

**Report to
Rapport au:**

**Council
Conseil**

28 November 2018 / 28 novembre 2018

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**Submitted by
Soumis par:**

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2018-CCS-GEN-0028

SUBJECT: 2018-2022 COUNCIL GOVERNANCE REVIEW

**OBJET: EXAMEN DE LA STRUCTURE DE GESTION PUBLIQUE DU CONSEIL
MUNICIPAL POUR 2018-2022**

REPORT RECOMMENDATIONS

- 1. That, at its meeting of November 28, 2018, the 2014-2018 Term of Council receive and table the “2018-2022 Council Governance Review” report; and**
- 2. That, at its meeting of December 5, 2018, the 2018-2022 Term of Council consider and approve the following recommendations related to the Council and committee structure, policies, procedures and other related matters:**

PART I – COMMITTEE STRUCTURE

A – STANDING COMMITTEES, SUB-COMMITTEES AND TRANSIT COMMISSION

1. **The Council Committee structure for the 2018-2022 Term of Council as outlined in this report and as follows, effective immediately:**
 - a) **Agriculture and Rural Affairs Committee;**
 - b) **Audit Committee;**
 - c) **Community and Protective Services Committee;**
 - d) **Environment and Climate Protection Committee;**
 - e) **Finance and Economic Development Committee and its associated Sub-Committees:**
 - i) **IT Sub-Committee; and**
 - ii) **Eliminating the Member Services Sub-Committee;**
 - f) **Planning Committee and its associated Sub-Committee:**
 - i) **Built Heritage Sub-Committee;**
 - g) **Transit Commission; and**
 - h) **Transportation Committee;**
2. **The membership of the following Committees and Sub-Committee, as described in this report:**
 - a) **Agriculture and Rural Affairs Committee;**
 - b) **Planning Committee; and**
 - c) **Built Heritage Sub-Committee;**
3. **That the Terms of Reference for the IT Sub-Committee be amended to formalize the Sub-Committee's budget approval process, as described in this report;**
4. **The elimination of the Member Services Sub-Committee, as outlined in this report;**
5. **That the Terms of Reference for the Built Heritage Sub-Committee be revised to enable the Sub-Committee to make recommendations directly to City Council regarding *Ontario Heritage Act* reports approved by the Sub-**

Committee that do not include an accompanying *Zoning By-law* or Official Plan amendment, as described in this report;

6. That the Terms of Reference for the Transportation Committee be revised to clarify that Front-Ending Agreements relating to transportation matters will be considered by Planning Committee, as described in this report;
7. The Council, Committee and Commission Calendar, Meeting Locations and Other Committee Matters as outlined in this report;
8. That Chairs and Vice-Chairs be appointed for the Term of Council;
9. The Nominating Committee mandate and process as outlined in this report;
10. The Ward- and position-specific appointments, as outlined in Document 1; and
11. That the revised Terms of Reference for Standing Committees, Sub-Committees and the Transit Commission be submitted in draft form to the respective Committees/Commission at their first meeting in 2019 for consideration and recommendation to Council for approval.

B – ADVISORY COMMITTEES

1. The establishment of the following Advisory Committees, as outlined in this report:
 - a) The Accessibility Advisory Committee;
 - b) The Arts, Culture and Recreation Advisory Committee;
 - c) The Environmental Stewardship Advisory Committee;
 - d) The French Language Services Advisory Committee; and
 - e) The Planning Advisory Committee;
2. The renewal of the current public member appointments to the Planning Advisory Committee for the 2018-2022 Term of Council;
3. That Advisory Committee Council Liaisons be appointed by the relevant Standing Committee, as outlined in this report;
4. That the following measures be implemented to address the requirements resulting from Bill 175, the *Safer Ontario Act, 2018*:
 - a) That the General Manager of Emergency and Protective Services be directed to develop a draft community safety and well-being plan,

and to bring forward to the Community and Protective Services Committee and Council a report regarding the work plan for developing the community safety and well-being plan no later than Q4 2019, as outlined in this report; and

- b) That the Terms of Reference for Crime Prevention Ottawa (CPO) be amended to provide CPO with the responsibility to establish an advisory committee to be designated the City's Community Safety and Well-Being Advisory Committee for the purposes of Bill 175, by Q2 2019, as outlined in this report.

C – OTHER STANDING COMMITTEE CHANGES AND UPDATES

1. That City Council approve the 2019-2022 Tax- and Rate-Supported budget process, as outlined in this report.

PART II – ACCOUNTABILITY AND TRANSPARENCY

1. That the 2018 Annual Report of the Integrity Commissioner, attached as Document 2, be received;
2. That the following measures be implemented to address the mandatory requirements resulting from Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*:
 - a) Establish the draft *Code of Conduct for Members of Local Boards By-law*, as described in this report and in Document 2, and attached as Document 3;
 - b) That the Integrity Commissioner engage an external lawyer, on retainer, as described in this report and in Document 2; and
 - c) Adopt the process for publicly registering declarations of interest, as described in this report and in Document 2;
3. Establish the draft *Code of Conduct for Members of Council By-law*, as described in this report and in Document 2, and attached as Document 4; and
4. Establish the draft *Code of Conduct for Citizen Members of the Built Heritage Sub-Committee By-law*, as described in this report and in Document 2, and attached as Document 5.

PART III – LOCAL BOARDS

1. Receive the updated listing of local boards in Document 6 and the status report on the compliance of the City's Agencies, Boards and Commissions (ABCs) with respect to their *Municipal Act, 2001* policy requirements, as outlined in this report; and direct staff to provide a further update on ABC compliance as part of the 2018-2022 Mid-term Governance Review;
2. Receive an update on guidance and guidelines for selection panel members as described in this report; and
3. That the Ottawa Community Lands Development Corporation Board of Directors be six members, consisting of four Members of Council and two citizen members, as outlined 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 *Ottawa Fire Services By-law* as described in this report;
5. The amendments to the Appointment Policy as described in this report and in Document 9;
6. The amendments to the Advisory Committees' Participation Expense Policy as described in this report and in Document 10;
7. The amendments to the *Advisory Committee Procedure By-law* and Code of Conduct as described in this report and in Document 11;
8. The Public Conduct Policy and Corporate Trespass to Property – Procedures as described in this report and attached in Document 12 and Document 13;
9. The amendments to the Commemorative Naming Policy as described in this report and in Document 14;

10. The amendments to the *Licensing By-law*, the *Vehicle for Hire By-law* and the *Property Standards By-law* as described in this report and in Document 15; and
11. The renewal of the *Temporary Borrowing By-law* as described in this report and in Document 20.

PART V – OTHER MATTERS

1. The creation of the positions of Council Liaison for Housing and Homelessness, Sports Commissioner and Council Liaison for Women's Issues, to be considered by the Nominating Committee and City Council, as described in this report;
2. The establishment of Council Sponsors Groups to work with staff on the development of the respective mandates for the Council Liaisons and Sports Commissioner, as described in this report;
3. The establishment of three Deputy Mayor positions for the 2018-2022 Term of Council, and that the appointments for these positions be recommended to Council by the Mayor and included in the Nominating Committee report;
4. That a temporary Full-time Equivalent (FTE) be provided to support the role of the Deputy Mayors, to be funded from the Council Administrative Services budget, as described in this report;
5. That Council receive the information related to options for a Women's Bureau outlined in this report;
6. That Council approve the establishment of a Council Sponsors Group to work with staff on the development of a City of Ottawa Gender Equity Strategy and/or a Women's Bureau, and that an additional Full-time Equivalent (FTE) be incorporated into the Draft 2019 Operating Budget in the Partner & Stakeholder Initiatives branch of the Community and Social Services Department, along with any additional funds required to support the first phase of this work, as described in this report; and
7. That the City Clerk and Solicitor 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

1. Qu'à sa réunion du 28 novembre 2018, le Conseil du mandat de 2014-2018 reçoive et dépose le rapport de « l'examen de la structure de gestion publique du Conseil municipal pour 2018-2022 »;
2. Qu'à sa réunion du 5 décembre 2018, le Conseil du mandat de 2018-2022 étudie et approuve les recommandations suivantes reliées à la structure des comités, aux politiques et aux procédures du Conseil et à d'autres questions connexes :

PARTIE I - STRUCTURE DES COMITÉS

A - COMITÉS PERMANENTS, SOUS-COMITÉS ET COMMISSION DU TRANSPORT EN COMMUN

1. La structure des comités permanents du Conseil pour le mandat de 2018-2022, comme présentée dans le présent rapport et comme suit, entre immédiatement en vigueur :
 - a) Comité de l'agriculture et des affaires rurales;
 - b) Comité de vérification;
 - c) Comité des services communautaires et de protection;
 - d) Comité de l'environnement et de la protection climatique;
 - e) Comité des finances et du développement économique et ses sous-comités associés;
 - i) Sous-comité des TI;
 - ii) Abolition du sous-comité des services aux membres;
 - f) Comité de l'urbanisme et ses sous-comités associés :
 - i) Sous-comité du patrimoine bâti;
 - g) Commission du transport en commun;
 - h) Comité des transports;
2. La composition des comités et des sous-comités suivants, comme décrite dans le présent rapport :

- a) Comité de l'agriculture et des affaires rurales;
 - b) Comité de l'urbanisme;
 - c) Sous-comité du patrimoine bâti;
3. Que le mandat du Sous-comité de la TI soit modifié afin de formaliser son processus d'approbation budgétaire, comme décrit dans le présent rapport;
 4. L'abolition du Sous-comité des services aux membres, comme indiqué dans le présent rapport;
 5. Que le mandat du Sous-comité du patrimoine bâti soit modifié pour lui permettre d'acheminer directement au Conseil municipal ses recommandations relatives à des rapports en lien avec la *Loi de 1990 sur le patrimoine de l'Ontario* approuvés par le sous-comité qui ne comprennent pas de modifications au Règlement de zonage ou au Plan officiel de la Ville, comme indiqué dans le présent rapport;
 6. Que soit révisé le mandat du Comité des transports afin de préciser que les ententes préalables (initiales) en matière de transport seront soumises au Comité de l'urbanisme aux fins d'examen, comme décrit dans le présent rapport;
 7. Le calendrier des réunions du Conseil municipal, des comités et de la Commission du transport en commun, le lieu des rencontres et autres questions afférentes aux comités, comme indiqué dans le présent rapport;
 8. Que les présidents et vice-présidents soient nommés pour ce mandat du Conseil;
 9. Le mandat et l'approche du Comité des candidatures, comme décrits dans le présent rapport;
 10. Les nominations à un poste ou dans un quartier en particulier, comme indiqué dans le Document 1;
 11. Que les versions provisoires des mandats modifiés des comités permanents, des sous-comités et de la Commission du transport en commun soient soumises aux instances concernées à leur première réunion de 2019 aux fins d'étude et afin de formuler des recommandations au Conseil pour approbation.

B - COMITÉS CONSULTATIFS

1. La mise en place des comités consultatifs suivants, comme indiqué dans le présent rapport :
 - a) Comité consultatif sur l'accessibilité;
 - b) Comité consultatif sur les arts, la culture et les loisirs;
 - c) Comité consultatif sur la gestion environnementale;
 - d) Comité consultatif sur les services en français;
 - e) Comité consultatif de l'aménagement du territoire;
2. Le renouvellement du mandat des membres du public siégeant présentement au Comité consultatif de l'aménagement du territoire pour le mandat du Conseil de 2018-2022;
3. Que les agents de liaison entre le Conseil et les comités consultatifs soient nommés par les comités permanents concernés, comme indiqué dans le présent rapport;
4. Que les mesures suivantes soient mises en œuvre pour répondre aux exigences du projet de loi 185, *Loi de 2018 pour plus de sécurité en Ontario* :
 - a) Que le directeur général de la Direction générale des services de protection et d'urgence prépare un plan sur la sécurité et le bien-être communautaires et qu'il présente au Comité des services communautaires et de protection et au Conseil municipal un plan de travail pour la production dudit plan d'ici le 4^e trimestre 2019, comme indiqué dans le présent rapport;
 - b) Que le mandat de Prévention du crime Ottawa (PCO) soit modifié afin de conférer à PCO la responsabilité d'établir un Comité consultatif sur la sécurité et le bien-être communautaire aux fins de se conformer aux dispositions du projet de loi 175 d'ici le 2^e trimestre 2019, comme indiqué dans le présent rapport.

C - COMITÉS PERMANENTS - AUTRES CHANGEMENTS ET MISES À JOUR

1. Que le Conseil municipal approuve le processus d'établissement des budgets 2018-2022 financés par les taxes et les redevances, comme indiqué dans le présent rapport.

PARTIE II – RESPONSABILISATION ET TRANSPARENCE

1. Que soit reçu le rapport annuel de 2018 du commissaire à l'intégrité, ci-joint à titre de document 2;
2. Que les mesures suivantes soient mises en œuvre pour répondre aux exigences du projet de loi 68, *Loi de 2017 de la modernisation de la législation municipale de l'Ontario* :
 - a) Établir le *Règlement municipal provisoire sur le Code de conduite des membres des conseils locaux*, comme décrit dans le présent rapport et dans le document 2 et annexé à titre de document 3;
 - b) Que le commissaire à l'intégrité engage un avocat externe, à honoraires fixes, comme indiqué dans le présent rapport et dans le document 2;
 - c) Adopter le processus de dépôt des déclarations d'intérêts au registre public, comme décrit dans le présent rapport et le document 2;
3. Établir le *Règlement municipal provisoire sur le Code de conduite des membres du Conseil municipal*, comme décrit dans le présent rapport et dans le document 2 et annexé à titre de document 4;
4. Établir le *Règlement municipal provisoire sur le Code de conduite des citoyens membres du Sous-comité du patrimoine bâti*, comme décrit dans le présent rapport et dans le document 2 et annexé à titre de document 5.

PARTIE III - CONSEILS LOCAUX

1. Recevoir la liste à jour des conseils locaux (document 6) et le rapport sur l'état de conformité des organismes, conseils et commissions de la Ville relatif aux obligations leur incombant aux termes de la *Loi de 2001 sur les municipalités*, comme indiqué dans le présent rapport; et charger le personnel de soumettre un autre rapport sur l'état de conformité de ces instances dans le cadre de l'examen mi-mandat de la structure de gestion publique de 2018-2022;
2. Recevoir une mise à jour des orientations et des lignes directrices relatives aux comités de sélection, comme indiqué dans le présent rapport;
3. Que le conseil d'administration de la Société d'aménagement des terrains communautaires d'Ottawa soit constitué de six membres, à savoir quatre membres du Conseil municipal et deux membres citoyens, comme indiqué dans le présent rapport.

PARTIE IV – MODIFICATIONS À DIFFÉRENTS RÈGLEMENTS, DIFFÉRENTES POLITIQUES ET QUESTIONS CONNEXES

1. Les modifications au *Règlement de procédure*, comme décrit dans le présent rapport et dans le document 7;
2. Les modifications au *Règlement municipal sur la délégation de pouvoirs*, comme décrit dans le présent rapport et de document 8;
3. Les modifications au *Règlement sur les approvisionnements*, comme décrit dans le présent rapport;
4. Les modifications au *Règlement municipal sur le Service des incendies d'Ottawa*, comme décrit dans le présent rapport;
5. Les modifications à la Politique de nomination de la Ville, comme décrites dans le présent rapport et dans le document 9;
6. Les modifications à la Politique de dépenses afférentes à la participation aux réunions des comités consultatifs, comme décrit dans le présent rapport et dans le document 10;
7. Les modifications au *Règlement de procédure pour les comités consultatifs* et au Code de conduite, comme décrit dans le présent rapport et dans le document 11;
8. La Politique en matière de conduite publique et la Procédure régissant l'interdiction d'entrée sans autorisation, comme décrit dans le présent rapport et annexées à titre de documents 12 et 13;
9. Les modifications à la Politique sur les noms commémoratifs, comme décrit dans le présent rapport et dans le document 14;
10. Les modifications au *Règlement sur les permis*, au *Règlement sur les véhicules de location* et au *Règlement sur les normes de bien-fonds*, comme décrit dans le présent rapport et dans le document 15;
11. Le renouvellement du *Règlement d'emprunt temporaire*, comme décrit dans le présent rapport et dans le document 20.

PARTIE V – AUTRES QUESTIONS

- 1. La création des postes d'agent de liaison du Conseil pour le logement et l'itinérance, de commissaire aux sports et d'agente de liaison du Conseil pour la cause des femmes à être considérée par le Comité des candidatures et le Conseil municipal, comme décrit dans le présent rapport;**
- 2. L'établissement d'un groupe de parrains du Conseil afin de travailler avec le personnel à l'élaboration du mandat du commissaire aux sports et des mandats des agents de liaison du Conseil, comme décrit dans le présent rapport;**
- 3. L'établissement de trois postes de maires suppléants pour le mandat du Conseil de 2018-2022, et que les nominations à ces postes soient recommandées au Conseil par le maire et qu'elles fassent partie du rapport du Comité des candidatures;**
- 4. Qu'un poste ETP temporaire financé à même le budget des Services administratifs du Conseil soit fourni pour appuyer les maires suppléants, comme indiqué dans le présent rapport;**
- 5. Que le Conseil reçoive l'information sur les différentes options relatives à la création du Bureau de la condition féminine;**
- 6. Que le Conseil approuve l'établissement d'un groupe de parrains du Conseil pour travailler en collaboration avec le personnel à l'élaboration de la Stratégie de promotion d'égalité entre les sexes de la Ville d'Ottawa et à la création du Bureau de la condition féminine, et que soit ajoutés un poste équivalent temps plein (ETP) au budget de fonctionnement préliminaire de 2019 de la Direction des initiatives avec les partenaires et les intervenants de la Direction générale des services sociaux et communautaires ainsi que les fonds supplémentaires requis pour soutenir le premier volet de cette tâche;**
- 7. Que soit délégué au greffier municipal et avocat général le pouvoir de mettre en œuvre les changements à l'ensemble des procédures, processus, politiques et mandats afférents et de présenter au besoin les règlements municipaux requis afin d'exécuter les décisions du Conseil suivant l'approbation du présent rapport et de refléter 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 Governance Review for the 2018-2022 Term of Council. The 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 inter-connected recommendations and proposals that are intended to build upon Council's existing governance structure and provide for the associated procedures and policies required for Council, Committees of Council and other related bodies. Other recommendations address legislative requirements that will come into force during the 2018-2022 Term of Council. 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 have been developed through interviews conducted by the City Clerk and Solicitor and the Manager, Policy and Technical Solutions with all Members of the outgoing Council. As well, the City Clerk and Solicitor met with the citizen members of the Transit Commission, 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.

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 and Solicitor worked closely with the Mayor in finalizing the recommendations in this 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 the Governance Reviews for the 2014-2018 and 2010-2014 Terms of Council.

Highlights of the recommendations are provided below:

Committee Structure

- The report recommends that the Member Services Sub-Committee be eliminated. The Sub-Committee did not meet during the 2014-2018 and 2010-2014 Terms of Council, and some matters it would traditionally address are now captured within the scope of the Council-approved Accountability Framework. If the recommendation is approved, it is anticipated that the Finance and Economic Development Committee can address any relevant matters as required.

- Members of Council indicated a desire for a strong working relationship between the Agriculture and Rural Affairs Committee (ARAC) and Planning Committee, particularly as it relates to matters with city-wide effects that are considered by ARAC, and those with rural effects that are considered by Planning Committee. As such, the Mayor recommends that the Chair of ARAC be added to the Planning Committee membership, as an additional, *ex officio*, member, and vice versa.
- To increase efficiency and respond to concerns raised by stakeholders, it is recommended that the Built Heritage Sub-Committee (BHSC) be provided with the ability to make recommendations directly to Council on certain *Ontario Heritage Act* reports approved by the Sub-Committee, instead of having such routine heritage matters rise to Planning Committee or the Agriculture and Rural Affairs Committee. It is also recommended that an additional citizen member, who resides in a Heritage Conservation District, be added to the BHSC membership, as well as an additional Member of Council.
- Mandate-related changes recommended for Committees include proposed amendments to reflect and clarify traditional practices with respect to the IT Sub-Committee's authority with respect to budget matters, as well as the routing of transportation-related Front-Ending Agreements (which have traditionally been considered by Planning Committee, rather than Transportation Committee).
- It is recommended that Planning Committee meetings be moved from the second and fourth Tuesday of the month to the second and fourth Thursday of the month. In order to accommodate this proposed change, it is recommended that Built Heritage Sub-Committee meetings be moved from the second Thursday of the month to the second Tuesday of the month. Otherwise, no changes are proposed for the Council, Committee and Commission meeting calendar used in the 2014-2018 Term of Council, or the 2014-2018 Term of Council approach of appointing Committee Chairs and Vice-Chairs (including the Transit Commission and Sub-Committees) for the entire Term of Council.
- Process recommendations relating to Nominating Committee are included.

Advisory Committees

- A change is proposed to remove "heritage" from the title of the Arts, Culture, Heritage and Recreation Advisory Committee, given the expanded role that the Built Heritage Sub-Committee has with respect to heritage matters.

- Staff recommend the renewal of the current public member appointments to the Planning Advisory Committee, after this mandatory advisory committee was established earlier in 2018.
- Based on consultations with Members of Council and the Advisory Committee Chairs and Vice-Chairs, staff recommend that the Council Liaison role for each Advisory Committee be open to any interested member of the parent Standing Committee, rather than the current practice of limiting the role to the Standing Committee Vice-Chair.
- Under amendments to the *Police Services Act* made by Bill 175, the *Safer Ontario Act, 2018*, and coming into force on January 1, 2019, Council will be required to prepare and adopt a “Community Safety and Well-Being Plan” and to establish a “Community Safety and Well-Being Advisory Committee”. It is proposed that the General Manager of Emergency and Protective Services be directed to develop the draft plan for Council approval, and that Crime Prevention Ottawa be provided with the responsibility to establish the mandatory advisory committee.

Other Standing Committee Changes and Updates

- Recommendations are included for the 2019-2022 Tax-and Rate-Supported budget process.
- Updates are provided with respect to statutory requirements for the City to explain the effect of public input on planning decisions, as well as regarding the lifecycle replacement of the City’s E-Agenda software and related transparency and accountability initiatives.

Accountability and Transparency

- Recommendations are made to address statutory requirements that will come into force on March 1, 2019, under Bill 68, the *Modernizing Ontario’s Municipal Legislation Act, 2017*. These include a proposed draft *Code of Conduct for Members of Local Boards By-law*. It is also recommended that the Integrity Commissioner engage an external lawyer, on retainer, to provide legal advice regarding matters under the *Municipal Conflict of Interest Act* (MCIA). Furthermore, as the City will be required to establish a public registry for Members’ declarations of interest, there is a recommendation for a simple online registry to be developed.

- Further to a 2016 Divisional Court decision, it is recommended that the proposed Code of Conduct for Members of Local Boards, as well as the existing Code of Conduct for Members of Council and Code of Conduct for Citizen Members of the Built Heritage Sub-Committee, be enacted as by-laws to confirm that these items are unquestionably part of the statutory scheme governing the work of the Integrity Commissioner.

Local Boards

- For Council's information, updates are provided regarding the City's local boards and their status with respect to compliance with requirements under the *Municipal Act, 2001*, as well as guidance and guidelines to assist selection panel members. Information is also included about forthcoming legislative changes relating to the Ottawa Police Services Board.
- Staff recommend changing the composition of the Ottawa Community Lands Development Corporation Board of Directors – establishing a membership composed of four Members of Council and two citizen members – in order to increase expertise available to the board and reduce potential conflict for Directors.

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.
- Proposed updates to the Appointment Policy would reflect Council's direction to achieve and maintain gender balance on the City's Advisory Committees, and support succession planning and skill transfer for Advisory Committee members. In addition, there are proposed updates to the Advisory Committees' Participation Expense Policy regarding matters such as dependant care and transportation costs. Some "housekeeping" amendments are also recommended for the *Advisory Committee Procedure By-law*, which includes the Advisory Committee Members' Code of Conduct.
- Pursuant to recommendations from the Ontario Ombudsman, staff recommend Council adopt a Public Conduct Policy as well as procedures with respect to the issuance of Trespass Notices under the *Trespass to Property Act*. The Ontario Ombudsman, whose Office has had an oversight role with respect to

municipalities since January 1, 2016, has recommended that municipalities adopt such policies and procedures in order to set out expectations and to ensure that any response to unreasonable behaviour, or frivolous and/or vexatious requests from members of the public occurs in a fair, consistent and reasonable manner. The proposed policy is largely based on other municipal policies cited by the Ontario Ombudsman, as well as other best practices noted in Ombudsman reports.

