to file workplace concerns in accordance with the City's Violence and Harassment in the Workplace Policy and Program, and through the Complaint Protocol established under the Code of Conduct for Members of Council, it is important to ensure that any new reporting mechanisms are aligned with the existing statutory provisions and policies and the formal investigatory procedures under the policy/program and code of conduct.

Further review is required by the Office of the City Clerk, in consultation with Human Resources, Legal Services/Labour Relations and the Integrity Commissioner, before identifying the potential scope and options and reaching out to stakeholders for input. As such, staff do not have a recommended proposal for the implementation of an additional anonymous reporting mechanism at this time. That said, staff will undertake

this further review in 2021 following Human Resources' update to the Violence and Harassment in the Workplace Policy and Program.

In the meantime, the Office of the City Clerk and Human Resources will continue to promote an open-door culture, as directed in Motion No. 37/9, to ensure Councillors' staff or applicants for Councillors' Assistant positions are supported no matter how they disclose instances of harassment or violence, in a manner that ensures privacy, confidentiality, compassion and support for survivor-led decision-making, and provides information about where to get support and how concerns can be addressed through relevant statutory provisions, policies and procedures.

Election-related matters to be addressed in a report in Q3 of 2021

Part V, Recommendation 2: Direct the City Clerk to bring forward in Q3 of 2021 a report regarding matters relating to the 2022 Municipal Elections, as described in this report.

Since the October 2018 Municipal Elections, various election-related matters have arisen that Council may need to consider in advance of the municipal elections in October 2022. These include as follows:

1. Council on June 26, 2019, approved Motion No. 16/15, which in part directed staff "to review the by-laws governing election signs to consider the potential for broader and longer-term amendments and that staff be directed to report back to Council as part of the Mid-Term Governance Review or at the earliest policy review opportunity";
2. The City undertook two by-elections: a "regular" by-election for Ward 13 in April 2019 as well as a Ward 19 by-election held during the ongoing COVID-19 pandemic in October 2020, which raised matters relating to the evolving emergency situation and alternative voting methods; and
3. On October 20, 2020, the provincial government introduced Bill 218, the Supporting Ontario's Recovery and Municipal Elections Act, 2020, which includes proposed amendments to the Municipal Elections Act, 1996 such as removing an option for municipalities to conduct ranked ballot elections and moving Nomination Day for a regular election from the fourth Friday in July to the third

Friday in August. Bill 218 had passed Third Reading at the time this report was written.

During consultations with Members of Council for the 2018-2022 Mid-term Governance Review, the City Clerk advised that given the scope and nature of the various election-related matters that Council may need to consider, he was considering bringing forward a separate standalone report to the Finance and Economic Development Committee (FEDCO) and Council in 2021. Such a report would provide Committee and Council with a focused opportunity to consider these matters and allow for appropriate public consultation at FEDCO. A consensus of Members agreed with the City Clerk's suggested approach.

Staff note that on January 29, 2020, Council approved Motion No. 26/16, which directed staff "to amend By-law 2003-520 ["Signs on City Roads"] for the purposes of the 2020 provincial by-elections in Ottawa-Vanier and Orléans such that signs be permitted on public properties once the Chief Electoral Officer of Ontario issues the relevant Writ." The motion also provided that, "this amendment to By-law 2003-520 respecting election signage on public property upon issuance of the relevant Writ remain in effect for any future provincial or federal by-elections or until such time that Council has an opportunity to receive and consider staff's forthcoming review the by-laws governing election signs as part of the Mid-Term Governance Review or at the earliest policy review opportunity."

Therefore, in Q3 of 2021, the City Clerk will bring forward a report regarding various election-related matters. This will provide staff time to monitor developments with respect to the ongoing COVID-19 pandemic, analyze recent by-elections, and assess approaches being adopted in other municipalities. The timing will also ensure that Council considers the report with sufficient time to meet statutory timelines associated with any matters that may require implementation ahead of the 2022 Municipal Elections.

Further to the approach described above, the review of the by-laws governing election signs will be brought forward as part of the standalone report on election-related matters in Q3 of 2021, which means that the amendment to By-law 2003-520 respecting election signage on public property upon issuance of the relevant Writ as set out in Motion No. 26/16 is to remain in effect for any future provincial or federal by-elections prior to Council's consideration of the election-related matters report.

RURAL IMPLICATIONS

There are no specific rural implications associated with this 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.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city-wide report.

LEGAL IMPLICATIONS

There are no legal impediments to City Council's approval of the recommendations contained in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

The financial implications are outlined in this report.

ACCESSIBILITY IMPACTS

Impacts on persons with disabilities were considered and assessed during the development of this report. As noted in the report, staff recommend that two additional regular meetings be added to the Accessibility Advisory Committee (AAC) annual schedule. In addition to enabling the AAC to meet its workplan and mandatory consultation requirements, the proposed increased meeting frequency would also provide greater opportunity for City staff to consult in a timely manner with the AAC on reports to Committee and Council. Furthermore, this report would provide that once Advisory Committee meetings are able to resume in-person following the COVID-19 pandemic, each Advisory Committee be permitted the option to have one meeting per year in another City facility or location, where appropriate, provided, among other things, that all members can be accommodated and able to fully participate without barriers to accessibility. In addition, the new "Purpose" section of the Appointment Policy would include that to encourage participation, the City will adopt proactive communications, policies and targeted recruitment strategies aligned to general concepts that include accessibility.

TERM OF COUNCIL PRIORITIES

This report supports the Term of Council Priorities related to Economic Growth and Diversification, Thriving Communities, Environmental Stewardship, and Thriving Workforce.

SUPPORTING DOCUMENTATION

Document 1 – Audit recommendation implementation reporting process

Document 2 – Draft Debenture Committee Terms of Reference

Document 3 – 2020 Annual Report of the Integrity Commissioner

Document 4 – Draft amendments to codes of conduct

Document 5 – Draft amendments to the *Lobbyist Registry By-law*

Document 6 – Draft amendments to the Community, Fundraising and Special Events Policy

Document 7 – Draft amendments to the *Procedure By-law*

Document 8 – Draft amendments to the *Delegation of Authority By-law*

Document 9 – Draft amendments to the Delegation of Powers Policy

Document 10 – Draft amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Procedures – performance reviews

Document 11 – Draft amendments to the Statutory Officer Recruitment, Appointment and Contract Administration Procedures – voluntary exit interview process

Document 12 – City Clerk memo regarding voluntary exit interview framework

Document 13 – Draft City Manager's By-law

Document 14 – Draft Integrity Commissioner's By-law

Document 15 – Draft amendments to the Auditor General's By-law

Document 16 – PwC Office of the Auditor General Quality Assurance Appendix A (2012)

Document 17 – City of Ottawa Audit Standards

Document 18 – Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*

Document 19 – Draft Councillors' Office Manual

Document 20 – City Council minute extract – July 15, 2020

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.