- Changes to the Commemorative Naming Policy are recommended such that Recreation, Cultural and Facility Services (RCFS) would assume authority for the policy and the associated Commemorative Naming program. This would align the policy with RCFS' existing service mandate and work plan.
- There are "housekeeping" matters that include amendments to the *Licensing By-law*, *Property Standards By-law* and the *Vehicle for Hire By-law* that relate to the Property Standards and License Appeals Committee.
- Staff are seeking to renew the existing *Temporary Borrowing By-law* for the 2018-2022 Term of Council.

Other Matters

- The Mayor recommends that Council approve the continuation of the Council Liaison for Housing and Homelessness as well as the Sports Commissioner for the 2018-2022 Term of Council, with proposed appointments to be considered by the Nominating Committee and Council. The Mayor also recommends the creation of a Council Liaison for Women's Issues, to be appointed in the same manner as the above-noted positions. This is consistent with the 2014-2018 Council's direction for the Mayor and staff to "examine the options for including the role of a Council Representative Special Liaison for Women's Issues". The Mayor is further recommending that Council Sponsors Groups be established to work with staff on the development of the respective mandates for the Council Liaisons and Sports Commissioner.
- In an effort to ensure greater representation across the City's large geographical footprint, the Mayor recommends the appointment of three Deputy Mayors. It is also recommended that the temporary FTE provided to support the role of the Deputy Mayors continue with the new Term of Council, and that this temporary position continue to be funded from the Council Administrative Services budget and accommodated from within existing resources.

- Information related to options for a Women's Bureau is provided, including an environmental scan of initiatives underway in comparable Canadian municipalities related to the use or consideration of a gender lens on local government policies and practices. The Mayor, after reviewing the information in this report and a submission circulated by Councillors Deans and McKenney, is recommending that staff proceed with the development of a recommended approach for the establishment of a City of Ottawa Gender Equity Strategy and/or a Women's Bureau, working with a Council Sponsors Group. To support this work, the Mayor is recommending that an additional Full-time Equivalent (FTE) be incorporated into the Draft 2019 Operating Budget in the Partner & Stakeholder Initiatives branch in the Community and Social Services Department, along with any additional funds required to support the first phase of this work.
- The report also provides updates on several ongoing matters, as directed by Council in some cases. This includes information regarding legislative changes that affect conservation authorities, a ward boundary review for the City of Ottawa, and the Municipal Parking Management Strategy.

As is traditional, the 2018-2022 Governance Review report will be tabled at the final meeting of the outgoing Council, and be the first item addressed at the first business meeting of the 2018-2022 City Council.

BACKGROUND

The City of Ottawa's governance structure, like those of other Ontario cities, facilitates the legislative process. The governance structure consists of several different but related deliberative bodies, namely City Council, Standing Committees, Advisory Committees and arms-length Agencies, Boards and Commissions (ABCs), as well as the regulatory tools that govern those bodies, such as the *Procedure By-law*, the *Delegation of Authority By-law* and the *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, citizen members of Committees of Council, Chairs and Vice-Chairs of Advisory Committees, members of the Senior Leadership Team and operational staff.

The 2018-2022 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 which were balanced with increased accountability and transparency measures. The changes to the statute have influenced the evolution of the City’s governance structure and practices since its enactment.

Further mandatory legislative changes approved by the Ontario Legislature during the 2014-2018 Term of Council will continue to shape the municipal governance structure, and account for some of the recommendations in this report. Of particular note, changes resulting from Bill 68, the *Modernizing Ontario’s Municipal Legislation Act, 2017*, Bill 175, the *Safer Ontario Act, 2018*, and Bill 8, the *Public Sector and MPP Accountability and Transparency Act, 2014*, have led to recommendations in this report regarding policies and other matters.

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

other related bodies. 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 and Solicitor consulted with elected representatives, citizen members of the Transit Commission, Chairs and Vice-Chairs of Advisory Committees, members of the Senior Leadership Team and operational staff, as well as staff in the City Clerk’s Branch, Legal Services and the City Manager’s Office who work most closely with the legislative process.

DISCUSSION

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

PART I – COMMITTEE STRUCTURE

A – STANDING COMMITTEES, SUB-COMMITTEES AND TRANSIT COMMISSION

Agriculture and Rural Affairs Committee

The membership of the Agriculture and Rural Affairs Committee, as described in this report

Mandate and Background

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

Since amalgamation, the Standing Committee structure of City Council has included a Committee that oversees rural affairs. Due to the unique nature of ARAC, the majority of the membership is comprised of Councillors who represent wards with a rural component. During the 2014-2018 Term of Council, the Committee included Councillors from Wards 21 [Chair], 20 [Vice-Chair], 5, 19 and 23, with the Mayor as an *ex officio* Committee member.

Comments and/or Recommendations

Meeting location

During the 2014-2018 Term of Council, ARAC held its meetings at Ben Franklin Place, as described in the report titled, "[Alternative Meeting Location for the Agriculture and Rural Affairs Committee](#)," which was considered by the Committee on February 5, 2015. As noted in the [2014-2018 Mid-term Governance Review](#), positive feedback has been received regarding this practice, particularly as Ben Franklin Place provides relatively equal access to each rural ward and free on-site parking is offered. ARAC may also hold Special Meetings off-site as deemed necessary by the Committee Chair, pursuant to Subsection 81(1)(b) of the *Procedure By-law*. There are no changes recommended to the meeting location for this committee.

Mandate and membership

With respect to ARAC's mandate, a number of Members suggested during Governance Review consultations that planning matters with "city-wide" implications should not be considered by this rural-focused Committee, particularly if the outcome of the Committee's decision would affect urban and/or suburban residents as well. Some Members raised matters such as the [proposed expansion of the Rideau Carleton Raceway and Casino](#) and the [R-4 and Multi-Unit Residential Zoning Review](#) as

examples of reports that have “city-wide” impacts, or effects that are significant in urban and suburban areas. The proposed expansion of the Rideau Carleton Raceway and Casino was considered by ARAC alone and the R-4 and Multi-Unit Residential Zoning Review was considered by each of Planning Committee and ARAC, while meeting concurrently. Members who raised these reports as examples suggested that new protocols should be developed to route such reports solely or primarily to Planning Committee, which has a city-wide planning focus.

However, other Members suggested that there is no need to change the routing of these reports. They noted that any Member of Council may attend any Committee meeting and speak to any item being considered. Similarly, members of the public may attend any Committee meeting and provide their comments regarding any matters on the agenda. Furthermore, it was noted that existing procedures provide for Council to direct a particular item to be considered by a specific Committee. As such, there was no consensus regarding the matter of changing the routing of matters that fall within the ARAC mandate but that have “city-wide” impacts, and no recommendations are made in this regard.

That said, the discussion around this matter has highlighted the need for a strong working relationship between ARAC and Planning Committee. Consultation has also indicated that some Members feel that consideration of “city-wide” planning matters at ARAC would benefit from formal input from Planning Committee’s broader perspective, while still remaining within the purview of the Standing Committee focused on rural issues. On the other hand, there was also a suggestion made that “rural” matters considered by Planning Committee may similarly benefit from formalized representation of the rural perspective when the Planning Committee meets.

Therefore, in order to strengthen the ties between the two Committees, the Mayor is recommending that the Chair of ARAC and the Chair of Planning Committee be added to the membership of each other’s Committee as an additional *ex officio* member. This recommendation would provide for specific rural representation from the ARAC Chair at Planning Committee meetings when matters considered by the Committee have a significant rural component. The ARAC Chair would be able to provide input from a rural perspective in this formalized role, and directly move motions and vote, when the Planning Committee considers such matters.

Similarly, the Planning Committee Chair’s formal participation and input as an *ex officio* member of ARAC would provide ARAC with a broader perspective on planning-related

issues when any matters that fall under ARAC's mandate have effects that would largely affect suburban and urban areas.

Should these membership recommendations be approved, it should be noted that the majority of the ARAC membership would continue to be comprised of Councillors who represent wards with a rural component, which will ensure that the unique mandate of this rurally focused Committee is preserved.

Early public release of zoning and Official Plan Amendment reports

As noted in the *Procedure By-law* section of this report, staff recommend the formalization of a pilot process used by ARAC and Planning Committee to make staff reports for zoning and Official Plan amendments available to Members of Council and all members of the public on ottawa.ca 10 days before a meeting, rather than the former practice of those reports being generally available to the public seven days before a meeting.

Audit Committee

Mandate and Background

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

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

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

Given the nature of this Committee, as well as its largely internal focus, the Chair of the Audit Committee does not receive the extra 0.5 FTE provided to Standing Committee Chairs.

Comments and/or Recommendations

No consensus for changes regarding the Audit Committee arose during consultation with Members for the 2018-2022 Governance Review. As such, there are no recommended changes to the Audit Committee's mandate or meeting schedule.

Community and Protective Services Committee

Mandate and Background

The Community and Protective Services Committee (CPSC) is responsible for creating and maintaining a safe and healthy community that promotes and supports quality of life, while encouraging resident involvement in the culture and life of their communities. The Committee's mandate includes issues relating to housing, parks, recreation, cultural programming, long-term care, social services, and emergency and protective services.

CPSC was created through the [2006-2010 Governance Review](#), when the mandates of the former Health, Recreation and Social Services Committee and the Emergency and Protective Services Committee were combined. The 2006-2010 Governance Review noted that, "There was a general consensus that the Emergency and Protective Services Committee did not have sufficient workload to support its mandate. ... This change will create a more balanced workload for the Committee and align the new standing committee with a single department."

Comments and/or Recommendations

Meeting schedule

During the 2014-2018 Term of Council, Council approved a CPSC meeting schedule of 10 times per year, with the ability to hold Special Meetings if required. This schedule was reviewed at the time of the [2014-2018 Mid-term Governance Review](#) and no changes were required. In consultations for the 2018-2022 Governance Review, Members raised no concerns regarding this meeting frequency and therefore there is no recommendation for changes to the Committee's schedule.

Mandate – Comments relating to Committee structure

While no other changes to the CPSC mandate are recommended, it is noted that during Governance Review consultations, a number of Members raised the possibility of separating the Committee into two distinct committees – one that would oversee the “health, recreation and social services,” and the other with a mandate regarding “emergency and protective services”. This is similar to the structure that had existed for the two functions prior to the merger into CPSC through the 2006-2010 Governance Review.

Members in favour of splitting CPSC suggested that its current mandate is too large. Those Members who opposed dividing the Committee noted that there are many areas in which there is a strong relationship between the social services and emergency and protective services functions. They also stated that it is unlikely that there would be enough action items to sustain a standalone “emergency and protective services” committee, which is the situation described in the 2006-2010 Governance Review that recommended the Committees be merged, as noted above.

Given the lack of consensus on dividing CPSC, it is not recommended at this time.

Environment and Climate Protection Committee

Mandate and Background

The Environment and Climate Protection Committee (ECPC) is responsible for providing guidance and direction on all issues relating to environmental services, community sustainability, stormwater management, solid waste management, utilities/water and wastewater, water pollution control, urban forestry, and open spaces.

ECPC was first established through the division of the former Planning and Environment Committee into the Planning Committee and the Environment Committee, which was approved by City Council as part of the [2010-2014 Council Governance Review](#), after the majority of Members of Council agreed that the workload of the Planning and Environment Committee was too large.

Through consideration of the [2014-2018 Mid-term Governance Review](#), the Environment Committee was renamed the Environment and Climate Protection Committee [as approved by Council on November 9, 2016].

Comments and/or Recommendations

Meeting Schedule

During the 2014-2018 Term of Council, Council approved an ECPC meeting schedule of eight times per year, with the ability to hold Special Meetings if required. This schedule was reviewed at the time of the [2014-2018 Mid-term Governance Review](#) and no changes were required. In consultations for the 2018-2022 Governance Review, Members raised no concerns regarding this meeting frequency and therefore there is no recommendation for changes.

Mandate – Wildlife and biodiversity matters

Council's consideration of the 2014-2018 Mid-term Governance Review resulted in ECPC's Terms of Reference being amended to include some specific responsibilities with respect to wildlife and biodiversity.

Briefly, Motion No. 41/5, which was approved by Council on November 9, 2016, noted that the Planning Committee, the Agriculture and Rural Affairs Committee, the Transportation Committee and the Community and Protective Services Committee each have oversight over different aspects of matters related to wildlife and biodiversity. The motion provided for ECPC to address matters relating to wildlife and biodiversity that do not fit within the mandates of these Committees. Specifically, it recommended that the section regarding "Community Sustainability" within the Environment Committee's Terms of Reference be amended such that the Committee shall have the specific responsibilities to:

"provide overall guidance and direction in areas of ... preserving/promoting biodiversity and protecting/coexisting with urban wildlife, particularly with respect to matters that are not specifically within the mandates of other Standing Committees, and in conjunction with related Council-approved strategies, protocols and initiatives such as the Wildlife Strategy."

The motion further noted that "any urban wildlife- and biodiversity-related matters considered by the Environment Committee during the 2014-2018 Term of Council would be used to inform the review of Standing Committee mandates that will be completed as part of the 2018-2022 Governance Review process."

Staff have reviewed any relevant matters considered by the ECPC during the 2014-2018 Term of Council. Most notably, on September 18, 2018, the Committee considered a motion with respect to the "Bee City Program" that would not squarely fit within the mandates of other Committees that have oversight over different aspects of wildlife- and biodiversity-related matters. As no Members raised concerns about the manner in which the urban wildlife/biodiversity function of ECPC was used during the

Term of Council, it is proposed that the Terms of Reference for this Committee remain the same with respect to these matters.

Mandate – Comments relating to Committee focus

Although some Members raised the notion of refocusing ECPC as a “Public Works and Environmental Services Committee” during Governance Review consultations, there was no consensus and therefore no recommendation is made in this regard.

There are no changes to ECPC’s mandate being recommended at this time.

Finance and Economic Development Committee

Mandate and Background

The Finance and Economic Development Committee (FEDCO) provides direction on strengthening financial and administrative practices, identifying corporate goals, and providing guidance on economic development issues.

The Committee is responsible for the City of Ottawa’s high-level fiscal and management policy issues, including the development of the fiscal framework and corporate financial planning, overseeing the Operating and Capital Budgets and establishing a budget reporting framework, reviewing efficiency and investment reports, providing guidance on corporate performance measurement policies, ensuring the financial sustainability of the Corporation, and overseeing the City’s audit functions. FEDCO also addresses all matters related to communications, accessibility, human resources, labour relations, bilingualism policies and French Language Services, purchasing, information technology, legal services, the Clerk’s Office, and real estate matters.

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

Comments and/or Recommendations

Membership

Through the 2014-2018 Term of Council, the membership of FEDCO included all of the Standing Committee Chairs, including the Chair of the Transit Commission, as well as

the Deputy Mayors and one member-at-large. As noted in the 2014-2018 Governance Review, the Deputy Mayors have a city-wide responsibility in their role to act in an official capacity on behalf of the City of Ottawa, as required, and may be called upon to act in the Mayor's place when he is absent. As such, their appointment to FEDCO is in keeping with the city-wide scope of this Committee. There are no changes proposed to the membership of this Committee.

Mandate – Matters relating to Member Services function

The proposed elimination of the Member Services Sub-Committee, if approved, would result in matters relating to member services being included in the FEDCO mandate, as described below in more detail.

Sub-Committees of the Finance and Economic Development Committee

Information Technology Sub-Committee

That the Terms of Reference for the IT Sub-Committee be amended to formalize the Sub-Committee's budget approval process, as described in this report

Mandate and Background

The Information Technology (IT) Sub-Committee's mandate is to advise the Finance and Economic Development Committee (FEDCO), other Standing Committees and Boards, City Council, and the Transit Commission on potential large-scale investments in information technology tools and the long-term planning of information technology priorities for the City of Ottawa. The Sub-Committee has an ongoing mandate to investigate information technology products and services that provide improved access to City services by the public, better communication with the public, and increased accountability to the public while protecting privacy, as well as enhancing management and oversight at the City of Ottawa in congruence with the City's fiscal framework.

The IT Sub-Committee was established as part of the [Mid-term Governance Review](#) during the 2006-2010 Term of Council. It meets as required at the call of the Chair.

Comments and/or Recommendations

Budget approval process

Staff are recommending an administrative change to formalize the traditional practice regarding the IT Sub-Committee's authority with respect to budget matters. Specifically,

staff recommend clarifying through the Sub-Committee's Terms of Reference that the IT Sub-Committee makes recommendations directly to Council regarding the Information Technology Services (ITS) operating and capital budgets and the relevant portions of the ServiceOttawa capital budget.

By way of brief background, the practice has been for the IT Sub-Committee to receive its budget authority with respect to the ITS operating and capital budgets and the relevant portions of the ServiceOttawa capital budget by way of motion. Corporate Services Department staff have suggested that this has the potential for confusion, and recommend clarifying directly that IT Sub-Committee reviews and makes budget recommendations to Council regarding the ITS budget.

If the formalization of the traditional practice is approved, staff would bring forward the relevant changes to the Terms of Reference for approval by IT Sub-Committee, FEDCO and Council.

No changes are proposed to the mandate and meeting schedule of the IT Sub-Committee.

Member Services Sub-Committee

The elimination of the Member Services Sub-Committee, as outlined in this report

Mandate and Background

The Member Services Sub-Committee has a mandate related to the review, consideration and approval of administrative issues with respect to elected representatives and their staff, Councillors' office and salary budgets, and the overall operation of their offices.

The former Member Services Committee was first established during the 2001-2003 Term of Council, under the City's *Procedure By-law* at the time.

On December 3, 2003, City Council considered the 2003-2006 Council Governance Review, and approved a recommendation that, in the interest of accountability, public participation, and effective and efficient governance, the items addressed by the Member Services Committee would become part of the mandate of the Corporate Services and Economic Development Committee. It was further recommended that these items might be considered by a sub-committee of the Corporate Services and Economic Development Committee (i.e. the Member Services Sub-Committee).

On January 18, 2005, the Corporate Services and Economic Development Committee approved a motion to establish the Member Services Sub-Committee as well as a Terms of Reference for the Sub-Committee. On November 28, 2007, after the post-election transition period was complete, Council approved the establishment of the Member Services Sub-Committee in order to deal with a number of emerging administrative matters.

The Member Services Sub-Committee was affirmed through the 2010-2014 and the 2014-2018 Governance Reviews. The Sub-Committee meets as required.

Comments and/or Recommendations

Eliminating the Sub-Committee

The Member Services Sub-Committee did not meet during the 2010-2014 and 2014-2018 Terms of Council. During interviews for the 2018-2022 Governance Review, there was a consensus among Members that there is no longer a need for a formal Sub-Committee with respect to the member services function.

The last meeting of the Sub-Committee was in March 2009, and the agenda included matters relating to the development of a Code of Conduct for Members of Council, event sponsorship for a meeting of the Association of Municipalities of Ontario, green room protocol, a Council manual and electronic distribution of confidential documents.

It is anticipated that any forthcoming matters that are traditionally addressed through the Member Services Sub-Committee (i.e. matters such as an Office Manual refresh for Members of Council, the Hiring and Employment Policy for Members of Council and the Terms and Conditions of employment for Councillors' Assistants) may be considered by the Finance and Economic Development Committee (FEDCO) and/or through measures such as the establishment of a working group, if necessary.

If the recommendation to eliminate the Member Services Sub-Committee is approved, staff will bring forward amendments to the Terms of Reference for FEDCO to provide the Committee with authority regarding the review of all issues relating to elected representatives, as is currently set out in the Terms of Reference for the Member Services Sub-Committee. Specifically, this includes authority with respect to the review of the following matters:

- the overall operations of the offices of the Councillors;
- expenditures by Councillors, including the administering of their global budgets;

- entitlement of Councillors to City facilities and resources for the performance of their duties; and
- personnel matters, including Councillors' office staff and the general performance of the Councillors in their duties.

It should be noted that some of the above-noted matters are now captured within the scope of the Council-approved Accountability Framework and specifically within policies such as the Council Expense Policy as well as the Code of Conduct for Members of Council, which came into effect on July 1, 2013.

Staff would also monitor any additional workload that the incorporation of this mandate may create for FEDCO and bring forward recommendations to address any issues that may arise as part of future Governance Reviews.

Planning Committee

The membership of the Planning Committee, as described in this report

Mandate and Background

The Planning Committee is responsible for overseeing all development and planning within the urban boundary in accordance with the City's Official Plan document, including zoning designations, community planning, site design requirements and affordable housing.

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

The Planning 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 is provided to the Planning Committee Chair to assist in managing the Committee workload.

Comments and/or Recommendations

Membership

As noted in the ARAC section of this report, the Mayor is recommending that the Chair of ARAC be added to the Planning Committee membership, in an *ex officio* capacity, so that the ARAC Chair may provide specific representation at the Planning Committee on matters with significant rural implications. It is also proposed that the Planning Committee Chair be added to the membership of ARAC in an *ex officio* role, which would assist in providing a broader perspective when ARAC considers matters that may have significant effects on urban and suburban areas. Together, these membership additions would strengthen the ties between the two Committees after comments from a number of Members during Governance Review consultations highlighted the need for a strong working relationship between Planning Committee and ARAC.

Early public release of zoning and Official Plan Amendment reports

As noted in the *Procedure By-law* section of this report, staff are recommending the formalization of a pilot process used by Planning Committee and ARAC to make staff reports for zoning and Official Plan amendments available to Members of Council and all members of the public on ottawa.ca 10 days before a meeting, rather than the former practice of those reports being generally available to the public seven days before a meeting.

Clarifying process for consideration of transportation-related Front-Ending Agreements

As set out in the Transportation Committee section of this report, staff are recommending clarification such that Front-Ending Agreements relating to transportation matters will be considered by Planning Committee, which is the traditional routing for such agreements.

Meeting schedule

During the 2010-2014 and 2014-2018 terms of Council, the Planning Committee met on the second and fourth Tuesday of the month.

As City Council meetings were held the day after Planning Committee meetings (i.e. the second and fourth Wednesday of the month), the 2014-2018 Governance Review report noted that Members had expressed concern about the number of reports waived from Planning Committee on to the next day's Council meeting rather than the standard routing of the Council meeting two weeks hence. Specifically, the 2014-2018 Governance Review report stated as follows:

“Members noted that the increasing practice of waiving reports on to Council the next day may not provide Members of Council and the public with sufficient time

to view and consider each report and its recommendations before the items are considered by Council. It was observed that the standard should be that there be very few waived reports. The short timelines also make it difficult for Clerk's staff to prepare reports in time for the next day's Council meeting, particularly when a lengthy Planning Committee meeting has occurred. Further, it is believed that the inadequate preparation time may be contributing to an apparent upsurge in the number of drafting errors by staff that need to be corrected by technical motions."

To address this concern, protocols were developed with respect to criteria for reports that may be waived on to the next day's Council meeting as well as a requirement for exceptions to be granted by the General Manager of the Planning, Infrastructure and Economic Development Department (PIED) and have concurrence of the Committee chair. The 2014-2018 Governance Review also noted that there had been discussion regarding the potential need to change the meeting days for Planning Committee to address the routing issues, and that the issue would be reviewed as part of the Mid-term Governance Review if the protocols developed did not lead to significant change.

During consultation for the 2014-2018 Mid-term Governance Review, Members noted that the protocol was working as intended and recognized the Chair's diligence in this regard. Nothing further was recommended with respect to this matter at that time.

However, following consultation with Members for the 2018-2022 Governance Review, and after discussions with the Committee Chair and PIED staff, there is general consensus that moving Planning Committee meeting days would be a modest change that would provide a permanent solution with respect to the issue of waiving planning matters on to the following day's Council meeting. The proposed change would also help to avoid various notice- and timing-related issues surrounding statutory holidays that often occur on Mondays.

Therefore, it is recommended that Planning Committee meeting days be moved to the second and fourth Thursday of the month for the 2018-2022 Term of Council, as noted in the Council, Committee and Commission calendar section of this report. This would provide almost two weeks between Planning Committee and Council for all items, thereby eliminating the ability for items to be waived on to the next day's Council meeting as part of any regular practice. It is noted that Planning Committee has the ability to hold Special Meetings should matters of a truly urgent nature arise that could not be addressed within the regular meeting schedule and timelines.

The proposed change to meeting days for Planning Committee would require the Built Heritage Sub-Committee (BHSC) meetings that currently take place on the second

Thursday of the month to be moved. As such, staff recommend that BHSC meetings be moved to the second Tuesday of the month.

Although staff had also considered recommending that Planning Committee meetings be moved to the first and third Thursday of the month, such a change would have resulted in additional Committees' meeting days needing to be moved, and would have also required Planning Committee members to prepare each week of the month for potentially heavy agendas at Planning Committee and Council.

Sub-Committee of the Planning Committee

Built Heritage Sub-Committee

The membership of the Built Heritage Sub-Committee, as described in this report;

That the Terms of Reference for the Built Heritage Sub-Committee be revised to enable the Sub-Committee to make recommendations directly to City Council regarding *Ontario Heritage Act* reports approved by the Sub-Committee that do not include an accompanying *Zoning By-law* or Official Plan amendment, as described in this report

Mandate and Background

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

The Sub-Committee is composed of four Members of Council and three citizen members. The four Members of Council include at least one member of the Planning Committee, one member of the Agriculture and Rural Affairs Committee and one Member of Council whose ward encompasses a Heritage Conservation District (one Councillor may fulfill one or more of these roles). The three citizen members are appointed by Council and must include highly qualified individuals who are sensitive to Ottawa's unique built heritage context.

BHSC was established as part of the [Advisory Committee Renewal to Support Council's Term of Council Priorities](#) approved by Council on September 12, 2012, in order to fulfill the role of the City of Ottawa's municipal heritage committee as provided by the *Ontario*

Heritage Act. BHSC replaced the Ottawa Built Heritage Advisory Committee, which had been composed entirely of citizen members.

Comments and/or Recommendations

Contributions of the Sub-Committee

The contributions and efforts of the Sub-Committee were praised by Members at the time of the 2014-2018 Governance Review, and BHSC continued to be seen to be working very well throughout the 2014-2018 Term of Council. The Sub-Committee's contributions toward conserving and promoting heritage in the City of Ottawa were noted by a number of Members during Governance Review consultations in 2018.

Furthermore, it was generally stated that the citizen members on the Sub-Committee have provided valuable expertise extending from their experience as experts in the field. In fact, many Members of Council referred to the BHSC when discussing how to achieve similar success with citizen members in other roles.

Sub-Committee membership

Subsection 28(2) of the *Ontario Heritage Act* provides that a municipal heritage committee established by Council under the *Act* "shall be composed of not fewer than five members appointed by the council." As noted above, the current composition of the BHSC is four Members of Council and three citizen members.

As described above, Members consulted for the Governance Review report generally appreciated the contributions of the Sub-Committee, and particularly its citizen members. In order to bring an element of community knowledge to the Sub-Committee that expands upon the current scope of citizen member expertise, it is recommended that one additional citizen member, who resides within a Heritage Conservation District, be added to the Sub-Committee. It is further recommended that one additional Member of Council be added to the Sub-Committee.

Reporting relationship – Making recommendations directly to Council on Ontario Heritage Act reports

Currently, all staff reports considered by the BHSC that require City Council consideration rise to Planning Committee or the Agriculture and Rural Affairs Committee for consideration prior to being routed to Council.

Community members, heritage stakeholders and applicants have expressed frustration that they must attend meetings of both the BHSC and the relevant Standing Committee

to appear as delegations, and have indicated that the current practice leads to duplication of presentations and discussions of issues. Concern has also been raised that heritage matters may be lost among more controversial or heavier planning files at Planning Committee.

Furthermore, applicants have raised concerns regarding the amount of time and approval required for applications, given the current need for staff review followed by consideration of all matters by the BHSC, the relevant Standing Committee, and Council. If consideration by the relevant Standing Committee was no longer required for routine heritage applications approved by the BHSC, staff estimate there would be at least two weeks of time saved on those reports, as well as associated cost savings resulting from increased efficiency.

Therefore, staff is recommending that the BHSC's Terms of Reference be revised such that the Sub-Committee may make recommendations directly to City Council regarding *Ontario Heritage Act* reports approved by the Sub-Committee that do not include an accompanying *Zoning By-law* or Official Plan amendment. This would mean that the BHSC would have the authority to recommend the following matters to Council:

- Approval of additions to the Heritage Register;
- Approval for alteration, demolition, or new construction for buildings designated under Part IV or V of the *Ontario Heritage Act* where there are no associated *Zoning By-law* or Official Plan amendments;
- Approval of a staff recommendation for Part IV designations where there are no associated *Planning Act* applications; and
- Approval of a staff recommendation for the creation of new Heritage Conservation Districts.

If the recommendation is approved, staff reports would continue to rise to the relevant Standing Committee for consideration if there is an associated report concerning *Zoning By-law* or Official Plan amendments as well as the *Ontario Heritage Act* matters.

Meeting schedule

The BHSC met on the second Thursday of the month during the 2014-2018 Term of Council. As noted above, it is recommended that Planning Committee meeting days be moved from the second and fourth Tuesdays of the month to the second and fourth Thursdays of the month. If the Planning Committee change is approved, this would

require the BHSC meetings to be moved, and staff recommend that the BHSC meetings be held on the second Tuesday of the month.

Heritage designation denials

The 2014-2018 Governance Review report stated that the BHSC members indicated they would like to receive more of an explanation and rationale with respect to how staff decisions are made to deny individual requests for heritage designations under the *Ontario Heritage Act*. The report recommended “that staff provide this information on a bi-annual basis to the Sub-Committee in a report that includes information for requests that are denied, as well as the rationale for denial.” Council approved the report recommendation with respect to this matter on December 3, 2014.

At the time of the [2014-2018 Mid-term Governance Review](#), clarification was sought with respect to the question of whether “staff will bring forward to the Built Heritage Sub-Committee a report on all designation requests denied bi-annually or only where a refusal has been issued.” With respect to this matter, the Mid-term Governance Review report stated as follows:

“During interviews with the City Clerk and Solicitor, members of the BHSC expressed a desire for receiving as much information as possible and stressed the need for reports provided by staff to include the rationale for the refusal. It is recommended that staff continue to provide this report on a bi-annual basis as Information Previously Distributed, including the rationale when a refusal is made, or simply noting within the report if there were no refusals during the previous six months. This practice will be reviewed at the time of the 2018-2022 Governance Review and amended if necessary.”

As there was no consensus with respect to changing the above-noted bi-annual reporting practice, no changes are recommended.

Transit Commission

Mandate and Background

The Transit Commission is responsible for ensuring the development of a safe, efficient, accessible and client-focused transit system and for providing overall guidance and direction to the Transportation Services Department on all issues relating to the operation of public transit, including the O-Train and Para Transpo.

The Transit Commission is composed of eight elected officials and four citizen representatives. It was established by Council through the [2010-2014 Council Governance Review](#), which stated as follows:

“There was general consensus from Members of Council that a Transit Commission should emulate the Board of Health model and consist of a combination of elected representatives and citizen members, with Members of Council maintaining majority membership. ...

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

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

Comments and/or Recommendations

Meeting schedule

During the 2014-2018 Term of Council, Council approved a Transit Commission meeting schedule of eight times per year, with the ability to hold Special Meetings, if required. This schedule was reviewed at the time of the [2014-2018 Mid-term Governance Review](#) and no changes were required. In consultations for the 2018-2022 Governance Review, Members raised no concerns regarding this meeting schedule and therefore there is no recommendation for changes.

Mandate and delegated authority

Generally, it is believed that the Transit Commission is working well in terms of the mandate and delegated authority, and there are no changes being recommended in this area. Although some Members suggested merging the Transit Commission and

Transportation Committee, the general consensus among Members was that the Commission and Committee are properly structured as separate entities.

Membership

During consultation for the 2018-2022 Governance Review, concerns were voiced by Members regarding the relative merits of the citizen Commissioner model, as was also noted at the time of the 2014-2018 Governance Review. Some Members continue to be of the view that all Commissioners should be Members of Council, as the elected officials are directly accountable to residents rather than to the Council.

That said, some Members of the Transit Commission believed there is value to maintaining the citizen Commissioner model. Comments to this effect suggested the citizen Commissioners may provide less input from a political or policy perspective and more of a practical user experience, which some said was highlighted during the Commission's consideration of bicycles on light-rail transit in February 2018. Some Commissioners also noted that keeping the current model may provide a "unique" opportunity to have the community's diversity better reflected on a Committee/Commission of Council through the appointment of citizen Commissioners.

Members of the Transit Commission emphasized that it should be made clear that the citizen Commissioners are not citizen "champions" on transit-related matters, but that they are part of the Commission for their particular expertise and experience. As such, the citizen Commissioners should not be receiving or attempting to address matters raised by other members of the public – as Members of Council would in their role as elected officials – but instead should provide advice and consider matters from the perspective of their own personal and professional viewpoint.

The Mayor recommends that the citizen Commissioner model should be retained over the 2018-2022 Term of Council, particularly as the Confederation Line begins operations. It is also thought that the recruitment process for selecting citizen members may be strengthened through some of the changes set out in the local board section of this report, including the new online form for recruitment.

Furthermore, as part of the recruitment of citizen Commissioners, and as noted in the Appointment Policy section of this report, it is recommended that an unranked reserve pool of candidates be established from which the selection panel may make an appointment should a citizen Commissioner vacancy occur on the Transit Commission. This will ensure that any vacancy with respect to a citizen Commissioner's position during the term may be filled quickly from a list of candidates who have indicated their

interest in sitting on the Transit Commission and who have already gone through some of the recruitment and appointment process. The unranked reserve pool would also allow the selection panel to recommend replacing the citizen Commissioner with a particular candidate who would fulfill any particular requirement of the Commission at that time.

In addition, consultation with members of the Transit Commission resulted in a suggestion that all reserve pool candidates should receive orientation materials at the same time as citizen Commissioners at the beginning of the Term of Council, rather than the current practice of providing orientation to the reserve pool replacement candidate only at the time that a citizen Commissioner is being replaced. Providing all reserve candidates with orientation materials in advance would give them background information about the workings of the Commission such that they may be ready to step in immediately if required. As such, the Office of the City Clerk and Solicitor intends to adopt this practice for the 2018 Commission orientation process.

Transportation Committee

That the Terms of Reference for the Transportation Committee be revised to clarify that Front-Ending Agreements relating to transportation matters will be considered by Planning Committee, as described in this report

Mandate and Background

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

Comments and/or Recommendations

Mandate – Front-Ending Agreements

Transportation Services staff recommend amending TRC's Terms of Reference to clarify that developer Front-Ending Agreements relating to transportation matters will be considered by Planning Committee. Currently, there are overlapping mandates between the two Committees in this regard. While most Front-Ending Agreements have traditionally been considered by Planning Committee, staff believe the overlapping mandate has caused confusion that should be clarified.

By way of background, TRC's Terms of Reference state that a general responsibility for the Committee is to "review and make recommendations to Council on all front-ending agreements pertaining to items within the mandate of this Committee." Planning Committee's Terms of Reference include the following specific responsibilities relating to Development Charges:

"10. Review and make recommendations to Council on all front-ending agreements pertaining to items within the mandate of this Committee.

11. Review and make recommendations to Council on all issues pertaining to the *Development Charges Act*.

12. Review and make recommendations to Council on the general enactment of the *Development Charges By-law*."

As noted in Numbers 11 and 12 above, the Planning Committee Terms of Reference specifically describe the Committee's carriage on issues pertaining to the *Development Charges Act* and *Development Charges By-law*. Since Front-Ending Agreements are tied to specific planning/development files, and are always associated with development charges, staff propose that these types of developer contracts remain under the authority of Planning Committee – regardless of whether they are related to transportation.

While staff brought this matter forward after the City Clerk and Solicitor's consultation with Members of Council was completed, Transportation Services staff discussed this matter with the 2014-2018 Transportation Committee Chair and confirmed his concurrence with respect to the above-noted proposal to clarify the Terms of Reference.

There are no other changes proposed for the mandate or meeting schedule of TRC.

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

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

Apart from proposed changes to the meeting days for Planning Committee and Built Heritage Sub-Committee as described above, there are no changes being recommended to the Council, Committee and Commission calendar and meeting locations used during the 2014-2018 Term of Council, which are as follows:

Name	Meeting Time and Location (Regular Meetings) ¹	Meeting Day(s)	Meeting Frequency
Council	10 a.m., Council Chambers	Second and fourth Wednesday of the month	<p>Twice per month [the time and date of individual regular meetings may be varied by the Mayor].</p> <p>During the months of January, March, July, August and December and of October in a regular election year, at least one regular meeting of Council shall be held at 10 a.m. on a Wednesday of the month determined by the Mayor [<i>Procedure By-law</i>, Section 8]*</p> <p><i>* See “housekeeping” Procedure By-law amendments set out in Document 7.</i></p>
Agriculture and Rural Affairs	10 a.m., Ben Franklin Place, The Chamber	First Thursday of the month	<p>Once every month</p> <p>[<i>Procedure By-law</i>, Subsection 81(1)(d)]</p>
Audit	At call of Chair, Champlain Room	Meets as required at call of Chair	<p>As required at call of Chair</p> <p>[<i>Procedure By-law</i>, Subsection 81(1)(e)]</p>

¹ Under Subsection 81(1)(a) of the *Procedure By-law*, the 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.” The above-noted table shows the meeting time and location for the regular meetings of the Committees/Commission during the 2014-2018 Term of Council, with proposed changes to meeting days for Planning Committee and Built Heritage Sub-Committee as described in this report.

Community and Protective Services	9:30 a.m., Champlain Room	Third Thursday of the month	Once every month, 10 times per calendar year [<i>Procedure By-law</i> , Subsection 81(1)(d)]
Environment and Climate Protection	9:30 a.m., Champlain Room	Third Tuesday of the month	Once every month, eight times per calendar year [<i>Procedure By-law</i> , Subsection 81(1)(d)]
Finance and Economic Development	9:30 a.m., Champlain Room	First Tuesday of the month	Once every month [<i>Procedure By-law</i> , Subsection 81(1)(d)]
Planning	9:30 a.m., Champlain Room	Second and fourth Thursday of the month	Twice a month except during the months of January, March, July, August, December and October in an election year, when only one regular meeting shall be held [<i>Procedure By-law</i> , Subsection 81(1)(c)]* *See “housekeeping” <i>Procedure By-law</i> amendments set out in Document 7.
Transit Commission	9:30 a.m., Champlain Room	Third Wednesday of the month	Once every month, eight times per calendar year [<i>Procedure By-law</i> , Subsection 81(1)(d)]
Transportation	9:30 a.m., Champlain Room	First Wednesday of the month	Once every month [<i>Procedure By-law</i> , Subsection 81(1)(d)]
Built Heritage Sub-Committee	9:30 a.m., Champlain Room	Second Tuesday of the month	Once every month [<i>Procedure By-law</i> , Subsection 81(1)(d)]
Information Technology Sub-Committee	At call of Chair, Champlain Room	Meets as required at call of Chair	As required at call of Chair [<i>Procedure By-law</i> , Subsection 81(1)(e)]

- All Committees and the Commission retain the ability to hold special meetings as required, pursuant to Section 87 and Subsections 82(2), (3) and (4) of the *Procedure By-law*.
- Under Subsection 8(3) of the *Procedure By-law*, the Mayor may cancel one or more regular meetings of Council if, in the Mayor's opinion, such meetings are not necessary for the proper conduct of the business of the City and provided that not more than two successive regular meetings are cancelled under this subsection.
- Under Subsection 81(1)(f) of the *Procedure By-law*, the Chair may cancel one or more regular meetings of the Committee/Commission if in the Chair's opinion such meetings are not necessary for the proper conduct of the business of the Committee/Commission and provided that not more than two successive regular meetings are cancelled under this subsection.

Chairs and Vice-Chairs

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

Various practices have been used over the years with respect to the role and term of Committee Chairs and Vice-Chairs (including the Transit Commission and Sub-Committees).

Chairs and Vice-Chairs were appointed for the entire term prior to the 2006-2010 Term of Council, when terms were three years long. In 2006, with the advent of a four-year term and with some experience with the difficulties that can occur when a Chair and Committee members do not work well together, City Council adopted the practice whereby the positions of Chairs and Vice-Chairs would be approved at the beginning of each new term and subsequently reviewed and re-affirmed through the mid-term governance review process [approved by way of Motion No. 2/13, as considered by Council at its meeting of December 6 and 7, 2006]. This practice of mid-term review and re-affirmation also continued throughout the 2010-2014 Term of Council.

For the 2014-2018 Term of Council, Chairs and Vice-Chairs were appointed for the full term of Council, on the understanding that any Members who experience challenges working with their Chair had the ability to bring concerns to the Mayor, and that changes could always be made at the time of the Mid-term Governance Review, along with Committee membership changes, if necessary.

As there was no consensus from Members regarding any changes to the 2014-2018 Term of Council practice of appointing Chairs and Vice-Chairs for the entire term, it is recommended that this practice continue for the 2018-2022 Term of Council. As previously noted, any need for changes that may arise can be addressed through the Mid-term Governance Review.

Other Committees of Council

Quasi-judicial Bodies

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

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

Quasi-judicial bodies do not operate as Standing Committees and each has an entirely different purpose and set of rules governing its operations.

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

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

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

1. *Committee of Adjustment*

The Committee of Adjustment is a quasi-judicial tribunal appointed by Council that is independent and autonomous from the City administration. Under Section 44 of the *Planning Act*, if a municipality has passed a by-law under Section 34 of that Act [with respect to zoning by-laws] or a predecessor of such section, then “the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.”

The Committee of Adjustment’s mandate is as follows:

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

The Committee is composed of 15 members who are divided into three panels of five members each. Each panel hears applications for a different geographic area of the city.

No changes are being recommended for the Committee of Adjustment.

2. *Committee of Revision*

Municipalities in Ontario are enabled by provincial legislation (*Ontario Regulation 586/06: Local Improvement Charges – Priority Lien Status*) to undertake works as a Local Improvement and assess the cost to the properties that derive benefit from the works. Under the legislation, a municipality initially pays the cost of an improvement work and then recovers the required funding from the benefiting properties via the tax assessment roll mechanism. The charge to property owners is based on final actual costs. Provincial legislation requires that passage of a by-law to impose the final charges to owners cannot proceed without the owners being provided notice of the

intent to create the special charge, its value and a venue through a Committee of Revision to request consideration of review of the amount of their share of the cost.

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

Section 19 of *Ontario Regulation 586/06* permits the Committee to be composed of three or five members appointed by Council. To date, Council has approved that the Committee be composed of three Members of Council – one Member from each of the Transportation, Planning, and Agriculture and Rural Affairs Committees – as local improvements will generally fall within the mandate of these three Standing Committees.

No changes are being recommended for the Committee of Revision.

3. *Court of Revision*

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

Other than specifying in accordance with the above that any *ex officio* members of ARAC do not sit on the Court of Revision, no changes are being recommended for the Court of Revision.

4. *Election Compliance Audit Committee*

The *Municipal Elections Act, 1996* (MEA) mandates the establishment of an Election Compliance Audit Committee (ECAC) to receive and address complaints from electors about a campaign's election finances. Under Section 88.37 of the MEA, a compliance audit committee is mandatory for all municipalities and school boards. Ontario municipalities are required to establish such a committee before October 1 of an election year. The term of office of the Committee is the same as the term of office of the council or school board that takes office following the next regular election.

On April 11, 2018, City Council approved the staff report titled, “[2018-2022 Election Compliance Audit Committee](#)”. Council adopted the report’s recommendation to approve the establishment of a five-member 2018-2022 Election Compliance Audit Committee, including delegating the authority to appoint the members of the Committee to the City Clerk and Solicitor, the Auditor General and the Integrity Commissioner.

An [update to Council](#) identifying the members of the 2018-2022 Election Compliance Audit Committee and advising of next steps following the recruitment of ECAC members was provided on August 30, 2018.

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

5. *Property Standards and License Appeals Committee*

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

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

With respect to the establishment of this Committee, on December 8, 2010, City Council approved a recommendation within the [2010-2014 Council Governance Review](#) for the mandates of the former License Committee and the former Property Standards Committee to be merged, and that a License and Property Standards Committee of five citizen members be established to hear cases with respect to both licensing and property standards appeals.

The former License Committee reviewed cases relating to license suspensions, revocations, refusals and renewals brought forward by the Chief License Inspector, and made final and binding decisions respecting license suspensions and revocations as well as the imposition of conditions as a requirement for obtaining, continuing to hold or renewing a license. The former Property Standards Committee conducted similar hearings for the purposes of considering appeals by property owners or occupants served with a Property Standards Order under the *Building Code Act, 1992* and who were not satisfied with the terms and conditions of the order.

The 2010-2014 Council Governance Review provided that the new License and Property Standards Committee would be modeled after the Committee of Adjustment as a committee of qualified citizen members. The License and Property Standards

Committee officially began its work in June 2012. On February 13, 2013, Council approved a recommendation in the [2010-2014 Mid-term Governance Review](#) to rename the Committee as the Property Standards and License Appeals Committee, in recognition of its quasi-judicial nature.

As most of the by-laws relating to the Property Standards and License Appeals Committee and function were originally enacted prior to the Committee being established with its dual mandate, some inconsistencies and anomalies relating to the Committee have been noted among the *Licensing By-law*, the *Vehicle for Hire By-law*, and the *Property Standards By-law*. Some of these matters were addressed on March 28, 2018, when Council approved the report titled, “[Minor Amendments/Updates to Existing By-laws](#),” which included amending relevant provisions of the by-laws to include the correct Committee name and quorum requirements.

Staff have since identified some additional inconsistencies and anomalies in the by-laws. These inconsistencies require that the Committee consult the by-laws repeatedly when planning and conducting appeal hearings to ensure the specifics are adhered to depending upon the type of appeal being heard. This is cumbersome, confusing and increases the potential for errors in the Committee’s processes. As such, staff recommend further amendments be made to the by-laws to standardize relevant procedures and practices, as noted in Part IV of this report.

Nominating Committee

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

The Ward- and position-specific appointments, as outlined in Document 1

Sections 93 to 95 of the City’s *Procedure By-law* set out the process for the Nominating Committee, which recommends Council membership on the City’s various Committees of Council, local Agencies, Boards and Commissions, and other entities. These sections of the *Procedure By-law* were amended through the 2014-2018 Governance Review, largely because the process set out in the former sections did not reflect the Nominating process that has been followed by Council since amalgamation.

This process is generally as follows:

- A motion to strike the Nominating Committee is presented as part of the deliberations of the Governance Report;

- The Committee is composed of no more than 11 Members and the Mayor, with the Mayor as Chair;
- Following the adoption of Council's Committee Structure as part of the Governance Review, the City Clerk's Office distributes a survey to all Members of Council requesting their preferences for Standing Committees, Sub-Committees, selection panels and external boards and commissions;
- The City Clerk's Office compiles the results of the survey and creates a chart outlining the requests made by each Councillor, the Councillor's Ward and the priority rating given by the Councillor to each request;
- The Nominating Committee meets on the Monday or Tuesday, at the direction of the Mayor, following the adoption of the Governance Review report, and considers the survey results, keeping in mind the need to ensure a City-wide balance and perspective, as well as recognizing as much as possible each Councillor's previous service, experience and areas of interest. The Nominating Committee makes recommendations, developed through a series of motions, to Council on appointments to the various Committees, boards and panels;
- A series of reports is submitted by the Nominating Committee to a Council meeting held on the Wednesday regarding appointments to Standing Committees and Sub-Committees; various external Agencies, Boards and Commissions; selection panels for Advisory Committees; and other positions or entities (in 2014, this included Deputy Mayors, the Sports Commissioner and appointments to the City of Ottawa's Task Force on Canada's 150th anniversary);
- City Council then considers the Nominating Committee reports, divides the recommendations for each Committee for voting purposes and votes on each separately. At times, there have been motions approved to change the recommendations of the Nominating Committee and run-off votes were sometimes necessary to determine changes to the membership of a particular Committee.

In 2014, staff recommended that the Nominating Committee be a one-phase process whereby all Council appointments were completed in December 2014, in order to avoid any unforeseen challenges with respect to survey response timelines and scheduling a second meeting of the Nominating Committee that had resulted from a two-phase process in 2010. In 2010, only appointments with some urgency were completed in December 2010 and all others were completed in January 2011. As the one-phase

approach went smoothly in 2014, staff are recommending the same approach for the 2018 Nominating Committee process.

As was the practice in 2014, staff are also recommending the approach formally adopted in 2010 of Council approving any position/ward-specific appointments as part of the Governance Report rather than through the Nominating Committee process. This was done because, traditionally, certain local board appointments are always given to a Ward Councillor based on the geographic location or focus of the particular board. For instance, specific Business Improvement Area appointments are always assigned to the local Ward Councillor. Moreover, a number of local entities have a Board of Directors seat that is specifically reserved for the Mayor (i.e. National Arts Centre). As a result, a number of “routine” appointments did not have to go through the Nominating Committee process. The list of the ward- position-specific appointments is attached as Document 1.

Staff are also recommending that the Nominating Committee continue to present City Council with recommendations for the Chairs and Vice-Chairs of the Standing Committees, the Transit Commission and Sub-Committees. This is also being recommended with respect to other entities where a Member of Council is the Chair, as well as recommendations to related boards where the position of Chair is dedicated to a Member of Council or where Council wishes to state a preference. This approach was also used in 2014, and eliminates the procedural confusion that occurred in 2010 when Council considered the Nominating Committee report, as summarized briefly below.

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

For the 2018-2022 Term of Council, given that it is recommended that FEDCO continue to be chaired by the Mayor and be composed of the Mayor, the Chairs of the various Standing Committees, the Transit Commission, the Deputy Mayors, as well as one member-at-large, staff are recommending that the Nominating Committee be mandated again with making recommendations with respect to the appointment of the Chair and

Vice-Chair for the Standing Committees/Commission and Sub-Committees to avoid the above-noted procedural complications that occurred in 2010.

As staff have been directed by Council to prepare the conferences report for consideration at the first meeting of FEDCO in the new year and calls for nominations from municipalities for their Board of Directors have been received, staff are also recommending that the Nominating Committee also recommend the City's representatives to the municipal organizations they support: namely, the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario (AMO), the Rural Ontario Municipal Association (ROMA), the Association of Francophone Municipalities of Ontario (AFMO), and the Canadian Capital Cities Organization (CCCO).

Finally, it is recommended that the appointment of Deputy Mayors and any special Commissioners or Liaisons be approved through the Nominating Committee process, as discussed later in this report.

Terms of Reference for Standing Committees, Sub-Committees and the Transit Commission

That the revised Terms of Reference for Standing Committees, Sub-Committees and the Transit Commission be submitted in draft form to the respective Committees/Commission at their first meeting in 2019 for consideration and recommendation to Council for approval

Revised Terms of Reference for Standing Committees, Sub-Committees and the Transit Commission have traditionally been submitted in draft form to the respective Committee/Commission/Sub-Committee at its first meeting in the new Term of Council for consideration and recommendation to Council for approval. It is recommended that this approach be followed for the 2018-2022 Term of Council.

As part of the Governance Review process, departments have submitted their proposed changes to Terms of Reference for Standing Committees, Sub-Committees and the Transit Commission. Any significant changes to mandates have been recommended as part of this report.

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

B – ADVISORY COMMITTEES

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

- a) The Accessibility Advisory Committee;**
- b) The Arts, Culture and Recreation Advisory Committee;**
- c) The Environmental Stewardship Advisory Committee;**
- d) The French Language Services Advisory Committee; and**
- e) The Planning Advisory Committee**

The City of Ottawa currently has five Advisory Committees – the Accessibility Advisory Committee, the Arts, Culture, Heritage and Recreation Advisory Committee, the Environmental Stewardship Advisory Committee, the French Language Advisory Committee and the Planning Advisory Committee – with a total of approximately 45 citizen members.

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

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

Over the course of successive Terms of Council, both Members of Council and members of the Advisory Committees expressed increasing frustration with the effectiveness of the City's Advisory Committee model. The 2010-2014 Governance Review noted that approaches to citizen engagement had been evolving, due to advances in technology (i.e. social media) as well as changes in governance. In effect, the environment in which Advisory Committees, Standing Committees and Council

operated had changed over the previous 10 years, but the Committee-centric model of citizen engagement had not been examined.

The report also noted that there was a general agreement that the role of Advisory Committees was often misunderstood by the members. The structure seemed to perpetuate the misconception that Advisory Committees were a “political” body intended to serve a representative role. Specifically, the report reinforced that the role of Advisory Committee members is to provide advice, not act as advocates for particular mandates or groups. While advocacy is a part of the overall political process, attempting to exert this type of influence as a member of an Advisory Committee or as an Advisory Committee is not consistent with the role and should be left to external advocacy groups.

At the direction of Council as part of the 2010-2014 Governance Review, staff undertook a review of the Advisory Committee governance model. In September 2012, a new Advisory Committee structure and approach was brought forward as part of the [“Advisory Committee Renewal to Support Council’s Term of Council Priorities”](#) report. The primary objective of the recommended model was to align Advisory Committee work with Council’s priorities.

The renewed Advisory Committee model focused on role clarification and established five new Advisory Committees with focused mandates. Specifically, changes made included:

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

The Advisory Committee structure and procedures are reviewed at every governance review. Over the course of the 2014-2018 Term of Council, the following changes were made to Advisory Committee governance and procedures:

- Advisory Committees were engaged in the development of the 2015-2018 Term of Council priorities and had the opportunity to provide their respective Standing Committees with input on the proposed priorities;
- Advisory Committee comments are now to be specifically incorporated, under its own heading, into the consultation section of relevant reports; and
- Advisory Committee annual work plans are to be standardized in the same format and with a similar level of detail.

The existing Advisory Committee structure has now been in place for just over five years, with the exception of the Planning Advisory Committee. Consistent with past practice, the City Clerk and Solicitor met with the Chairs and Vice-Chairs of the City's Advisory Committees to discuss the current governance structure and to receive feedback and experiences from the past Term of Council.

Feedback from the members suggested that Advisory Committees have had varied experiences throughout the 2014-2018 Term of Council. Advisory Committees have encountered different degrees of success and sources of frustration. The consultation revealed there continues to be some confusion surrounding the role of Advisory Committee members, uncertainty about the effect of Advisory Committee input and issues around meeting frequency and timing. For example, some concerns raised by the Chairs and Vice-Chairs include:

- The transition between an outgoing and incoming Committee lacks stability and overlap between the two is needed. New members found it took a long time to become familiar with the role, meeting procedures and important key issues;
- Members believe it would be valuable to understand the impact of Advisory Committee input; and
- The timing of meetings and approved Advisory Committee work plans do not always align with the timing of key issues coming forward (e.g. annual budget).

In general, the feedback suggests:

- More can be done with respect to recruitment, orientation and training of members to accelerate the learning curve for new members;

- Interaction with Members of Council, either through Advisory Committee Council Liaisons, Standing Committee Chairs or the Mayor, has been valuable for Advisory Committees;
- A strong relationship with departmental staff is a key to success for Advisory Committees and consistent engagement by departmental staff is important; and
- Updates to policies and practices are needed and access to additional tools and resources would benefit the work of Advisory Committees.

Consultation with Members of Council continues to reinforce that Advisory Committee's work must focus on the Term of Council priorities and the role of Advisory Committees is to provide advice to City Council and act as a resource for City staff by providing input on matters related to Council's strategic priorities.

In addition to specific matters described below, it is noted that Part IV of this report includes proposed amendments to the Appointment Policy, the Advisory Committees' Participation Expense Policy, and the Advisory Committee *Procedure By-law* and Code of Conduct.

The Arts, Culture, Heritage and Recreation Advisory Committee

The Arts, Culture, Heritage and Recreation Advisory Committee (ACHRAC) was one of five advisory committees established as part of the Advisory Committee Renewal process. In keeping with the Committee's mandate, ACHRAC has focused on providing advice on policy, programs and service delivery in the area of arts, recreation and culture.

The Built Heritage Sub-Committee (BHSC) was also established as part of the Advisory Committee Renewal process, to fulfill the role of the City of Ottawa's municipal heritage committee as provided by the *Ontario Heritage Act, 1990*. The Committee is composed of four Members of Council and three citizen members, with appropriate experience.

Since the BHSC was first established, the mandate of the Committee has expanded beyond reviewing applications under the *Ontario Heritage Act, 1990* and making recommendations to City Council with respect to the designation of heritage properties. Specifically, the 2014-2018 Governance Review report noted how well the Sub-Committee had been functioning and the general consensus was that the mandate of the BHSC should be broadened.

At that time, based on feedback from Members of Council and the citizen members of the BHSC, staff recommended that the Terms of Reference for the BHSC be amended

to permit staff, Council and other Committees to consult with the BHSC on any matter for which the Sub-Committee's knowledge and understanding may add value. The 2014-2018 Mid-term Governance Review further expanded the responsibilities of the BHSC to include the ability to comment on *Zoning By-law* amendments and Official Plan amendments that involve designated heritage buildings.

In light of the BHSC's expanded mandate with respect to heritage matters, staff recommend removing "heritage" from the title of the ACHRAC and that the Advisory Committee's Terms of Reference be updated to reflect this change.

Planning Advisory Committee

The renewal of the current public member appointments to the Planning Advisory Committee for the 2018-2022 Term of Council

The Planning Advisory Committee (PAC) is a mandatory advisory committee required under the *Planning Act*, as amended by Bill 73, the *Smart Growth for Our Communities Act, 2015*.

Under Section 8 of the *Planning Act*, most municipalities, including the City of Ottawa, must establish a planning advisory committee and appoint the members of the committee, at least one of whom must be a resident of the municipality "who is neither a member of a municipal council nor an employee of the municipality." Beyond this requirement, municipal councils have the flexibility to establish a planning advisory committee with the structure and mandate that best suit the needs of the municipality.

In November 2016, the 2014-2018 Mid-term Governance Review report proposed the establishment of a Planning Advisory Committee for the City of Ottawa, including a recommended composition, mandate and Terms of Reference. During its consideration of the 2014-2018 Mid-term Governance Review report, Council opted to defer the establishment of a Planning Advisory Committee in order to solicit additional feedback from community and industry stakeholders. It was anticipated the feedback would assist the City in determining how the Planning Advisory Committee could be most effective and complement the City's existing mechanisms for public engagement, consultation and collaboration in planning matters.

In March 2017, Council further deferred the matter and established a Council working group (comprised of the Chairs of the Planning Committee, the Agriculture and Rural Affairs Committee and the Built Heritage Sub-Committee) to work with the new General Manager of Planning, Infrastructure and Economic Development (PIED) to bring forward

recommendations on the PAC's proposed composition, mandate and Terms of Reference.

On December 13, 2017, City Council approved the establishment of the Planning Advisory Committee, including the Committee's composition and Terms of Reference. Specifically, the composition of the PAC includes the following members:

- Three Members of Council including:
 - Chair of the Planning Committee;
 - Chair of the Agriculture and Rural Affairs Committee; and
 - Chair of the Built Heritage Sub-Committee;
- Two residents residing in the Rural Area of Ottawa;
- Two residents residing inside the Greenbelt;
- Two residents residing with the Urban Area but outside the Greenbelt;
- A representative nominated by the Federation of Citizens' Associations of Ottawa (FCA);
- A representative nominated by the Greater Ottawa Homebuilders' Association (GOHBA);
- A representative nominated by the Building Owners and Managers Association (BOMA);
- A practicing architect and member of the Ontario Association of Architects (OAA);
- A practicing landscape architect and member of the Ontario Association of Landscape Architects (OALA); and
- A practicing professional planner and member of the Ontario Professional Planners Institute (OPPI).

The PAC composition allows for input from a broad range of stakeholders including representatives of community associations, the development industry, major non-residential property owners, professional groups who interact regularly with the City's planning process, and citizen representatives representing a cross section of the City's communities (i.e. urban, suburban and rural).

The mandate of the Planning Advisory Committee is to review and provide advice on the PIED annual work plan and other matters as may be referred to the PAC by the Planning Committee, the Agriculture and Rural Affairs Committee or City Council.

Shortly after Council approved the establishment of the PAC, the Office of the City Clerk and Solicitor undertook a month-long targeted recruitment campaign to recruit

candidates for the 12 public member positions on the PAC. In light of the specific qualifications and professional designations required for certain positions, staff reached out to a number of professional organizations in the Ottawa area, including the Ontario Association of Architects, the Ontario Association of Landscape Architects and the Ontario Professional Planners Institute.

On March 28, 2018, City Council considered the staff report titled, "[Appointments – Planning Advisory Committee](#)," and approved the appointment of the 12 public members of the PAC for the remainder of the 2014-2018 Term of Council. The staff report noted that, "Given the resources required for recruiting and orienting new advisory committee members, the Clerk's Office will be bringing forward for new Council's consideration the option that the current appointments to the PAC would be renewed for the 2018-2022 Term of Council."

In May 2018, PAC members participated in an orientation session where City staff provided governance and procedural training as well as a briefing on the structure and work of PIED.

The PAC is expected to meet twice a year and its primary responsibility is to provide advice to City Council on the annual PIED work plan. By the time the final appointments to the PAC were approved in March 2018, implementation of the 2018 PIED work plan was well underway. For this reason, the PAC has not yet held a formal meeting. However, it is anticipated the PAC will meet early in the new term of Council to consider the draft 2019 PIED work plan, in keeping with the Advisory Committee's mandate.

In order to facilitate the Advisory Committee's work in this respect, and as proposed in the Planning Advisory Committee appointment report, staff recommend the renewal of the current PAC public member appointments for the 2018-2022 Term of Council.

Advisory Committee Council Liaisons

That Advisory Committee Council Liaisons be appointed by the relevant Standing Committee, as outlined in this report

The 2012 Advisory Committee Renewal process established the Advisory Committee Council Liaison role in an effort to provide Advisory Committees with a direct link to Members of Council. The Council Liaison fulfills both leadership and liaison functions and is a non-voting member of an Advisory Committee.

In the past, Members of Council had been assigned to Advisory Committees with mixed results. Under the former model, the high number of Advisory Committees and their

frequent meetings (monthly) made regular attendance and active participation an onerous and unmanageable responsibility for Members of Council.

In light of the new Advisory Committee structure and the focussed, less frequent meetings, it was felt the onus on Members of Council would be more manageable. At the time, staff recommended that the Vice-Chair of a parent Standing Committee would ideally serve as the Advisory Committee Council Liaison. In practice, having the Vice-Chair serve as the Council Liaison has not always been the case, particularly where a Standing Committee is responsible for multiple Advisory Committees.

The Advisory Committee Chairs and Vice-Chairs continue to be very supportive of the Advisory Committee Council Liaison role. Specifically, the leadership provided by Council Liaisons helps Advisory Committee members understand the issues before City Council and where the Committee's work should be focused. Additional feedback from the Advisory Committee Chairs and Vice-Chairs was that the role should not be limited to the Standing Committee Vice-Chair.

Based on consultations with Members of Council and the Advisory Committee Chairs and Vice-Chairs, staff recommend that the Advisory Committee Council Liaison role of each committee be open to any interested member of the parent Standing Committee. Consistent with past practice, Standing Committees will appoint a Member of Council to the applicable Advisory Committee(s) at the first meeting in 2019.

Legislative Requirements under Bill 175, the *Safer Ontario Act, 2018*

That the General Manager of Emergency and Protective Services be directed to develop a draft community safety and well-being plan, and to bring forward to the Community and Protective Services Committee and Council a report regarding the work plan for developing the community safety and well-being plan no later than Q4 2019, as outlined in this report; and

That the Terms of Reference for Crime Prevention Ottawa (CPO) be amended to provide CPO with the responsibility to establish an advisory committee to be designated the City's Community Safety and Well-Being Advisory Committee for the purposes of Bill 175, by Q2 2019, as outlined in this report

Bill 175, the *Safer Ontario Act, 2018*, received Royal Assent on March 8, 2018. The legislative package amends, repeals, and enacts various provincial laws respecting

policing in Ontario. Specifically, Bill 175 amends the current *Police Services Act* (and also repeals and replaces it at a future date with the *Police Services Act, 2018*), amends the *Coroners Act* and creates the *Missing Persons Act* and the *Forensic Laboratories Act*.

Bill 175 focused on four broad subject matters: police services, missing persons, forensic laboratories, and death inquests. With respect to police services, the amendments are categorized into four key areas of change: proactive and collaborative approach to community safety and well-being planning; enhancing police accountability to the public; outlining police responsibilities and community safety service delivery; and supporting the sustainability of First Nation policing.

Amendments to the *Police Services Act* are set to come into force on January 1, 2019, and this report makes recommendations regarding two new requirements resulting from Bill 175. The first recommendation concerns the preparation and adoption of a municipal community safety and well-being plan. The second recommendation relates to the establishment of a mandatory community safety and well-being advisory committee to be consulted in the preparation of the plan.

Additional information regarding other matters included in Bill 175 is provided in the Local Board section of this report, and in Document 16.

Community Safety and Well-Being Plan

Effective January 1, 2019, Ontario's single-tier and regional municipalities must prepare and adopt a community safety and well-being plan. The plan must be prepared and adopted by Council before the second anniversary of the date that the new Section 143 of the *Police Services Act*, as amended by Bill 175, comes into effect (i.e. before January 1, 2021).

As noted above, Bill 175 amended the *Police Services Act* but also repeals the Act as of January 1, 2020, and replaces it with the *Police Services Act, 2018*. The new *Police Services Act, 2018* carries forward the requirement for a municipal community safety and well-being plan (Section 195 of the new Act).

To meet its legislative obligations, City Council must prepare and adopt a community safety and well-being plan before January 1, 2021. While the approach to community safety and well-being planning will be unique to each community, the *Police Services Act* provides some direction on the content of the community safety and well-being plan.

Specifically, Section 146 of the Act, as amended, states that a community safety and well-being plan shall:

- Identify risk factors in the municipality, including, without limitation, systemic discrimination and other social factors that contribute to crime, victimization, addiction, drug overdose and suicide and any other prescribed risk factors;
- Identify which risk factors the municipality will treat as a priority to reduce;
- Identify strategies to reduce the prioritized risk factors, including providing new services, changing existing services, improving the integration of existing services or coordinating existing services in a different way;
- Set out measurable outcomes that the strategies are intended to produce;
- Address any other issues that may be prescribed; and
- Contain any other information that may be prescribed.

With respect to the preparation of the community safety and well-being plan, the Act sets out some specific requirements with respect to consultation. Specifically, Subsection 145(6) states that Council must:

- Consult with the municipality's community safety and well-being advisory committee (as discussed below);
- Consult with members of the public including youth, members of racialized groups and of First Nation, Inuit and Métis communities;
- Consult with community organizations, including First Nation, Inuit and Métis organizations and community organizations that represent youth or members of racialized groups; and
- Comply with any additional consultation requirements that may be prescribed.

In preparing a community safety and well-being plan, Council is also required to consider available information related to crime, victimization, addiction, drug overdose, suicide and any other prescribed risk factors, including statistical information from Statistics Canada or other sources, in addition to the information obtained through its consultations.

Bill 175 requires that a Council that has adopted a community safety and well-being plan shall publish it in accordance with the regulations. Once the plan is adopted,

Council will also be required to “take any actions that the plan requires it to take,” and to “encourage and assist other entities to take any actions the plan requires those entities to take.” Furthermore, Council shall monitor, evaluate and report on the effect the plan is having, if any, on reducing the prioritized risk factors, in accordance with the regulations. Regulations relating to any of the above-noted requirements have not been published at the time of writing. Council will also be required to review and, if appropriate, revise the plan within the prescribed period, which has not been set out at the time of writing.

If, in the Solicitor General’s opinion, a municipality “has intentionally and repeatedly failed to comply with one of its obligations with respect to the community safety and well-being plan,” the Solicitor General may appoint a person as a community safety and well-being planner for the municipality. That planner would have the same powers as Council that are necessary to prepare a plan that the municipality could adopt.

As will be discussed in greater detail below, Crime Prevention Ottawa (CPO) has been actively working in the areas of crime reduction and enhanced community safety since 2005. Since its inception, one of CPO’s main goals has been to develop a “community-wide strategic plan to reduce crime and enhance community safety in Ottawa.” To this end, CPO has partnered with local agencies and community partners to develop crime prevention initiatives such as the Ottawa Street Violence Gang Strategy as well as participated in the development of strategies such as the Ottawa Police Service Violence Against Women Strategy. CPO has also developed a Neighbourhood Toolkit that provides residents with information and resources to make their communities safer, friendlier and more liveable.

CPO has been closely monitoring the progress of Bill 175 and the Board Chair and staff participated in discussions with the Minister of Community Safety and Correctional Services in May 2017. The development of a community safety and well-being plan has also been previously identified as a priority in CPO’s strategic plan. As will be explained in more detail below, CPO is well positioned to assist Council in the development of a community safety and well-being plan.

Accordingly, staff recommends that the General Manager of Emergency and Protective Services be directed to develop a draft community safety and well-being plan for Council approval, in consultation with a community safety and well-being advisory committee established by Crime Prevention Ottawa, as well as other stakeholders as set out in the Act or otherwise appropriate. It is further recommended that staff be directed to report back to Community and Protective Services Committee and Council

no later than Q4 2019 regarding the work plan that staff will use to meet the statutory requirement for Council to adopt the community safety and well-being plan before January 1, 2021.

Community Safety and Well-Being Advisory Committee

Municipalities who prepare a community safety and well-being plan must also establish an advisory committee (Section 145 of the *Police Services Act*, as amended by Bill 175) that must be consulted as part of the preparation of the plan, and in any review and revision process that will be required. This is the extent of the advisory committee's role as set out in the *Police Services Act*.

In appointing the members of the advisory committee, the *Police Services Act* specifies seven members the advisory committee must include, at a minimum. The Act also requires that Council ensure that the advisory committee is representative of the municipality, having regard for the diversity of the population in the municipality. Specifically, Subsection 145(3) requires the community safety and well-being advisory committee include, at a minimum, the following members:

1. A person who represents,
 - i. a local health integration network for a geographic area in which the municipality is located, as determined under the *Local Health System Integration Act, 2006*, or
 - ii. an entity that provides services to improve the physical or mental health of individuals in the community or communities.
2. A person who represents an entity that provides educational services in the municipality.
3. A person who represents an entity that provides community or social services in the municipality, if there is such an entity.
4. A person who represents an entity that provides community or social services to children or youth in the municipality, if there is such an entity.
5. A person who represents an entity that provides custodial services to children or youth in the municipality, if there is such an entity.
6. An employee of the municipality or a member of the municipal council.

7. A person who represents the board of the municipality or, if there is no board, the commander of the detachment of the Ontario Provincial Police that provides policing in the area or his or her delegate.
8. Any other prescribed persons.

As noted above, Crime Prevention Ottawa (CPO) was established in 2005 as a responsibility centre for crime prevention and has worked in the community to contribute to programs, initiatives and strategies that enhance community safety and focus on crime prevention. The role of the Community Safety and Well-Being Advisory Committee to assist Council in developing a community safety and well-being plan aligns well with CPO's mission to "contribute to crime reduction and enhanced community safety in Ottawa through collaborative, evidence-based crime prevention."

The CPO Board of Directors is made up of 16 members and is intended to reflect the community of Ottawa with regard to ethno-cultural diversity, English and French communities, gender, rural-suburban-urban concerns and youth and seniors issues. There are two categories of membership on the CPO Board of Directors: members who are appointed by key institutions and members who are appointed as general representatives.

Members of the CPO Board of Directors appointed by key institutions currently include many of the required representatives of the community safety and well-being advisory committee. For example, the CPO Board includes: a Director of Education (a person who represents an entity that provides educational services in the municipality), the Executive Director of the Children's Aid Society of Ottawa (a person who represents an entity that provides custodial services to children or youth in the municipality, if there is such an entity), and the General Manager of Emergency and Protective Services and two Members of Council (an employee of the municipality or a member of the municipal council).

In light of the breadth of representation and experience/expertise found on the CPO Board of Directors, staff recommends that Council approve having CPO establish a Community Safety and Well-Being Advisory Committee, to be comprised of members of the CPO Board of Directors, as well as any additional representatives needed to meet the legislated requirements of Part XI of the *Police Services Act* (and the relevant Part of the *Police Services Act, 2018*, when in force), as determined by CPO.

As required by Section 145 of the *Police Services Act*, City staff would consult with the Community Safety and Well-Being Advisory Committee as part of the preparation of the

City's community safety and well-being plan, and in any future review and revision process as may be required. In order to meet the statutory requirements for the establishment of the community safety and well-being plan, staff recommend that CPO be required to establish the advisory committee by Q2 2019 and report back to Council with respect to the advisory committee's composition, particularly as it relates to the required membership set out in Bill 175. If these recommendations are approved, CPO's Terms of Reference would be amended to include this new responsibility.

C – OTHER STANDING COMMITTEE CHANGES AND UPDATES

That City Council approve the 2019-2022 Tax- and Rate-Supported budget process, as outlined in this report

Budget Process

For the 2018-2022 Term of Council, staff are recommending the adoption of a process for the tax-supported budgets largely mirroring the budget process used in the previous term of Council and for a multi-year rate-supported budget that is also consistent with the approach approved by the previous Council.

It is recognized that the 2019 Budget Process will need to operate on amended timelines, as is standard practice following an election. The recommend process for the 2019-2022 tax-supported budgets is as follows:

- Before each yearly budget cycle begins, the City Treasurer will bring forward a report that details the budget timetable and provides budget directions through the Finance and Economic Development Committee and Council. For the 2019 budget, this will be brought directly to Council.
- As part of the Budget Directions report, recommended budget increases will be allocated to all local Boards (Police, Library and Public Health), the Transit Commission and the Auditor General's Office based on their individual pro-rated share of revenues derived from the Council-directed tax target and any increase in tax revenues resulting from growth in assessment.
- Council will request that the Boards and Commissions develop their draft budgets within this annual allocation.
- Councillors will organize and lead public consultations through ward-based public meetings or other means as determined by the individual Councillors. Staff will be available to attend ward meetings upon request.

- The City Manager will be directed to work with the Mayor's Office to develop draft annual budgets that are consistent with Council's approved budget direction. The draft budgets will also identify any one-time issues and recommend any additional strategies that may be required to achieve Council's direction.
- A consolidated draft budget will be tabled at full Council that reflects all operating and capital pressures and identifies any resulting service implications for referral to Standing Committees and the Transit Commission and for public consultation.
- Each Standing Committee will consider the proposed budget and hear public delegations before deliberating on and approving any revisions.
- Each Standing Committee will work with the budgets for the City departments under their mandate and any increases to those budgets will be funded by appropriate offsetting revenues or expenditure reductions from within the City budget as a whole.
- At the conclusion of their review, the Standing Committees will recommend the budget for their service areas, including any amendments made by the Committee to full Council for consideration, review and adoption.
- Sitting as Committee of the Whole, Council will consider, review and amend the budgets as a whole.
- The Ottawa Police Services Board, the Ottawa Public Library Board, the Public Health Board, the Committee of Adjustment and Crime Prevention Ottawa will prepare their own budgets for submission to their respective Boards. These budgets will be tabled with Council at the same time as various Standing Committees of Council table recommended draft budget amendments.

Staff are recommending that a rate-supported budget be developed and presented for 2019 and that a multi-year budget may be developed and tabled in subsequent years of this term of Council. A timetable for the 2019 Rate-Supported Budget will be presented by the City Treasurer at the same time as the Tax-Supported budget timetable.

Proposed Timetable for the 2019 Budget

Establishing a budget timetable just following a new term of Council is always challenging, given that the budget must be adopted by the end of March in order for the City Treasurer to establish the tax rate for 2019.

In keeping with past practice for such budget timetables, and keeping in mind the orientation process for new Members of Council with respect to the work of the operating departments expected to occur in January, staff are proposing the following high-level schedule for consideration of the 2019 Budget, on the understanding that the Standing Committee schedule for February may need to be adjusted to accommodate the budget timetable:

Steps	Date
Table and adopt the Budget Directions Report	December 12, 2018
Councillor-led public consultations	December/January
Receive a City Budget overview report at Council Table the budget reports for each Standing Committee at Council	Early February
Tabling of Police and Library Services with their boards Table Transit budget with Transit Commission	Early February
Committee and board meetings to receive public delegations, review budgets, and recommend a budget to Council	February-early March
Council deliberations and adoption of the budgets from each of the Standing Committees and Boards as Committee of the Whole	Second week of March

While it is recognized that the timelines for consultation in 2019 are tight, City Councillors and the Mayor have just completed thorough consultations with the public on community priorities throughout the election period, and these timelines have been used post-election in the past. Specific dates will be brought forward in the Budget Directions report.

Review of Procedural Requirements Resulting from Bill 73, the *Smart Growth for Our Communities Act*, 2015

Through the [2014-2018 Mid-term Governance Review](#), Council adopted an approach to streamline the process used to meet legislative requirements set out in Bill 73, the *Smart Growth for Our Communities Act*, 2015.

Briefly, Bill 73 received Royal Assent on December 3, 2015, and made a number of amendments to the *Planning Act* and the *Development Charges Act*. The changes included a new requirement under the *Planning Act* for municipalities to explain the effect of public input on planning decisions.

In June 2016, Council adopted an interim approach to meet this new requirement. However, changes were proposed at the time of the 2014-2018 Mid-term Governance Review in response to comments from members of the public that the interim approach was confusing.

The revised approach approved through Council's consideration of the Mid-term Governance Review on November 9, 2016, is as follows:

1. Staff reports to Planning Committee and Agriculture and Rural Affairs Committee with respect to affected planning matters include the following recommendation:
 - i. "That Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of [*Date of Council meeting at which the item is considered*]," subject to submissions received between the publication of this report and the time of Council's decision";
2. Following Council's decision with respect to the matter, Clerk's staff, in consultation with the relevant Committee Chair and Legal prepare a report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of [*Date of Council meeting at which the item is considered*]." This report includes information with respect to all items considered at the Council meeting that were subject to the relevant Bill 73 provisions. For each item included in the report, a 'Summary of Written and Oral Submissions' is attached as a supporting document. Each 'Summary of Written and Oral Submissions' incorporates the information above and other submissions that were received in advance of Council's decision;
3. The above-noted report is placed on the Bulk Consent Agenda for the next City Council meeting. As there is a requirement that Notice of decision be circulated within 15 days after a Council decision, and given that the Notice would typically be circulated before the next Council meeting, the Notice is circulated indicating

that the 'Summary of Written and Oral Submissions' for the matter was subject to Council approval.

The 2014-2018 Mid-term Governance Review noted that the above-noted revised practice would be reviewed at the time of the 2018-2022 Governance Review. A similar commitment was made as a result of an appeal by Greenspace Alliance to Official Plan Amendment 173, concerning Kanata North. Reflecting feedback received through discussions with Greenspace Alliance, staff will be looking to update the standard language for the summaries of submissions to more clearly indicate where amendments have (or have not) been made as a result of public submissions to Committee.

Update on E-Agenda Replacement and related Transparency and Accessibility Initiatives

As part of the 2014-2018 Mid-term Governance Review, Council received an update on two initiatives that the Office of the City Clerk and Solicitor was pursuing to enhance the accessibility and transparency of Committee and Council deliberations – bilingual closed captioning for Council meetings, and streaming of Committee and Council meetings through YouTube. At that time, staff committed to providing an update on these initiatives as part of the 2018-2022 Governance Review. This is also an opportunity to provide an update on the lifecycle replacement of the City's E-Agenda software.

Background

During the 2010-2014 Term of Council, the Office of the City Clerk and Solicitor implemented an Electronic Agenda Builder and Meeting Management system (E-Agenda). In addition to realizing savings as a result of a reduction in printed meeting materials, the shift to E-Agenda also allowed the Clerk's Office to fulfill Council's 2011 direction to provide live and archived audio casting for all Standing Committees.

In 2015, the City implemented bilingual closed captioning services for all City Council meetings in partnership with the City's broadcast provider, Rogers TV. Through this initiative, the live Council broadcast and live/archived YouTube stream is fully closed captioned in both official languages. In addition, the City is provided with unedited transcripts of the closed captioning, which are then posted to ottawa.ca following the conclusion of the meeting. While the documents are not an official record – the minutes remain the official record of Committee and Council decisions – they have proved a useful complement to the minutes and archived videos.

In the fall of 2017, the Office of the City Clerk and Solicitor began streaming Committee and Council meetings through YouTube. This initiative has been well received, with over

250 subscribers and 13,700 views between the English and French channels, and has improved reliability and public access to Committee audio and Council video.

Current Status and Next Steps

The Office of the City Clerk and Solicitor is currently in the process of replacing the City's E-Agenda software solution (SIRE), which has reached the end of its lifecycle. Following a competitive procurement process, the City is now working with the successful proponent, Prime Government Solutions (PrimeGov) on the first phase of the E-Agenda replacement. In addition to experience in other municipalities in Canada and the United States, PrimeGov has worked with the City of Ottawa in the implementation of the YouTube streaming solution described above.

The first phase of the implementation will replace the existing functionality provided through SIRE, including:

- Creation and web publishing of Council, committee and board agendas, minutes and other documents;
- Live streaming and archived Council webcast and committee audiocasts, integrating the YouTube videos with the agendas and minutes;
- A web-based workspace where Members of Council can view meeting materials in-meeting and remotely from a variety of desktop and mobile devices; and
- Migration of all web content from SIRE (2012-present) to the new solution.

The Office of the City Clerk and Solicitor is planning to transition to the new solution in the first half of 2019, a process that will include training for Members of Council and their staff, as well as a communication plan to engage public users.

The second phase of the implementation, which will be initiated in 2019, will look at integrating the agenda publishing solution with City staff's internal workflow tools, as well as any additional enhancements to the web portal. Some suggested enhancements that Members of Council have put forward, and will be pursued as part of this phase include:

- Tools to allow City staff, Members of Council and the public to share agenda items on social media; and
- Exploring options to make Members' voting records more accessible, such as through the City's Open Data portal.

PART II – ACCOUNTABILITY AND TRANSPARENCY

Background – Accountability Framework

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

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

In May 2013, Council approved the 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. In August 2013, the Integrity Commissioner's contract was renewed for a five-year term. In November 2017, Council approved a two-year extension to the Integrity Commissioner's contract to provide consistency in the development of new, mandatory elements of the Accountability Framework resulting from legislative changes to the *Municipal Act, 2001*.

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.

The 2018-2022 Governance Review process has focused on the implications of Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*. As outlined in the staff report entitled, "[Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017 – Changes to the Municipal Act, 2001, the Municipal Conflict of Interest Act, and the Municipal Elections Act, 1996](#)," Bill 68 has made significant changes to municipal accountability and transparency. The majority of these changes are set to come into force on March 1,

2019, and the Integrity Commissioner is bringing forward recommendations to ensure Council is prepared to meet its statutory obligations when the new provisions take effect.

The Office of the City Clerk and Solicitor provides administrative support to the Accountability Framework. As noted in the Bill 68 report, it is difficult to predict the ongoing volume of work that will be required of the Integrity Commissioner following the implementation of the legislative changes. Staff will monitor the volume of day-to-day work and assess the need for additional resources.

2018 Annual Report of the Integrity Commissioner

That the 2018 Annual Report of the Integrity Commissioner, attached as Document 2, be received

Presently under Section 223.3 of the *Municipal Act, 2001*, municipalities may appoint an Integrity Commissioner who is responsible for the application of a Code of Conduct for Members of Council and local boards and any procedures, rules and policies that govern the ethical behaviour of Members of Council and local boards. As of March 1, 2019, every municipality will be required to provide for the services of an Integrity Commissioner, either by appointing its own Integrity Commissioner or by making arrangements to engage the services of an Integrity Commissioner of another municipality.

On August 29, 2012, Robert Marleau was appointed as the Integrity Commissioner for the City of Ottawa. Mr. Marleau served an initial one-year term which was subsequently renewed for an additional five-year term. In November 2017, Council approved a two-year extension to the Integrity Commissioner's contract to provide consistency in the development of the new, mandatory elements of the Accountability Framework as a result of Bill 68.

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

As part of his mandate, Mr. Marleau is responsible for providing City Council with an annual report on the various aspects of his role as Integrity Commissioner, including a summary of complaints, investigations and advice provided and makes any recommendations for any changes to the approved policies and processes. The 2018

Annual Report also explains the Integrity Commissioner's recommendations related to the new, mandatory elements of the Accountability Framework.

The 2018 Annual Report of the Integrity Commissioner is attached as Document 2.

Legislative Requirements under Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*

Draft Code of Conduct for Members of Local Boards By-law

Establish the draft *Code of Conduct for Members of Local Boards By-law*, as described in this report and in Document 2, and attached as Document 3

As of March 1, 2019, Ontario municipalities are required to establish a code of conduct for members of council and members of local boards. Furthermore, in February 2018, the Minister of Municipal Affairs issued *Ontario Regulation 55/18*, prescribing specific subject matters that must be included in a code of conduct for members of council and local boards. The prescribed subject matters are as follows:

- Gifts, benefits and hospitality;
- Respectful conduct, including conduct toward officers and employees of the municipality or the local board;
- Confidential information; and
- Use of property of the municipality or of the local board.

The Code of Conduct for Members of Council has been in place for over five years and includes all four of the prescribed subject matters. The Code of Conduct for Citizen Members of the Built Heritage Sub-Committee, approved in December 2014, also includes the required subject matters.

In order to comply with the new mandatory requirement in the *Municipal Act, 2001*, City Council must adopt a code of conduct for its local boards containing, at a minimum, the four prescribed provisions. Under the Act, administration and oversight of the code of conduct for local boards is assigned to the Integrity Commissioner.

The Integrity Commissioner is recommending one code of conduct for the City's local boards, with additional obligations for the City's adjudicative board (also considered a local board under the *Municipal Act, 2001*) in recognition of the independent nature of its work. The Integrity Commissioner recognizes that members of the City's local boards

are predominately volunteers, appointed by City Council, who serve on these bodies for the benefit of the City. The proposed code of conduct reflects this understanding while meeting the requirement for a codified standard of ethics for members of local boards.

As is proposed below for the existing codes of conduct for Members of Council and citizen members of the Built Heritage Sub-Committee, it is recommended that the Code of Conduct for Members of Local Boards be enacted as a by-law to confirm that it is part of the statutory scheme governing the work of the Integrity Commissioner.

Municipal Conflict-of-Interest Framework

That the Integrity Commissioner engage an external lawyer, on retainer, as described in this report and in Document 2;

Adopt the process for publicly registering declarations of interest, as described in this report and in Document 2

Bill 68 has established a new regime for matters related to the *Municipal Conflict of Interest Act* (MCIA). Amendments to both the *Municipal Act, 2001* and the MCIA will give municipal Integrity Commissioners the responsibility to provide advice and education with respect to the MCIA and to establish a new complaint and investigative process for conflict-of-interest applications. The provisions associated with the new regime come into effect on March 1, 2019.

Presently, Members of Council are personally responsible for seeking independent legal advice with respect to municipal conflicts of interest. After March 1, 2019, conflict of interest advice provided by municipal Integrity Commissioners will not only help guide Members of Council who have sought the advice, but may also factor in to a judge's decision when considering penalties for a contravention of the MCIA.² For this reason, the Integrity Commissioner will need to retain the services of an external lawyer(s), on retainer, who would be accessible to the Integrity Commissioner for the provision of legal advice on the MCIA to his Office as well as to Members of Council and members of local boards.

Bill 68 also requires that municipalities and local boards establish and maintain a public registry for declarations of interest. The registry must include a copy of each written statement that a Member of Council and a member of a local board files with the

² A judge may consider whether the Member "took reasonable measures to prevent the contravention," sought, obtained and acted in accordance with advice from the Integrity Commissioner, or "committed the contravention through inadvertence or by reason of an error in judgment made in good faith."

Clerk/secretary of the local board; as well as a copy of each declaration of interest that the Clerk/secretary of the local board records in the minutes.

The Integrity Commissioner recommends developing a simple online registry, in a format similar to that of the Gifts Registry, to be maintained by staff in the Office of the City Clerk and Solicitor. The registry will include the following information and elements:

- Member's name and Ward or local board, as appropriate;
- Date and meeting at which the interest was disclosed;
- General nature of the interest as stated in the member's written statement of interest; and
- Link to the minutes of the meeting wherein the member's declaration of interest is recorded.

The registry would be posted in the "Accountability Framework" section on ottawa.ca.

Code of Conduct for Members of Council and Related Policies

Establish the draft *Code of Conduct for Members of Council By-law*, as described in this report and in Document 2, and attached as Document 4;

Establish the draft *Code of Conduct for Citizen Members of the Built Heritage Sub-Committee By-law*, as described in this report and in Document 2, and attached as Document 5

As noted above, all Ontario municipalities will be required to adopt a code of conduct for members of council by March 1, 2019. At the City of Ottawa, the Code of Conduct for Members of Council and its associated Complaint Protocol took effect in July 2013. Shortly thereafter, the Code of Conduct for Citizen Members of the Built Heritage Sub-Committee was approved as part of the 2014-2018 Governance Review Report.

Some technical amendments are required to both codes of conduct and the Complaint Protocol. These changes are limited to updating references to legislation and/or City policies in addition to required amendments resulting from Bill 68. The specific changes are discussed in the Integrity Commissioner's 2018 Annual Report (attached as Document 2). As noted above, the Code of Conduct for Members of Council and the Code of Conduct for Citizen Members of the Built Heritage Sub-Committee include the prescribed subject matters set out in *Ontario Regulation 55/18*.

Finally, as discussed in his 2016 Annual Report, the Integrity Commissioner recommends that City Council approve the Code of Conduct for Members of Council and its associated Complaint Protocol as a by-law, to form part of the Council's overall statutory scheme. The Integrity Commissioner made this recommendation in light of the September 2016 Divisional Court decision in *Di Biase v. Vaughan*.

The Code and Complaint Protocol currently exist in a report/policy format that is encompassed in the *Confirmation By-law* which, enacted at the end of every meeting of Council, provides that every decision of Council is made by by-law.

By way of background, Michael Di Biase is a former Regional Councillor and Deputy Mayor for the City of Vaughan. In April 2015, the Integrity Commissioner for the City of Vaughan forwarded a report to Vaughan City Council on her investigation concerning complaints regarding Di Biase's actions, including allegations of improper use of influence to further one company's business interests with the City. Vaughan City Council accepted the Integrity Commissioner's report and imposed the penalty recommended by the Commissioner: suspension of the Councillor's pay for 90 days. Di Biase then brought forward an application for judicial review to overturn both the Integrity Commissioner's report and recommendation, and Vaughan City Council's decision to accept the Integrity Commissioner's report. The Divisional Court's September 2016 decision in *Di Biase v. Vaughan* dismissed that application.

The decision in *Di Biase v. Vaughan* indicated the value of having the Code and Complaint Protocol exist as legislative instruments. In his application to the Divisional Court, Di Biase's counsel advanced the objection that the Integrity Commissioner and the City of Vaughan denied Di Biase natural justice and breached procedural fairness by relying on a non-transparent investigation process in relation to a Code of Conduct investigation concerning alleged complaints against the Regional Councillor and Deputy Mayor.

The Court found that the Integrity Commissioner had followed the Complaint Protocol, which, as a by-law, had been codified by Council. As part of the statutory scheme governing the Integrity Commissioner, the Complaint Protocol met the Court's test of natural justice and procedural fairness.

The decision indicated the importance of establishing the Code and Complaint Protocol as by-laws to confirm these items are unquestionably part of the statutory scheme governing the work of the Integrity Commissioner. Accordingly, the Integrity Commissioner is recommending a draft by-law for the Code of Conduct for Members of Council and the Code of Conduct for Citizen Members of the Built Heritage Sub-

Committee, along with a corresponding Complaint Protocol for each code, as set out in Document 4 and 5 respectively.

PART III – LOCAL BOARDS

The *Municipal Act, 2001* (the Act) sets out general and specific powers that provide for municipal governance and service delivery. As described below in more detail, this includes broad authority regarding matters relating to “local boards,” which, generally speaking, include a variety of local entities (Agencies, Boards, Committees and Commissions) that typically have ties to an element of municipal business.

Under the Act [as well as the *Municipal Elections Act, 1996* (MEA)], each local board may be subject to provisions that requires it to establish certain policies or makes it subject to certain oversight mechanisms. As Council has broad authority and a statutory oversight role with respect to certain local boards, it is necessary to determine which of the local entities are considered to be “local boards” of the City for the purposes of the relevant legislative requirements.

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

Additional background is provided below regarding Council’s oversight role with respect to local boards, as well as the statutory requirements for local boards under the Act and MEA, and how a “local board” is determined for the purpose of each of the requirements.

Council oversight of local boards

Sections 8, 9 and 10 of the Act speak to the broad authority of municipalities with respect to governance matters, including a municipality’s oversight authority with respect to “local boards”.

Subsection 8(1) of the Act states that, “The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality

to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues." Section 9 further states that, "A municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act."

Under Subsection 10(2) of the Act, single-tier municipalities in Ontario have 11 areas of broad authority, including the authority to pass by-laws respecting the following [emphasis added]:

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

How is "local board" defined for requirements under the Municipal Act, 2001 and the Municipal Elections Act, 1996?

Subsection 1(1) of the *Municipal Act, 2001* provides a broad definition of "local board," as follows:

"'local board' means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority."

However, the broad definition of "local board" is further refined within the legislation for various provisions and requirements under the Act, as noted below:

Requirement	Specific definition of "local board" for the purposes of the requirement
<p>Procedure By-law</p> <p><i>Subsections 238(2), 238(2.1)</i></p> <p>Certain local boards are required to pass a procedure by-law for governing the calling, place and proceedings of</p>	<p>"'local board' does not include police services boards or public library boards"</p>

meetings, including public notice of meetings.	
<p>Mandatory policies</p> <p><i>Subsection 270(2)</i></p> <p>Certain local boards must adopt and maintain policies with respect to:</p> <ol style="list-style-type: none"> 1) The sale and other disposition of land; 2) Hiring of employees; and 3) Procurement of goods and services. 	<p>“‘local board’ means,</p> <p>(a) a local board as defined in section 1, excluding a police services board and a hospital board,</p> <p>(b) an area services board, a local services board, a local roads board and any other board, commission or local authority exercising any power with respect to municipal affairs or purposes in unorganized territory, excluding a school board, a hospital board and a conservation authority,</p> <p>(c) a district social services administration board,</p> <p>(d) a local housing corporation as defined in the Housing Services Act, 2011, despite clause 26 (b) of that Act, and</p> <p>(e) any other prescribed body performing a public function.”</p>
<p>Open meeting requirements</p> <p><i>Sections 239, 239.2</i></p> <p>Certain local boards must hold open meetings except in particular circumstances set out in the <i>Act</i>. Certain local boards will also be subject to a municipality’s Meetings Investigator appointed to review requests for investigation regarding whether a meeting of a local board was properly closed to the public.</p>	<p>“‘local board’ does not include police services boards or public library boards”</p>

<p>Code of conduct for members of local boards</p> <p><i>Section 223.2, as amended by Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017</i></p> <p>As of March 1, 2019, members of certain local boards will be subject to a mandatory code of conduct for members of local boards as established by Council.</p> <p>This provision is described in more detail elsewhere in this report and in the staff report titled "Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017 – Changes to the Municipal Act, 2001, the Municipal Conflict Of Interest Act, and the Municipal Elections Act, 1996."</p>	<p>“‘local board’ means a local board other than,</p> <p>(a) a society as defined in subsection 2 (1) of the <i>Child, Youth and Family Services Act, 2017</i>,</p> <p>(b) a board of health as defined in subsection 1 (1) of the <i>Health Protection and Promotion Act</i>,</p> <p>(c) a committee of management established under the <i>Long-Term Care Homes Act, 2007</i>,</p> <p>(d) a police services board established under the <i>Police Services Act</i>,</p> <p>(e) a board as defined in section 1 of the <i>Public Libraries Act</i>,</p> <p>(f) a corporation established in accordance with section 203,</p> <p>(g) such other local boards as may be prescribed”</p>
<p>Expanded role of municipal Integrity Commissioner</p> <p><i>Section 223.3, as amended by Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017</i></p> <p>The City's Integrity Commissioner will have an expanded role with respect to the <i>Municipal Conflict of Interest Act</i> (“MCIA”) and local boards.</p> <p>This provision is described in more detail elsewhere in this report and in the staff report titled "Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017 – Changes to</p>	<p>“‘local board’ means a local board other than,</p> <p>(a) a society as defined in subsection 2 (1) of the <i>Child, Youth and Family Services Act, 2017</i>,</p> <p>(b) a board of health as defined in subsection 1 (1) of the <i>Health Protection and Promotion Act</i>,</p> <p>(c) a committee of management established under the <i>Long-Term Care Homes Act, 2007</i>,</p> <p>(d) a police services board established under the <i>Police Services Act</i>,</p>

<u>the <i>Municipal Act, 2001</i>, the <i>Municipal Conflict Of Interest Act</i>, and the <i>Municipal Elections Act, 1996</i>.</u>	<p>(e) a board as defined in section 1 of the <i>Public Libraries Act</i>,</p> <p>(f) a corporation established in accordance with section 203,</p> <p>(g) such other local boards as may be prescribed”</p>
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The *Municipal Elections Act, 1996* similarly includes a broad definition of local board that is further defined, as noted below:

Requirement	Specific definition of “local board” for the purposes of the requirement
<p>Election-Related Resources Policy (Rules and Procedures)</p> <p><i>Section 88.18</i></p> <p>Certain boards must establish rules and procedures regarding use of board resources during the election campaign period</p>	<p>Under Subsection 1(1) of the <i>Municipal Elections Act, 1996</i>, the broad definition of “local board” is [emphasis added]:</p> <p>“a local board as defined in the <i>Municipal Affairs Act</i>, including a police village.”</p> <p>Subsection 1(1) of the <i>Municipal Affairs Act</i> provides the following, more detailed, definition of the term “local board”, as follows:</p> <p>“‘local board’ means a school board, municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof”</p>

How is a “local board” determined if the local entity is not expressly identified in the legislative definition?

While the above-noted definitions include some specific entities that are or are not considered to be “local boards” for certain requirements under the legislation, there are other entities that are not expressly identified within the definitions but that may still be considered to be “local boards” for the purposes of those requirements. A case law test has been developed to assist in identifying these entities.

By way of background, on November 28, 2007, Council considered the staff report titled, “[Bill 130 – A Review of Ottawa’s Agencies, Boards, Committees and Commissions](#),” which provided the first review of local entities to determine which are considered to be the City of Ottawa’s “local boards”. The methodology set out in that 2007 report included a four-part test of criteria that Courts have considered when determining whether a particular entity not expressly identified in the Act is deemed to be a “local board”. The test was later applied by the Ontario Ombudsman in closed meeting reports.

Briefly, the four-part test includes as follows:

1. A direct link with the municipality must be found (either by way of legislation or authority from the municipality);
2. The entity must be carrying on the affairs of the municipality (as set out in the definition of the *Municipal Act, 2001*);
3. There must be a connection to or control by the municipality; and
4. There must be an element of autonomy.

Further to a recent Divisional Court ruling, a new part has been added to this test. On August 28, 2017, a decision released in the case of *City of Hamilton v. Ombudsman of Ontario, 2017* (ONSC 4865) established an additional indicator that an entity may have “local board” status in certain circumstances.

In the above-noted decision, the Court found that the City of Hamilton’s Election Compliance Audit Committee and Property Standards Committee were not “local boards” for the purposes of the open and closed meeting provisions in the *Municipal Act, 2001*. In particular, the Court found that the purpose of these entities, as defined in their respective enabling legislation and as established by the City of Hamilton, was inconsistent with the City’s authority to dissolve a local board and assume its functions. In both instances with the Hamilton committees, the Court determined that the Council could not dissolve those committees and take over the responsibilities of those entities.

Specifically, the Court's decision notes that the *Municipal Act, 2001* gives municipalities the power to dissolve local boards and assume their powers, noting that Section 216 of the Act "confirms that a municipality has the authority to dissolve (or change) a 'local board' with listed exceptions." The decision further stated as follows [emphasis added]:

"Neither an Election Compliance Audit Committee nor a Property Standards Committee is listed as an exception to this power [for the municipality to dissolve local boards and assume their powers]. Further, under O.Reg. 582/06 ("Dissolution of and Assumption of Powers of Local Boards"), where a local board is dissolved by a municipality, the powers of the local board vest in the municipality and the municipality stands in the place of the local board for all purposes. The general language in the s. 1(1) definition must be interpreted within this statutory context. This power is a significant factor for the Committees at issue here ..."

Accordingly, in certain circumstances, an additional indicator that an entity has "local board" status may be as follows:

5. Whether the municipality has the ability to dissolve the entity and assume its functions pursuant to Section 216 of the *Municipal Act, 2001* and *Ontario Regulation 582/06: Dissolution of and Assumption of Powers of Local Boards*.

As noted below, the relevant legislative provisions and case law test have been applied to provide an update for the 2018-2022 Governance Review regarding which local entities are considered to be "local boards" of the City of Ottawa for the various requirements under the *Municipal Act, 2001* and the *Municipal Elections Act, 1996*.

Local Board Review and Compliance Update

Receive the updated listing of local boards in Document 6 and the status report on the compliance of the City's Agencies, Boards and Commissions (ABCs) with respect to their *Municipal Act, 2001* policy requirements, as outlined in the report; and direct staff to provide a further update on ABC compliance as part of the 2018-2022 Mid-term Governance Review

Given Council's statutory oversight role with respect to local boards, past governance reviews have examined the City's Agencies, Boards and Commissions (ABCs) to determine which of these entities is a "local board" of the City subject to policy (and procedure by-law) requirements under the *Municipal Act, 2001* (the Act). An updated list

of entities that qualify as “local boards” is attached as Document 6, titled, “Update on the City of Ottawa’s Local Boards (Agencies, Boards, Committees and Commissions).”

The update document also provides information with respect to other mandatory requirements for certain local boards, including open meeting obligations, new code of conduct requirements and the Integrity Commissioner’s expanded role with respect to the *Municipal Conflict of Interest Act*, as described in this report.

Compliance Status

Following previous local board reviews, the Office of the City Clerk and Solicitor has advised those entities identified as local boards of their responsibilities under the Act. Specifically, the affected local boards have been informed of their requirements to pass a procedure by-law and to “adopt and maintain” certain policies.

Local boards have also been provided with templates for a procedure by-law and the relevant policies to assist the boards in drafting their own by-law and policies. Additional work has been done separately with Business Improvement Areas (BIAs), which, under the Act, are “a local board of the municipality for all purposes.” As part of the [2010-2014 Mid-term Governance Review](#), the Economic Development and Innovation Department and the City Clerk and Solicitor Department committed to continue working with the City’s BIAs and the remaining local boards respectively to achieve full compliance.

For the 2018-2022 Governance Review, Boards requiring a procedure by-law and relevant policies have responded to requests from the City Clerk and Solicitor and Economic Development Services to provide an update regarding the status of the by-law and policies. At the time of writing, 62 per cent of the local boards (18 of 29) are fully compliant with respect to the requirements under the Act, compared to 43 per cent of boards that were in full compliance at the time of the [2014-2018 Mid-term Governance Review](#). It is noted that a number of additional BIAs have made efforts to address outstanding policies and some have indicated that they will be finalizing those policies at Annual General Meetings in Q4 2018 if they have not already done so by the time Council considers this report.

Economic Development Services will continue to support the Office of the City Clerk and Solicitor in an effort to ensure that the remaining local boards achieve full compliance. In order to meet Council’s oversight responsibilities for local boards, it is recommended that staff be directed to provide a further update as part of the 2018-2022 Mid-term Governance Review.

Guidance and Guidelines to Assist Selection Panel Members

Receive an update on guidance and guidelines for selection panel members as described in this report

On January 28, 2015, Council considered the report titled, "[Appointments to the Ottawa Public Library Board](#)", and issued the following direction to staff:

"That staff, as part of the mid-term governance review, look at providing selection panel members with guidance and guidelines (e.g. grids and scoring mechanisms) to assist with the selection of citizen members for the boards and commissions."

During interviews with Members for the 2014-2018 Mid-term Governance Review, the City Clerk and Solicitor advised Members that guidance and guidelines would be brought forward as part of the 2018-2022 Governance Review so that they may be used in the selection process for citizen members for Boards and Commissions for the 2018-2022 Term of Council.

The City's current [Appointment Policy](#) requires that the selection panel determine selection criteria to assess applications (including expertise and the need to reflect the community), as well as the interview questions for candidates, which applicants will be interviewed based on their criteria. The policy further states that the Committee Coordinator/Recruitment Coordinator will provide advice and assistance to the selection panel. The Coordinator prepares packages for the selection panel, including a summary of all applications (names, qualifications that are met, ward, gender, and diversity information disclosed), copies of all applications, and a list of next steps for the recruitment process.

For the 2018-2022 Governance Review, the Clerk's Office has developed a new online form that includes specific questions for some committees and boards to highlight relevant information for selection panel members. Some of the feedback from stakeholders on the new form will be forwarded to selection panels as it may assist in determining selection criteria.

Further, the Coordinator is available as needed to provide recommendations to the selection panel on selection criteria and/or candidates for shortlisting. The Coordinator is further available to prepare interview questions and interview scoring grids.

As different selection panels may wish to have different levels of support from staff, the Committee Coordinator will state that the above assistance is available in the covering memos to selection panels for the 2018 recruitment.

The staff support as described above is comparable to support provided in the City of Toronto's Public Appointments Policy, Part 8, and the City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees. However, selection panels in Toronto may be guided by position-related criteria set by Council, whereas the City of Ottawa's Appointments Policy states that selection panels must determine selection criteria. In Hamilton, staff assist with determining a short list of candidates for the Selection Committee based on three criteria: (1) related competencies, (2) previous committee experience and (3) number of citizens who applied.

It is also noted that the Ottawa Public Library Board has developed and documented a preferred "Skills and Competency Profile" for library trustees, as described below in more detail.

Furthermore, as discussed in more detail in the Appointment Policy section of this report, Council on March 28, 2018, approved Motion 66/5, which included a direction from the Mayor that the City Clerk and Solicitor review the City's recruitment, selection and appointment practices for Advisory Committees with the goal of appointing 50 per cent representation of women in the 2018-2022 Term of Council. Proposed amendments relating to this goal are described in the Appointment Policy section.

Other Local Boards and Related Matters

Crime Prevention Ottawa

As described in the Advisory Committee section of this report, it is recommended that Crime Prevention Ottawa be provided with the responsibility to establish an advisory committee to be designated the City's Community Safety and Well-being Advisory Committee in order to meet new requirements under the *Police Services Act* as amended by Bill 175, the *Safer Ontario Act, 2018*, which are to come into force on January 1, 2019. This recommendation would require some amendments to the Terms of Reference for Crime Prevention Ottawa, as set out in the Advisory Committee section.

Potential Establishment of a Municipal Service Board

Under Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*, regulations regarding the "Prudent Investor" came into force on March 1, 2018. In their current iteration, these regulations would allow for a wider variety of investment options for the City of Ottawa, but an Investment Board in the form of a municipal service board (local board) would be required for the purpose of managing invested funds.

Municipalities in Ontario are permitted under Section 196 of the *Municipal Act, 2001* (the Act) to establish municipal service boards to control and manage a broad range of municipal services such as public utilities, waste management, transportation systems, parking, culture, parks and recreation and heritage facilities. Pursuant to Subsection 197(3) of the Act, a municipal service board is deemed to be a "local board of the municipality for all purposes."

At the present time, the City of Ottawa has no municipal service boards. That being said, staff are exploring the possibility of establishing a new municipal service board for the purpose of managing invested funds, following the recent legislative changes under Bill 68. By way of brief background, Bill 68 was adopted by the Ontario Legislature and received Royal Assent on May 30, 2017. The Bill included changes that relate to municipal finance, as noted in the report titled, "[Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2017 – Changes to the Municipal Act, 2001, the Municipal Conflict of Interest Act, and the Municipal Elections Act, 1996](#)," which was considered by Council on November 22, 2017.

Treasury staff are analyzing opportunities regarding the City's prudent investor status and potential courses of action available to the City, including the potential establishment of a municipal service board. The Investment and Endowment Report will include an update on this work and is expected to rise to Council mid-year 2019.

Ottawa Community Lands Development Corporation

That the Ottawa Community Lands Development Corporation Board of Directors be six members, consisting of four Members of Council and two citizen members, as outlined in this report

The Ottawa Community Lands Development Corporation (OCLDC), as approved by Council on October 10, 2007, is incorporated under the *Corporations Act* with the City as the sole shareholder. OCLDC provides an implementation vehicle, controlled by and available at the discretion of Council, to clearly separate the City's land ownership and real estate development from its planning authority role as the municipality under the *Municipal Act, 2001* and the *Planning Act*.

Currently, the Board of Directors of the OCLDC includes eight Members of Council. Officers of the Corporation are appointed from Executive and Senior Management teams by the City Manager.

Board Composition

Staff are recommending changes to the composition of the OCLDC Board to increase expertise available to the board and reduce potential conflict for Directors.

As noted above, City Council currently appoints eight Members of Council to the OCLDC Board. Staff have surveyed other Canadian cities with municipal development corporations to identify best practices for board membership. The five cities surveyed all include citizen members on their development board.

For example, Toronto's board is made up of three Councillors and six citizens. Surrey's board has seven citizen members and no Council members. Calgary's development corporation has a board membership of three elected officials and eight citizens.

Staff are recommending that citizen members be included on the OCLDC board to increase technical and industry expertise available to the board. As such, it is recommended that citizen members have a background in land development, planning, investment banking and/or engineering. Staff are also recommending that citizen members not be restricted to residents of the City of Ottawa in order to assist in identifying candidates without conflicts of interest in future projects initiated by the OCLDC.

With respect to the elected official membership, given the unique qualities of the City of Ottawa and its distinct rural, suburban, and urban areas, it is recommended that the OCLDC Board include the Mayor as well as at least one Councillor from each of the three above-noted areas. Furthermore, to avoid potential conflicts of interest, it would be preferable that Members of Council appointed to the Board not be members of Planning Committee nor from wards that contain significant parcels of land to be handled by the OCLDC.

Ottawa Public Library Board

Under the *Public Libraries Act*, the municipal Council is solely responsible for determining the composition of a public library board. While Council's authority is recognized by the Ottawa Public Library Board (OPLB), the Board has indicated that it believes that it is important that Council be provided with the Board's insights on the

skills, qualifications, and experience that would benefit the library when library trustees are selected.

To that end, the Board has developed and documented a preferred “Skills and Competency Profile” for library trustees, as part of OPL Board Policy #016 – Board Succession Planning. The Skills and Competency Profile was reviewed in 2018 by the Chair and Vice-Chair of the Board, and was forwarded to the Office of the City Clerk and Solicitor in order to assist Council in its consideration of the appointment of trustees for the 2018-2022 Term of Council.

The OPLB is also recommending that appointments to the Board for the 2018-2022 Term of Council consider a minimum one-third continuity of representation [being three members].

Further to the information received from the Board, the Office of the City Clerk and Solicitor will share with selection panel members the Skills and Competency Profile, as well as the recommendation from the Board to consider a minimum of one-third continuity of representation [being three members], in order to assist the selection panel when considering recommended candidates.

Ottawa Police Services Board

While there are no recommendations in this report relating specifically to the Ottawa Police Services Board, Members of Council should be aware that a number of legislative changes are to come into force during the 2018-2022 Term of Council and will result in new requirements for the board as well as Council.

Most of the changes will come into force on January 1, 2020, under Bill 175, the *Safer Ontario Act, 2018*. Bill 175 was adopted by the Ontario Legislature and received Royal Assent on March 8, 2018. The Bill has a significant scope, and effectively overhauls many areas of policing policy. It also includes a number of amendments that affect the role of municipal Councils with respect to policing and police services boards.

Among changes under Bill 175, a new *Police Services Act, 2018* is to replace the existing *Police Services Act* as of January 1, 2020. Once the new Act is in force, the legislation will result in new requirements that will affect Council’s roles and responsibilities with respect to the police services board, including as follows:

- A name change for police “services” boards, which will be known as police “service” boards;

- New requirements relating to Council appointments to police service boards, including an increased focus on diversity as well as a requirement to consider the results of a police record check when making an appointment;
- New requirements relating to the size of a police service board, including a new ability for Council to decide whether it wishes to have a board composed of five, seven or nine members [the current maximum size is seven, which is the size of the Ottawa Police Services Board]. The default size will be five members unless a Council passes a resolution to increase the size;
- New provisions relating to board reporting and information sharing with Council;
- A new process for the resolution of budget disagreements. Specifically, if a police service board is not satisfied that the budget established by Council is sufficient, the matter may be referred to arbitration, rather than to the Ontario Civilian Police Commission, which currently holds hearings on such matters;
- New provisions relating to police service board meetings, including the requirement to publish notice of a meeting, with the proposed meeting agenda, at least seven days before the meeting, “except in extraordinary circumstances.” There will also be new open meeting provisions that provide for meetings to be closed to the public only in specific circumstances that are similar to provisions within the *Municipal Act, 2001*; and
- Establishment of a new, provincially-appointed Inspector General of Policing whose duties will include oversight of police service boards.

Further details regarding the above-noted legislative changes under Bill 175 are provided in Document 16.

Staff continue to review the requirements under Bill 175, and will consult with Members of Council and the Ottawa Police Services Board as required prior to bringing forward to Council any measures that may need to be considered to ensure compliance when any relevant requirements take effect on or after January 1, 2020.

As discussed in more detail in the Advisory Committee and Crime Prevention Ottawa sections of this report, another significant amendment that will come into force under Bill 175 on January 1, 2019, will require Council to prepare and adopt a community safety and well-being plan through a process that requires a community safety and well-being advisory committee to be established. Recommendations relating to this requirement are provided in the Advisory Committee section of this report.

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

Amendments to the *Procedure By-law*

The amendments to the *Procedure By-law* as described in this report and in Document 7

The City's *Procedure By-law* is a governance tool that regulates the manner in which City Council carries out its policy analysis and decision-making. Municipalities are required to have a procedure by-law under Section 238 of the *Municipal Act, 2001*. As part of every governance review process, the Office of the City Clerk and Solicitor undertakes a review of experiences, Member feedback and current best practices to inform further amendments to the *Procedure By-law*.

Document 7 outlines the recommended revisions to the *Procedure By-law*. The proposed amendments include consensus items arising from consultations with Members of Council; recommendations from City Clerk and Solicitor's staff to formalize existing practices or address challenges that have emerged with respect to meeting and report matters; as well as housekeeping amendments to ensure the by-law reflects all current legislation, Council-approved directions, and the City's organizational structure.

A summary of the more substantive changes being recommended follows.

Requirement that formal Inquiries should be submitted 24 hours in advance

Formal Inquiries at Committee and Council are governed by Section 33 of the *Procedure By-law* and by the [Council Inquiry/Motion Tracking process approved by City Council in 2008](#). This process reflects the principle that if the work required to respond to an Inquiry cannot be accomplished within existing resources, or could impact the delivery of existing Council-approved initiatives, Council should approve that work.

Some Members have expressed concern with the volume of formal Inquiries being submitted at Committee and Council, and the perceived impact on staff time and resources. In particular, it was felt that some inquiries are being submitted through the formal process that either:

- Could have been quickly and easily responded to informally by staff, had staff been aware of them in advance, without the process and resources required for a formal Inquiry; or

- Are “significant inquiries” in terms of the scope of work for staff, and as such Council direction should be required before staff begins to expend resources on the response.

In order to address these concerns, it has been suggested that inquiries should be submitted a minimum of 24 hours in advance of the Committee or Council meeting at which they are being introduced. A proposed *Procedure By-law* amendment to this effect is included in Document 7.

Inquiries submitted to the Office of the City Clerk and Solicitor in advance would be forwarded to the appropriate department head for preliminary review to determine whether:

- The information can be provided to the Member directly prior to the meeting;
- The matter should proceed as a formal Inquiry; or
- The Inquiry is of sufficient scope that a motion will be required to direct staff to undertake an investigation.

Expedited Council consideration of Heritage Applications without suspension of the Rules

In the usual course, reports rising from Standing Committee meetings that occur on the Monday or Tuesday prior to a Wednesday Council meeting are routed to the following Council meeting, rather than the one taking place that same week. However, Section 35 of the *Procedure By-law* allows that certain *Planning Act* reports, such as *Zoning By-law* and Official Plan amendments, may be routed to Council early without requiring suspension of the Rules of Procedure, provided that the staff report to the Standing Committee was distributed to all members of Council at least five calendar days in advance of the Council meeting.

Staff are recommending that Heritage Applications, which are subject to the statutory 90-day timeline for consideration under the *Ontario Heritage Act*, be added to the list of items that may be considered under Section 35 of the *Procedure By-law*.

For certain applications under the *Ontario Heritage Act*, if Council fails to make a decision within 90 days (unless there is an agreement with the applicant to extend the deadline) the application is deemed approved. It is worth noting that such applications are also subject to two public Committee meetings prior to Council, being the Built

Heritage Sub-Committee as well as Planning Committee or Agriculture and Rural Affairs Committee as the case may be.

Some Members may recall that as part of the 2014-2018 Governance Review, in order to limit the volume of expedited planning reports, Council implemented a protocol outlining the conditions under which items will be routed to Council early, which includes the concurrence of both the Chair and General Manager. More recently, the Office of the City Clerk and Solicitor and Planning, Infrastructure and Economic Development Department (PIED) have implemented a practice whereby the recommendation to route the report to Council early is included in the report recommendations (when known in advance), or a Motion is drafted for Committee to authorize the expedited routing of the report.

Formalize the Advance Agenda distribution protocol for Planning Application reports to Planning Committee and the Agriculture and Rural Affairs Committee (ARAC)

Staff recommends that a pilot process used by the Planning Committee and ARAC for the timely release of zoning and Official Plan Amendment reports be formalized.

By way of brief background, the City is required by Official Plan policy to provide zoning and Official Plan Amendment reports 10 days before the meeting to people who provide comments on the report or sign up for special notification, or who live within a certain distance of the site being considered. The practice had been to provide such individuals with a copy of the staff report. The staff report was made available to the general public on ottawa.ca seven days before each meeting, as is the case with all reports to Standing Committees.

Under a pilot project that began in February 2018, the staff reports for zoning and Official Plan Amendments were made available to Members of Council and all members of the public on ottawa.ca 10 days before the meeting. The full agenda, including the remaining reports, continues to be published seven calendar days in advance of the meeting.

The pilot project for the earlier public release of zoning and Official Plan Amendment reports has provided additional transparency and treats all members of the public equally with respect to accessing zoning and Official Plan Amendment reports. It is therefore recommended that the practice be formalized in the *Procedure By-law*.

One regular meeting of Planning Committee and Council in January

The *Procedure By-law* currently provides that City Council and Planning Committee currently meet twice a month, except during the months of January, March, July, August, December and October in an election year, where at least one regular meeting shall be held. However, as it has been the longstanding practice that Council and Planning Committee have only had one regular meeting in January of each year, it is recommended that the by-law be updated accordingly.

Given that the Mayor and Chair already have the authority under Subsection 8(3) and 81(1)(f) of the *Procedure By-law* to cancel one or more regular meetings, this change is not expected to reduce the frequency of meetings, but rather provide more clarity around the schedule for Members, staff and the public.

Ex Officio Members of Planning Committee and the Agriculture and Rural Affairs Committee

As noted above, it is recommended that the Chair of Planning Committee sit as an *ex officio* member of the Agriculture and Rural Affairs Committee (ARAC), and that the Chair of ARAC sit as an *ex officio* member of the Planning Committee. Should this recommendation be approved, it is necessary to update the *Procedure By-law* accordingly. It is recommended that the presence of the *ex officio* member in this case be treated in the same manner, procedurally, as the Mayor's presence as an *ex officio* member.

Clarify roles and responsibilities for sending letters on behalf of Council

Members of Council have expressed the need to clarify roles and responsibilities around sending letters or comments on behalf of the City of Ottawa to other levels of government or other external agencies. These can include letters petitioning the provincial or federal government for a policy change or funding request; supporting positions of other municipalities or municipal associations; joining with other municipalities towards a common cause; or staff submitting comments as part of a formal consultation process initiated by another level of government.

Traditionally, such letters have been sent by the Mayor following formal Council approval. However, in some instances, individual Committee Chairs have undertaken such correspondence on behalf of their Committee, or individual Members have issued letters on behalf of themselves. In other instances, staff are expected to provide comments on behalf of the City during a consultation process, often with tight timelines. As a result, there has been some confusion as to the appropriate process for Members and staff to follow under these circumstances.

While Members wanted to preserve the ability for individual Councillors to express their positions on any matter, there was general consensus that Council should approve any formal positions that the City is taking on these matters. As such, it is recommended that the *Procedure By-law* be updated to clarify that where such matters are considered at Committee, Council approval is also required. Further, consistent with the Mayor's role as Chief Executive Officer of the municipality under Sections 225 and 226 of the *Municipal Act, 2001*, it is recommended that the duties of the Mayor, under Section 3 of the *Procedure By-law*, be updated to reflect the Mayor's responsibility to communicate the formal requests and positions of Council to other levels of government as appropriate.

It is anticipated that these clarifications would not only help avoid confusion, but would also add the full force and legitimacy of a formal Council decision to the City's requests.

Where there is an existing Council position on a matter, staff may continue to submit staff comments on behalf of the City that are consistent with that Council position, in consultation with the Mayor and the relevant Committee Chair.

Statutory "power to expel" from a meeting

Subsection 241(2) of the *Municipal Act, 2001* provides that, "The head of council or other presiding officer may expel any person for improper conduct at a meeting." This statutory authority is currently reflected in Section 12 of the *Procedure By-law*, which states as follows:

"12. MEETINGS OPEN TO PUBLIC

- (1) Subject to Section 13, the meetings of the Council shall be open to the public and no person shall be excluded there from except for improper conduct; and
- (2) The Mayor may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting."

As noted in the section of this report relating to the proposed Public Conduct Policy, the Ontario Ombudsman made a number of recommendations in a July 2018 investigation report titled, "Press Pause': Investigation into a meeting of council for the Regional Municipality of Niagara on December 7, 2017," following an incident in which a citizen blogger and journalist were ejected from a Council meeting and had their equipment seized. The ejection and equipment seizure occurred after a digital recorder belonging to the citizen blogger was found running during an *in camera* portion of the meeting.

In the report, the Ombudsman's recommendations with respect to Niagara Region's *Procedure By-law* included as follows:

- That any by-law or policy that references "improper conduct" should include a definition of that term, including reference to specific categories or examples.

With respect to this recommendation, the report stated as follows:

"... neither the revised by-law or the policy defines the term 'improper conduct,' nor do the proposed new policies. In order to ensure consistent application of the region's new process, and to provide general information to the public about conduct that will not be accepted during a council meeting, the region should amend its policy to include a specific definition of 'improper conduct.'

I recognize that the municipality requires some flexibility in evaluating incidents. However, at a minimum, it should generally define 'improper conduct' and refer to categories or examples of impugned behaviour that the policy is intended to address."

- That the procedural by-law and relevant policies should be amended to state that expulsion from a meeting should not take place unless the Chair is satisfied that evidence exists to support expulsion; and
- That the procedural by-law should be amended to specify that, where the Chair exercises authority under the *Municipal Act, 2001* to expel an individual from a meeting, the reasons for the expulsion must be recorded in the meeting minutes.

With respect to these recommendations, the report stated as follows [emphasis added]:

"Expelling an individual from a meeting is a serious step and subject to *Charter* scrutiny. Such decisions should not be made lightly, but objectively and based on evidence. At present, there is no specific reference in the [Region's procedural by-law or policy with respect to managing public spaces] to the need to confirm evidence exists to support a finding of improper conduct before expelling someone from a meeting. In addition, there is no expectation that specific reasons be given to support this action. The region should amend these documents and ensure any relevant policies adopted in future state that expulsion should not take place unless the Chair is satisfied that evidence exists to support expulsion. They should also be revised to require that reasons be formally

recorded in the minutes for the exercise of the Chair's authority. **These improvements would avoid arbitrary decision-making, and render the expulsion process more accountable, transparent, and fair."**

Further to the City of Ottawa's commitment to transparency and accountability, and given the Ombudsman's oversight role with respect to municipalities, staff recommend the *Procedure By-law* be amended to incorporate the Ombudsman's recommendations as set out above.

Among the proposed changes, the *Procedure By-law* would include a definition of "improper conduct" as well as examples of unreasonable behaviour/incident types that include, but are not limited to, examples set out in the draft Public Conduct Policy and Corporate Trespass to Property – Procedures that are also recommended by the Ontario Ombudsman and proposed in this report, as described below.

Amendments to the *Delegation of Authority By-law*

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 and Solicitor 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 following recommended changes were not raised with Members of Council during consultation of this report due to timelines. The staff recommendations are summarized below and the specific reason for each requested change is provided with the description of the proposed amendment. In addition to what is presented below, any further recommended amendments to the *Delegation of Authority By-law* that are needed because of recommendations made elsewhere in this report will be reflected in the final by-law as set out in Document 8.

Main By-law

- Program and position titles have been clarified and updated where required due to changes in staff complements, administrative re-alignments or changes to programs and services.

- Amendments to the *Delegation of Authority By-law* to reflect previous Council approval of staff reports have been made.
- Finally, references to legislation, by-laws and Regulations have been updated as required.

Schedule “B” – Corporate Services

- On March 8, 2017, City Council considered and approved the staff report titled, [“Stage 2 Light Rail Transit Implementation – Project Definition and Procurement Plan.”](#) Recommendations 4(c)(ii) and (iii) delegated authority to the General Manager, Corporate Services as it relates to the approval of real estate transactions involving the acquisition of any interest in, or right to use, real property for the purposes of the Stage 2 Light Rail Transit Project and related works, including any offer of compensation payable under the *Expropriations Act*. As the March 8 report was approved by Council after the 2014-2018 Mid-term Government Review, which was the last review of the *Delegation of Authority By-law*, this approved authority has not been reflected in the by-law. As such, the by-law is being amended to include this previously-approved authority under the current section titled Ottawa Light Rail Project – Property Acquisitions.
- Currently, there are both quarterly and semi-annual reporting obligations for real estate activities whereas other operational areas within Corporate Services have semi-annual reporting. In an effort to streamline reporting requirements, staff are recommending amending Subsections 30(5) and 32(4) to allow for semi-annual reporting of the disposal and acquisition of land or property.
- Section 34 of Schedule “B”, which speaks to authority over the ByWard Market, is being removed, as the governance responsibilities have been assumed by the Ottawa Markets Municipal Services Corporation.

Schedule “C” – City Clerk and Solicitor

- Section 35 of Schedule “C” authorizes the City Clerk and Solicitor to correct clerical, spelling, or minor errors of an administrative nature in reports to Standing Committees and Council by placing the corrected report on the appropriate agenda with a notation made in the disposition that the report has been amended pursuant to this provision. Staff are recommending this be clarified to reflect that the change is noted in the disposition section of the report,

not the Committee Disposition, as the latter document is transitory record that is replaced by the approved Minutes.

Schedule “D” – Community and Social Services

- Staff recommend various amendments to Schedule “D” to provide departmental Managers and Directors the authority to approve, amend, extend or execute agreements with the provincial or federal government. This authority was previously delegated to the General Manager. In keeping with past delegated authority, the agreements must be consistent with the departmental mandate, are at no cost to the City with the exception of associated operational and administrative costs and are within approved budgets.
- In Subsection 9(3), Staff recommends adding the Manager, Children’s Services to the current General Manager’s authority to perform the provincially designated role of service manager under the *Ontario Works Act, 1997* and the provincially designated role of administrator under the *Child Care and Early Years Act*. The existing requirements of the General Manager’s delegated authority under Subsection 9(3) would extend to the Manager.

Schedule “E” – Recreation, Cultural and Facility Services

- Staff are recommending authority be added for the General Manager and the Director, Community Recreation and Cultural Programming to deaccession museum artifacts and historical objects, provided that it is in accordance with department policies and the Corporate Disposal of Assets Policy, is related to approved programs, objectives and budget limits, and contains appropriate insurance, termination, workplace safety and indemnification provisions. De-accessing provides the opportunity to strengthen the City’s collections and addresses the pressures of limited storage space.

Schedule “F” – Emergency and Protective Services

- It is recommended that the Manager, Business Support Services and the Program Manager, Events Central be individually delegated the authority to issue a letter of non-objection with respect to an application for a temporary extension of a liquor sales license for a premise where the applicant holds a valid license and is in compliance with the *Liquor License Act*.
- Staff are recommending a change to allow for a higher threshold for public event special occasion permits. Staff are recommending that the Manager, Business

Support Services and the Program Manager, Events Central be individually delegated the authority to issue a letter of municipal significance in respect of an application to the Alcohol and Gaming Commission of Ontario for a public event special occasion permit for an event where up to 500 people are in attendance at a given time, or the event is proceeding through the City's Special Event Advisory Team process and the event has social, cultural, and/or local economic development impacts within the City of Ottawa and the community will benefit from the event. Staff would be required to notify the Ward Councillor.

- Currently, the Ottawa Fire Services' authority is only with respect to agreements with other municipalities and townships for dispatch services. Staff are recommending that the General Manager, Emergency and Protective Services and the Chief, Ottawa Fire Services be given the authority to approve, amend, execute and extend agreements with the federal and provincial government, contribution agreements, inter-municipal agreements, purchase of service agreements and other agreements related to the operation of the Ottawa Fire Services, provided that the agreements are in accordance with City policies, related to approved departmental programs and objectives, within approved budget limits and contain the appropriate insurance, termination, workplace safety and indemnification provisions.
- Staff are recommending that authority be added for the City's corporate radio project, such that the General Manager and the Manager, Security and Emergency Management be given the authority to approve, amend, execute and extend agreements related to the provision of corporate radios, provided that it is in accordance with City policies, federal and provincial statutes and regulations, approved departmental programs and objections, budget limits and contains appropriate insurance, termination, workplace safety and indemnification provisions.
- Staff are recommending that authority be added for the new Public Policy Development branch such that the General Manager and the Manager, Public Policy Development be given the authority to approve, amend, execute and extend agreements related to the operations of public policy development, provided that it is in accordance with City policies, federal and provincial statutes and regulations, approved departmental programs and objections, budget limits and contains appropriate insurance, termination, workplace safety and indemnification provisions.

- Staff are recommending that authority be added with respect to the public notice of emergency situations. The General Manager and the Manager, Security and Emergency Management have the authority to issue notices to the public about emergency situations and appropriate actions to take in these circumstances. Notification shall be provided to the public as deemed most effective, including public service announcements, interviews, distribution lists, online and mobile applications.
- An amendment is being made to move the fence-viewers authority from Schedule “F” to Schedule “J” – Planning, Infrastructure and Economic Development as the function now resides within the Rural Affairs Office.

Schedule “G” – Transportation Services

- Staff are recommending that authority be given to the General Manager to approve, amend, execute and extend agreements with the provincial or federal government provided that such agreements are consistent with the departmental mandate and are at no cost to the City with the exception of associated operational and administrative costs and are within approved budgets. The exercise of this delegated authority will be reported to the appropriate Standing Committee at least once per year.
- Staff are recommending that authority be given to the General Manager to approve, amend, execute and extend service agreements, contribution agreements and grant agreements provided that such agreements are in accordance with City policies, federal and provincial statutes and regulations, approved departmental programs and objectives, budget limits and contain appropriate insurance, termination, workplace safety and indemnification provisions.

Schedule “H” – Service Innovation and Performance

- Currently, the General Manager and the Director, Service Ottawa have the delegated authority to approve, amend, extend and execute agreements with the provincial or federal government and service, contribution and grant agreements. Staff are seeking to extend that same authority to the Director, Service Transformation.
- In addition to the above, staff are seeking delegated authority for the General Manager, Director, Service Ottawa and the Director, Service Transformation to

approve one-time project-based funding agreements, provided that it is in accordance with City policies, federal and provincial statutes and regulations, approved departmental programs and objectives, budget limits and contains appropriate insurance, termination, workplace safety and indemnification provisions.

Schedule “I” – Public Works and Environmental Services

- The City Manager and the General Manager, Public Works and Environmental Services (PWES) currently have the authority to approve grants and grant agreements related to the High Volume User Program, the Protective Plumbing Program and the Rural Clean Water Program. Staff are seeking to include the Compassionate Grant Program to this authority while removing the Lead Pipe Program as there are no grants associated with this program.
- Section 8 of Schedule “I” provides authority for the General Manager, PWES to approve solid waste facilities, liquid waste facilities and short-term waste facilities. Clarification has been added such that these must be municipally-owned facilities, as the City does not have authority to approve solid waste facilities that follow provincial approval processes.

Schedule “J” – Planning, Infrastructure and Economic Development

- The *Development Charges By-law* gives authority to the General Manager with respect to sanitary sewer oversizing, but the *Delegation of Authority By-law* is silent on this item. Staff are seeking the authority for the General Manager, or designate, to enter into agreements related to oversizing of sanitary sewers in accordance with the *Development Charges By-law*.
- Prior to the corporate re-alignment in 2016, the Director of Infrastructure Services had the authority to establish a separate cost centre for reconstructing city facilities damaged during an emergency situation. Staff are recommending this authority be re-established and granted not only to the General Manager but also to Directors.
- The Intersection and Road Modifications authority allows the General Manager and the Director, Planning Services to proceed with intersection or road modifications, provided that there are no written objections in response to the City’s public notice and the Ward Councillor has concurred with the modifications. Staff are recommending adding a clause to the above-noted

authority such that, where a site plan is subject to road modifications, the delegated authority for the approval of that road modification is the same as the related Site Plan Control authority as set out under Schedule “J”, Sections 13 and 14.

Amendments to the *Procurement By-law*

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 following changes are recommended by the City Treasurer and the Chief Procurement Officer. The recommendations are summarized below and the specific reason for each requested change is provided with the description of the proposed amendment.

- Staff are recommending adding the definition of “Vendor Performance Management Score” (VPMS) to the by-law. VPMS is a rated score given to city vendors and recorded on a web-based platform that documents a vendor’s past performance on City contracts. Where applicable, Supply Services may include Vendor Performance Management Scores in the basis of selection for Request for Quotations, Request for Tenders, Request for Proposals, Request for Standing Offers and Request for Qualifications.
- Staff are recommending adding the word “material” to Subsections 41(1), (2) and (3), being Surplus Stock as follows:
 - s. 41(1) Directors shall submit to Supply Services reports of furniture, vehicles, equipment, stocks of all supplies, and other goods and material, which are no longer used, or which have become obsolete, worn out or incapable of being used.

s. 41(2) Supply Services shall have the authority to transfer furniture, vehicles, equipment, surplus stock, and other goods and material from one Department to other Departments.

s. 41(3) Supply Services shall have the authority to sell or dispose of all furniture, vehicles, equipment, surplus stock, supplies, or other goods and material, which have become unsuitable for use by the City or to exchange or trade the same for new furniture, vehicles, equipment, surplus stock, supplies, or other goods and material.

- A new section is being recommended to give Fleet Services the authority to sell or dispose of all inventoried items (e.g. parts) that have become unsuitable for use by the City or to exchange or trade the same for new inventoried items.
- Subsection 12(6) would be removed to reflect the responsibility of the business owner to conduct and retain documentation of the value or business case analysis.

Amendments to the *Ottawa Fire Services By-law*

The amendments to the *Ottawa Fire Services By-law* as described in this report

In February 2011, the Community and Protective Services Committee (CPSC) Terms of Reference were originally approved by Council. At the time, CPSC had been operating under two Terms of Reference documents approved in 2006 – the Terms of Reference of the former Emergency and Protective Services Committee and the former Health, Recreation and Social Services Committee.

The new CPSC Terms of Reference reflected the increased delegation to Standing Committees that had evolved over several governance reviews. Specifically, the Terms of Reference provided CPSC with oversight over the annual report from Ottawa Fire Services, as follows:

Receive and review the Ottawa Fire Services Annual Report to understand the current levels of service and identify any need and method for improvement to Council.

However, By-law 2009-319 (being a by-law of the City of Ottawa to establish and regulate Ottawa Fire Services), enacted by Council in September 2009, continues to reflect the past practice of presenting the Ottawa Fire Services annual report to Council.

Accordingly, staff recommends a technical amendment to Section 15 of By-law 2009-319, as follows:

ANNUAL REPORT

15. The ~~Fire Chief, Ottawa Fire Services~~, shall prepare and submit to the General Manager of Emergency and Protective Services an annual report to be presented to ~~Council~~ the appropriate City Standing Committee in each following calendar year.

Amendments to the Appointment Policy

The amendments to the Appointment Policy as described in this report and in Document 9

The “Appointment Policy – Citizen Members of City Advisory Committees, Boards and Task Forces, and External Boards, Commissions and Authorities” (the Appointment Policy) governs the recruitment and selection process for all Council-appointed citizen members to various City of Ottawa committees, boards, task forces, sub-committees, commissions and quasi-judicial committees, as well as appointments to external boards and commissions.

The Appointment Policy has been in place since 2001 and was initially focused on Advisory Committees. As part of the 2014-2018 Governance Review, the Appointment Policy was revised to serve as a broad-based policy focused on a fair and clearly-defined public recruitment process for citizen appointments to all City of Ottawa Committees and Boards as well as external boards and commissions where Council is required to appoint public members.

Staff’s review of the Appointment Policy has identified a number of updates that are required. These updates are outlined in Document 9 and summarized below.

Achieving and Maintaining Gender Balance on the City’s Advisory Committees

On March 28, 2018, Council approved Motion 66/5, which included a direction from the Mayor that the City Clerk and Solicitor review the City’s recruitment, selection and appointment practices for Advisory Committees with the goal of appointing 50 per cent representation of women in the next Term of Council.

Currently, the Appointment Policy already provides that, as much as possible, the membership on Advisory Committees, and other citizen appointments, should reflect Ottawa’s diversity and demographics in such areas as gender, official language,

geographic representation, race and disability. Pursuant to Motion 66/5, it is proposed that the policy be amended to specifically provide that appointments should be undertaken with a view to achieving a 50 per cent representation of women on all City Advisory Committees.

Staff are also recommending that the process for appointing reserve members be changed to help maintain that gender balance and other demographic balance, throughout the term.

Currently, as part of the recruitment, selection and appointment process, Council appoints a pool of “reserve members” who can fill any vacancies that may occur between recruitment processes. Currently, these reserve members are prioritized (Reserve 1, Reserve 2, Reserve 3, etc.) such that if there is a vacancy, the first reserve is automatically called up to fill the vacant seat. An IPD Memo is sent to the relevant Standing Committee and Council to advise of the reserve appointment.

Members of Council have observed that this can sometimes unintentionally skew the demographics on the Committee. For example, if the departing member is a woman, and the first reserve is not, then the initial gender balance on the committee is not maintained. To address this, it is recommended that the list of reserve members approved by Council not be prioritized. Instead, the Selection Panel will be delegated the authority to choose anyone from the Council-approved reserve list in the event of a vacancy. The reserve appointment will still be communicated by IPD to the relevant Standing Committee and Council, consistent with the current practice.

It is also recommended that the provisions for Advisory Committee member absences be updated 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.

In order to further reduce barriers for women and other primary caregivers that want to volunteer on City Advisory Committees, staff are also recommending amendments to the Participation Expense Policy to bring the reimbursement rates for childcare and other dependant care in line with current costs of these services. These changes are described further below and outlined in Document 10.

Supporting succession planning/skill transfer for Advisory Committees

Currently, the Appointment Policy provides that Advisory Committee members may be appointed for a two-year or four-year term, and that they may serve two consecutive terms or eight consecutive years on the same Advisory Committee.

It is recommended that the policy be amended to clarify that a Member who has served six years (one four-year term and a two-year term) may serve an additional two years, for a total maximum of eight years.

With this clarification, experienced Advisory Committee members who have been in place since the current Advisory Committee structure was established in 2012 would be eligible for appointment for an additional two-year term. It is anticipated that more overlap between outgoing and incoming Committee members would help ensure the effectiveness of the Committees going forward, by allowing some experienced members to remain while newer members become familiar with the role, meeting procedures and important key issues.

The Appointment Policy has also been updated to reflect the current practice for interviewing applicants, including the recommendation that selection panels consider interviewing returning members who have reapplied, in addition to new members. Through consultations with Advisory Committee Chairs, it has been suggested that interviewing returning and new members will help ensure that all Committee members understand the scope of the role.

Aligning the policy with board-specific legislation

As noted above, the Appointment Policy was revised last Term so that it would be relevant to all City of Ottawa Committees, Boards and public appointments, not just Advisory Committees. As Members are aware, some boards and agencies are also governed by provincial legislation, such as the *Public Libraries Act*, *Police Services Act* or the *Conservation Authorities Act*. As a result, certain provisions of the Appointment Policy may not apply to certain boards. For example, Subsection 5.3 of the policy, with respect to timelines for filling vacancies, would not apply to the Ottawa Public Library Board, as the *Public Libraries Act* specifies that all vacancies must be filled unless there is less than 45 days until the end of the term.

Staff are recommending that the Appointment Policy be amended to clarify that where provisions of the policy are in conflict with legislation, the provincial statute will take precedence.

In addition to the changes described above, the updated Appointment Policy set out in Document 9 also includes housekeeping amendments to reflect the City's current organizational structure, Corporate Policy Template and previous Council decisions.

Amendments to the Advisory Committees' Participation Expense Policy

The amendments to the Advisory Committees' Participation Expense Policy as described in this report and in Document 10

The Advisory Committees' Participation Expense Policy is intended to reimburse Advisory Committee members for actual out-of-pocket expenses incurred in direct relation to their participation as a volunteer member on the Advisory Committee. The policy clearly defines what expenses shall be reimbursed, under what conditions, to whom, and what if any minimum or maximum amounts apply. This helps to ensure that all members clearly understand what is or is not considered a legitimate expense.

This policy has been updated a number of times over the years, and was most recently updated in 2012. Staff are recommending a series of amendments to this policy to update reimbursement rates and clarify reimbursement procedures. These updates are outlined in Document 10 and summarized below.

Dependant Care

Dependant Care expenses incurred to attend official meetings of Advisory Committees are reimbursed under the policy at a given rate. Specialized dependant care for persons with exceptional needs are also reimbursed at a higher rate. Staff recommend the reimbursement rates be updated to reflect the current costs for these services. As outlined in Document 10, the hourly reimbursement amount for standard dependant care has been updated to reflect the current minimum wage. The hourly reimbursement amount for specialized dependant care has also been updated to reflect the current going rate for such specialized care.

Transportation Costs

The policy also provides for reimbursement for transportation expenses related to participating in Advisory Committee meetings, including parking expenses, OC Transpo/Para Transpo fare and mileage reimbursement for members using a personal vehicle.

In consultation with OC Transpo, staff are recommending changes to the policy, as outlined in Document 10, to clarify and simplify reimbursement procedures for

conventional transit and Para Transpo fares, to reflect current operational procedures at Para Transpo and the implementation of the Presto Card.

Staff received feedback from the Accessibility Advisory Committee that, on occasion, members with mobility limitations are unable to secure Para Transpo to attend meetings, and therefore must bear the cost of an Accessible Taxi or Private Transportation Company (PTC) in order to attend meetings.

Staff are recommending that the Participation Expense Policy provide reimbursement of Taxi or PTC fares for members who are unable to secure Para Transpo to attend official meetings of the Advisory Committee, and are unable to take conventional transit.

The mileage rate has been updated for members using a personal vehicle to attend official meetings to remain consistent with the rate provided to City of Ottawa staff.

Given that the policy provides for parking reimbursement for Members' approved participation in a Standing Committee meeting on behalf of their Advisory Committee, and such meetings always occur during daytime hours, it is recommended that the policy be updated to clarify that daytime parking will be reimbursed.

Given the variety of modes of transport that are available for reimbursement, staff are recommending that the policy also be updated to clarify that Members are expected to consider the most economical and practical modes of travel for their particular situation.

These recommended updates are intended to ensure that participation expenses are not a barrier to citizens' participation as volunteer members on the City's Advisory Committees. This is consistent with the general concepts of equity, accessibility and accommodation and Council's goals of ensuring that Advisory Committees will, as much as possible, reflect Ottawa's diversity and demographics. Any additional costs associated with these changes can be accommodated within the existing Committee and Council Services Operating Budget.

Amendments to the *Advisory Committee Procedure By-law* and Code of Conduct

The amendments to the *Advisory Committee Procedure By-law* and Code of Conduct as described in this report and in Document 11

The *Advisory Committee Procedure By-law*, which includes the Advisory Committee Members' Code of Conduct, was last amended in 2007. Staff are recommending a number of housekeeping amendments to reflect the following:

- The current Advisory Committee structure and mandate;

- The establishment of the Planning Advisory Committee in 2017; and
- The City's current organizational structure.

While it is exceedingly rare for Advisory Committees to have an *in camera* meeting, the closed meeting provisions of the *Advisory Committee Procedure By-law* have also been updated to reflect the evolution of the City's approach to closed meetings, and the current legislation. Specifically, the updated by-law clarifies that the City Clerk and Solicitor, in consultation with the City's Integrity Commissioner/Meetings Investigator, must authorize any closed sessions of an Advisory Committee.

In addition, the updated *Advisory Committee Procedure By-law* and Code of Conduct set out in Document 11 also clarifies that Members of Council that sit on Advisory Committees, either as a non-voting liaison, or as voting member such as in the case of the Planning Advisory Committee, are governed by the Code of Conduct for Members of Council. This approach is consistent with the Built Heritage Sub-Committee, where citizen members are governed by the Code of Conduct for Citizen Members and Council Members are governed by the Code of Conduct for Members of Council.

Public Conduct Policy and Corporate Trespass to Property – Procedures

The Public Conduct Policy and Corporate Trespass to Property – Procedures as described in this report and attached in Document 12 and Document 13

“Having a well-publicized policy that establishes clear expectations for the conduct of members of the public and for responding to problematic behaviour, enhances the consistency and transparency of municipal administration. It is a best practice that should be adopted ... for the benefits of ... staff and citizens alike.”

- Ombudsman of Ontario – “‘Counter Encounter’: Investigation into a complaint about the Township of Red Rock” (May 2017)

“Unlike other municipalities, the Town has no by-law regulating its use of trespass notices, or even a trespass policy. I observe that the risk of arbitrary action is higher in the absence of a well-crafted by-law, and there are greater opportunities for uncertainty as to what sorts of actions will be permitted.”

- Ontario Court of Appeal, *Bracken v. Fort Erie (Town)*, 2017 ONCA 668

“A trespass policy can create greater certainty and clearer expectations for staff and the public.”

- Ombudsman of Ontario – “‘Press Pause’: Investigation into a meeting of council for the Regional Municipality of Niagara on December 7, 2017” (July 2018)

In January 2016, the Ontario Ombudsman received a mandate to investigate decisions made by municipalities and to make recommendations based on the findings.³ Since then, the Ombudsman has strongly recommended that municipalities should adopt policies regarding how they address public complaints, as well as policies for responding to unreasonable conduct from members of the public. The City of Ottawa has adopted a robust, internal complaint policy and procedures. However, it currently does not have an overarching policy to guide the response to unreasonable conduct by members of the public.

A number of large and small municipalities in Ontario have already adopted policies to address difficult or unreasonable behaviour by members of the public, wrote the provincial Ombudsman, Paul Dubé, in a May 2017 investigation report titled, “Counter Encounter”. The report found fault with Trespass Notices that the Township of Red Rock issued to a resident under the *Trespass to Property Act* without having such a policy in place. In the report, the Ombudsman stated that such public conduct policies are distinct from workplace violence and harassment policies required by provincial legislation, and that **“they enable administrators to respond in a more appropriate, proportionate and fair manner when dealing with citizens, and specifically include reference to such remedies as trespass notices”** [emphasis added]. The “Counter Encounter” report also recommended that the Township develop and publicize a trespass policy that would set out requirements relating to the issuance of Trespass Notices under the *Trespass to Property Act*.

In reviewing cases relating to the City of Ottawa’s processes for issuing Trespass Notices under the *Trespass to Property Act*, the Ontario Ombudsman’s Office has inquired about the City’s status with respect to establishing specific procedures regarding the issuance of such Notices. Staff have advised the Ombudsman’s Office that recommendations would be forthcoming as part of the 2018-2022 Governance

³ Bill 8, the *Public Sector and MPP Accountability and Transparency Act, 2014*, received Royal Assent in December 2014 and gave the Ontario Ombudsman the discretion, as of January 1, 2016, to investigate any decision or recommendation made or any act done or omitted in the course of the administration of municipalities, their local boards and municipally-controlled corporations, regardless of whether or not the Ombudsman receives a formal complaint.

Review. In consultations with Members of Council for the Governance Review, there was a consensus of support for establishing a broad, overarching policy that would set out the expectations and guide the possible responses to unreasonable behaviour and frivolous and/or vexatious requests, including specific procedures for the issuance of Trespass Notices under the *Trespass to Property Act*.

As noted by the Ombudsman, public conduct policies can help to guide the response from the City to a range of unreasonable conduct, including vexatious and/or frivolous requests, aggressive, disrespectful or intimidating behaviour, and bullying and harassment. Such conduct may occur over the telephone, online, or face-to-face at a City meeting, program, service, event, property or facility.

While such behaviour from members of the public is very much in the minority of the interactions that City staff and elected officials may have in the course of their duties, it can have significant impacts on those staff and Members of Council, as well as on corporate resources and other residents. Some situations involving unreasonable behaviour may cause concern for the reasonable safety of individuals on municipal premises, which is something the City has a statutory duty to ensure. Other situations may compromise the enjoyment of municipal facilities for all users.

Furthermore, frivolous, vexatious and/or unreasonably persistent requests may consume a disproportionate amount of staff time and impede staff from attending to other essential issues, thereby compromising the City's ability to provide service in an equitable, efficient and effective manner. This is especially true in those instances when a resident writes essentially the same e-mail, and/or multiple e-mails, to various staff across the City, seeking a preferred response. Similarly, this can happen when a resident has received a reply from staff but repeatedly recasts their e-mail into a slightly revised question. The Ombudsman's Office has referred to these persons as "querulants," a word derived from the Latin word "querulous" – complaining. In effect, it denotes a person who obsessively feels wronged, often about a relatively minor matter, and repeatedly petitions authorities or pursues legal actions on unfounded grounds.

Currently, staff may apply restrictions on a member of the public's contact with the City through existing department-specific protocols and/or practices with respect to the issuance of Trespass Notices. Since any such restrictions on contact with the City could have serious consequences for an individual – including restricting their access to services and staff and/or affecting the individual's fundamental right to attend on public property – a fair and consistent approach should be used to ensure procedural fairness is provided. Any limitations should be applied in a manner that is clear, reasonable,

equitable, transparent and proportional to the individual's action(s). According to the Ontario Ombudsman and other similar oversight offices, a written policy can help to ensure that a measured and consistent approach is followed. As noted above, the Courts have also stated that having written procedures in place to guide trespass matters can reduce the risk of arbitrary action.

Staff recommend that Council adopt the draft Public Conduct Policy and Corporate Trespass to Property – Procedures attached as Documents 12 and 13. The proposed policy and the associated procedures are based on best practices from Ombudsman Offices, and include much of the same language, provisions and other features from other municipal policies cited in the Ontario Ombudsman's reports that recommend such protocols be adopted. This includes provisions defining the specific types of unreasonable conduct and providing examples of such behaviour and actions, as well as requirements for documentation, the issuance of notices to affected individuals, and appeal/review processes.

The City Clerk and Solicitor, to whom Council has delegated the powers and duties as "head of a public sector body that is a municipality" for the purposes of the *Ombudsman Act*, has been in contact with the Office of the Ontario Ombudsman during the process of developing the proposed policy. It is noted that the Ombudsman's Office is currently establishing its own procedures with respect to conduct by members of the public, and recently published some expectations relating to interactions with the Office that provide for service restrictions, as described below in more detail. The Ontario Ombudsman's Office has also received training from the New South Wales Ombudsman, which is a leader in best practices relating to what the New South Wales Ombudsman describes as "unreasonable complainant conduct" faced by public organizations. The proposed policy incorporates elements of a Model Policy developed by the New South Wales Ombudsman for addressing unreasonable complainant conduct. Staff have also consulted with the Integrity Commissioner regarding the proposed policy, particularly as it applies to Members of Council and their Code of Conduct.

Additional information is provided below regarding the purpose of a public conduct policy, the City's authority to implement such a policy and related trespass procedures, as well as relevant legal considerations and details of the proposed policy and procedures. In addition, some details regarding a forthcoming Corporate Security Service Review are discussed for Council's information.

The purpose of a Public Conduct Policy

*“To ensure transparency, accountability, fairness and consistency in the management of UCC [unreasonable complainant conduct], it is essential for an organization to have a written UCC policy and procedure(s) for its staff. **A written policy and procedures will ensure that staff are aware of their roles and responsibilities and have clear guidance and authority to deal with UCC on a daily basis. A written policy and procedure will also provide a reference point for all complainants whose conduct is managed in accordance with it, as well as review bodies, courts or tribunals that may subsequently be tasked with reviewing their application.**”*

- New South Wales Ombudsman, “Guideline to Accompany the Unreasonable Complainant Conduct Model Policy” (February 2013)

*“Procedural fairness concerns how the decision was made. **It includes the duty of fairness, which provides the person affected with the right to notice that an adverse decision is going to be made, the right to respond to the decision maker and the right to an unbiased decision. The process must be transparent and easily understood.** The individual must be provided with a clear explanation for the grounds on which the trespass notice is based.”*

- Toronto Ombudsman, “Banned Indefinitely: Safety or Punishment? An Investigation into a Parks, Forestry and Recreation Decision to Ban an Individual” (March 5, 2010)

As a public organization with duties and responsibilities to residents and employees, the City of Ottawa strives to ensure that resources are used effectively and efficiently, while maintaining a high level of customer service and responsiveness, and promoting a respectful, tolerant and harassment-free workplace. The City also owns or occupies various properties and buildings used by members of the public or employees for a variety of purposes, including work, recreation and cultural activities, learning, accessing municipal and other programs and services, along with furthering public discourse and participating in democratic processes and values protected under the *Canadian Charter of Rights and Freedoms*.

Given the millions of interactions residents have with City services and activities each day, a relatively small number of service requests and complaints are received, and most are resolved without issue. For an even smaller number of complainants, however, the approach to resolving issues becomes a concern. The New South Wales Ombudsman has described these complainants for public organizations as follows [emphasis added]:

“... Their anger about their complaint or its outcome is often translated into aggressive and abusive behaviour towards the organisations and staff handling their complaints. These complainants threaten harm, are dishonest, provide intentionally misleading information or deliberately withhold information that is relevant to their complaint. Some of them bombard organisations with unnecessary telephone calls, emails and large amounts of irrelevant information or insist on things they are not entitled to and outcomes that are clearly not possible or appropriate in the circumstances. At the end of the process, these same complainants are often unwilling to accept decisions and continue to demand further action on their complaints even though they have exhausted all available internal review options.

It is also very common for this category of complainants to lose perspective and change the focus of their complaints from the substantive issues and the people or organisation(s) responsible for them, to allegations of incompetence, collusion, conspiracy and corruption against the case officers and organisations that they have approached to resolve those issues. As such, it is not uncommon to find that their complaints have grown over time and have been unnecessarily escalated to multiple organisations at the same time – where they re-enter the complaints cycle all over again.

*In a nutshell, **these complainants behave in ways that go beyond what is acceptable from people, even when they are experiencing a wide range of situational stress.***⁴

In addition, there may be situations – which may or may not be related to a complaint or request – in which individuals behave in a manner that is aggressive, disrespectful or intimidating, or bully, harass or use coarse language or engage in criminal behaviour while accessing a City program, service, event, facility and/or property.

As noted above, any restrictions the City applies to an individual in response to such behaviour, such as limitations on correspondence with staff or access to City services, or a Trespass Notice under the *Trespass to Property Act*, may have serious consequences for the individual, and therefore should be applied in a manner that is clear, equitable and consistent.

⁴ New South Wales Ombudsman, “Managing Unreasonable Complainant Conduct: Practice Manual,” 2nd Edition (May 2012), Page 2.

In reviewing complaints and appeals regarding restrictions that municipalities have placed on individuals when responding to unreasonable conduct, Ombudsman's Offices and the Courts have often found that the problem is **not** the fact **that a municipality responded to the conduct by placing limitations on an individual**. In fact, some decisions may specifically note that the behaviour warranted some type of action from the municipality. However, fault may be found in **how** the restriction was applied and whether **the process that led to that outcome was fair and reasonable in the circumstances**.

For example, in a March 2010 report titled, "Banned Indefinitely: Safety or Punishment? An Investigation into a Parks, Forestry and Recreation Decision to Ban an Individual," the former City of Toronto Ombudsman, Fiona Crean, wrote as follows [emphasis added]:

"[Parks, Forestry and Recreation] staff have reported numerous incidents involving confrontations with the complainant. It is unacceptable that the complainant adversely affected the ability of city staff to carry out their duties. Staff safety is a compelling imperative and a legitimate concern. PFR has a responsibility to ensure the safety of its staff and patrons.

PFR was justified in taking action to respond to the various incidents. I have taken this into consideration when assessing the fairness of its actions.

*I have also taken into consideration the importance of protecting a resident's access to, and use of, public space. Public property is of a special nature and is different from private property. Because of the relationship between the government and its citizenry, public property is owned and administered for a resident's benefit and use. **The City may of course limit access to public property under the Trespass to Property Act, but such action must be legitimate, fair and properly executed.***"

Staff are of the view that the proposed Public Conduct Policy and related trespass procedures would enhance accountability and transparency and address the concern raised by the Ontario Ombudsman. The policy and procedures would assist in ensuring, often under difficult circumstances, that an outcome is fair and consistent for all parties. The policy and procedures would provide staff, elected officials and residents with clear expectations, as well as written guidelines to follow in documenting and responding to unreasonable behaviour and/or frivolous and vexatious requests – examples of which are set out in the policy and procedures. They would also provide for improved consistency and monitoring of any restrictions that are applied. Further to managing the

situation at hand, adherence to the policy provisions may also assist Members and staff in any supplementary complaints made by individuals who are affected by restrictions to oversight mechanisms such as the Integrity Commissioner, Auditor General and Ontario Ombudsman, as well as professional associations.

For the relatively small number of individuals who would be subject to any restrictions, a public conduct policy would provide for procedural fairness, and include an indication of conduct expectations, requirements such as notification, consideration of factors on a case-by-case basis, and an opportunity to review and/or appeal any restrictions.

In the case of staff responding to unreasonable conduct under the proposed policy, General Managers would classify an individual's behaviour as unreasonable, or a request as frivolous and/or vexatious, and determine restrictions to be applied, based on information collected and documented by staff, managers and/or directors. Specific delegations are also set out for the issuance of Trespass Notices, pursuant to the *Trespass to Property Act*, under the draft procedures.

For Members of Council, whose own conduct is guided by the Code of Conduct for Members of Council, the draft policy would provide for a Member to consult with the City Clerk and Solicitor and the Integrity Commissioner regarding cases of unreasonable behaviour and/or frivolous and vexatious requests that the Member wishes to address. Upon being consulted by a Member of Council, the Integrity Commissioner would provide advice to the Member respecting any proposed action under the policy as it relates to the Member's obligations under the Code of Conduct.

It is recognized that no policy will cover every situation, and that each incident involving unreasonable conduct will need to be addressed on a case-by-case basis. As noted in the proposed draft policy, deciding whether behaviours or actions are unreasonable, frivolous or vexatious can be a flexible balancing exercise, taking into account all the circumstances of the case. In many cases, the key question is whether the behaviours or actions are likely to cause distress, disruption or irritation, without proper or justified cause.

Staff do not anticipate that approval of the draft policy and procedures would result in an increase of restrictions being placed on members of the public. It should be noted that such restrictions are already being applied, but without the guidance of a City-wide written policy. The policy would be tracked and monitored to ensure that it is applied "cautiously and sparingly," and only in cases where unreasonable conduct is truly an issue that is leading to safety, resource and/or equity issues – rather than being seen

“as a quick solution for dealing with complainants who are angry or frustrated or who are viewed as being annoying or a nuisance.”⁵

Nor are the policy and procedures meant to curtail democratic processes and values protected under the *Canadian Charter of Rights and Freedoms* (such as freedom of expression), or unduly deny or deter individuals from receiving City services or visiting municipal property. Pursuant to the Ontario Ombudsman’s comments and recommendations, the proposed policy and procedures would serve to guide an appropriate response to a spectrum of unreasonable conduct, with a Trespass Notice being issued only in specific instances after all other alternative measures are considered.

The Public Conduct Policy is intended to evolve over time, particularly given the Ontario Ombudsman’s focus in this area, and further to any additional investigative reports and/or case law that may be forthcoming. The policy and procedures would be reviewed on a biennial basis as part of the City’s regular Governance Reviews. That said, the Public Conduct Policy is meant to complement, not replace, the Violence and Harassment in the Workplace Policy and Program, the Corporate Complaints Handling Policy and Procedures, the Employee Code of Conduct and the Code of Conduct for Members of Council.

Legislative framework for Ontario municipalities

As noted above, on January 1, 2016, a number of legislative provisions affecting municipalities came into force under Bill 8, the *Public Sector and MPP Accountability and Transparency Act, 2014*. These provisions include amendments to the *Ombudsman Act* and *Municipal Act, 2001* that expanded the Ontario Ombudsman’s jurisdiction to include municipalities, local boards and municipally-controlled corporations currently defined in the *Municipal Act, 2001*. Each of these bodies fits the definition of a “municipal sector entity” and “public sector body” under the *Ombudsman Act*.

Specifically, Section 14 of the *Ombudsman Act* provides that the function of the Ombudsman “is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a public sector body and affecting any person or body of persons in his, her or its personal capacity.” The Ombudsman may decide to investigate a matter with or without a complaint, and may make public reports and recommendations regarding any findings.

⁵ See New South Wales Ombudsman, “Guideline to Accompany the Unreasonable Complainant Conduct Model Policy” (February 2013), Page 2.

In exercising its authority under the *Ombudsman Act*, the Ombudsman's Office has indicated that it will first refer complaints back to local mechanisms for resolution wherever possible. In anticipation of the Bill 8 amendments taking effect, the City of Ottawa refreshed its process and procedures to ensure that all complaints related to City programs, services, facilities and staff are dealt with fairly in a respectful, transparent fashion, as quickly as possible, whether or not they are within the jurisdiction of the Ontario Ombudsman.

The *Ombudsman Act* provides for public sector bodies to designate a "Head" for the purposes of the Act. The Head largely acts in an administrative role as a point of contact between the Ontario Ombudsman's Office and the City. For example, Subsection 18(1) of the *Ombudsman Act* states that, "Before investigating any matter, the Ombudsman shall inform the head of the public sector body affected of his or her intention to make the investigation." Subsection 25(2) of the *Ombudsman Act* provides that prior to entering any premises occupied by any public sector body under the Section 25 of the Act, the Ombudsman shall "notify the head of the public sector body" and "provide the head a reasonable opportunity to give reasons why entry to the premises is not appropriate." The largely administrative function is similar to the role of the "Head" of the institution set out in other legislation, such as the *Municipal Freedom of Information and Protection of Privacy Act*.

On November 9, 2016, Council considered the 2014-2018 Mid-term Governance Review, and approved delegating to the City Clerk and Solicitor the powers and duties as "head of a public sector body that is a municipality" for the purposes of the *Ombudsman Act*. As such, the City Clerk and Solicitor has had regular contact with the Ombudsman's Office in this largely administrative capacity.

Regarding the matter of public conduct policies, establishing such a policy – as well as procedures relating to the issuance of Trespass Notices under the *Trespass to Property Act* – is within the statutory purview of municipalities in Ontario.

Under Subsection 8(1) of the *Municipal Act, 2001*, the powers of a municipality under the *Municipal Act, 2001* or any other Act, "shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues." Subsection 10(1) of the *Act* provides that a single-tier municipality, "may provide any service or thing that the municipality considers necessary or desirable for the public."

It is further noted that Subsection 241(2) of the Act speaks specifically to the authority to address improper conduct at a meeting, and provides that the Head of Council or other presiding officer “may expel any person for improper conduct at a meeting.”

With respect to the issuance of Trespass Notices, the City has a general duty with respect to the reasonable safety of people on its property, as set out in Subsection 3(1) of the *Occupiers’ Liability Act*, as follows:

“Occupier’s duty

3 (1) An occupier of premises owes a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises.”

The City has further duties under the *Occupational Health and Safety Act* and the *Criminal Code of Canada* to address workplace violence and harassment.

One of the enforcement mechanisms⁶ that the City may use to further its statutory and common law duties as owner and occupier of premises, as well as an employer of a workplace, is to exclude individuals from the premises through the use of a Trespass to Property Notice in accordance with the *Trespass to Property Act*.

Case law and other legal considerations

A municipality must consider how the application of any restrictions may affect rights protected under the *Canadian Charter of Rights and Freedoms*. Section 1 of the *Charter* “guarantees the rights and freedoms set out in [the *Charter*] subject only to **such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society**” [emphasis added].

Municipalities have a dual role in this context, both as property owner/occupier and as government.⁷ As property owner, a municipality is entitled to use the *Trespass to Property Act* to withdraw permission from an invitee to be present on its property, subject to the *Charter of Rights and Freedoms*. While Charter issues will invariably be heightened with respect to “public” places owned by the municipality, not all public or government-owned property is available for Charter-protected expressive activities.⁸

⁶ *Bracken v. Fort Erie (Town)*, 2017 ONCA 668 (CanLII), at para. 70, and cited in *McLeod v. City of Brantford*, 2018 ONSC 943 (CanLII) (Div. Ct) at para. 14.

⁷ *R. v. Semple and Héroux*, 2004 ONCJ 55 (CanLII) at Page 1.

⁸ See *Batty v. City of Toronto*, 2011 ONSC 6862, para. 63.

Furthermore, as highlighted above, it is recognized that no policy will cover every situation, and that each incident involving unreasonable conduct will need to be addressed on a case-by-case basis.

In *Batty v. City of Toronto*, 2011, the Superior Court dealt with a trespass case arising out of the Occupy Movement. In that case, the Court held that “it strikes me as going beyond the bounds of constitutional reasonableness to require, as a matter of general principle, that a municipality should have to turn its mind to and craft detailed policies for every possible contingency.” The Court noted that it will be a practical course of action to delegate authority so that discretion can be applied to “the multitude of scenarios” which will inevitably present themselves. The draft Public Conduct Policy and Corporate Trespass to Property – Procedures seek to strike this balance.

As noted, the Courts, including the Court of Appeal for Ontario in the above-noted *Bracken* case, have emphasized that a well-crafted policy or by-law that regulates the use of Trespass Notices lessens the risk of arbitrary action and further reduces opportunities for uncertainty as to what sorts of actions will be permitted.

The draft Public Conduct Policy and Corporate Trespass to Property – Procedures seek to balance the interests of the municipality with that of individuals and seeks a proportionate and measured response when circumstances warrant the barring of an individual from municipal property. The draft policy and trespass procedures recognize fundamental rights and freedoms, including, but not limited to, the freedom of assembly, freedom of expression, and rights to participate in democratic processes and access government services. These are to be balanced with the varied and sufficiently important objectives and legal duties that the City has in its roles of government, property owner, and employer. The draft policy and procedures necessarily seek to weigh, consider and balance rights “with other competing rights in our dynamic civil Canadian society”.⁹ They require a measured response that seeks to minimally impair upon any rights and freedoms, including by requiring consideration of alternative measures and options short of expulsion by way of trespass.

In *Bracken*, the Court of Appeal emphasized the municipality’s duality as property owner and government. At Paragraph 75 of its decision, the Court states:

“[75] I observe that where a government issues a trespass notice relying on the common law power to expel persons from property, it is exercising a power that

⁹ *Stewart v. The Toronto Police Services Board*, 2018 ONSC 2785 (CanLII), at para.7.

is subject to implied limits. It cannot be issued capriciously; that is, it cannot be issued, in the circumstances of a public protest in the town square, without a valid public purpose. What constitutes a valid public purpose need not be fully canvassed here, but it would include, for example: the prevention of unlawful activity, securing the safety of persons, preventing the appropriation of public space for exclusive private use, and preventing the obstructing of the operation of government and the provision of government services. These implied limits are echoed in the proportionality analysis.”

In the case of *City of Toronto v. Josephs* (2018) ONSC 67 (CanLII), the Superior Court held that a municipality, as service provider, has an obligation to take prompt, effectual and proportionate action, when it became aware of inappropriate conduct occurring, including conduct by a third party on City property. The municipality’s response must be reasonable in the circumstances. At Paragraph 43 of the decision, the Superior Court stated:

“Courts and Tribunals have consistently held that the standard applied to the response to workplace harassment need not be perfect. It must be reasonable and proportionate in the circumstances. Nor, need it be instantaneous as long as it is prompt but some reasonable amount of time is permitted before a corrective course of action is taken.”

The draft Public Conduct Policy and Corporate Trespass to Property – Procedures are designed to better facilitate the City’s ability to meet its statutory and common law duties in relation to it being an occupier of property, public service provider, and employer.

Ombudsman Cases: Recommendations to establish a Public Conduct Policy and/or Specific Trespass Protocols

As noted above, the Ontario Ombudsman has recommended that municipalities adopt policies to guide the response to unreasonable conduct. In addition, the Ontario Ombudsman and other Ombudsman’s Offices have also suggested that similar written protocols/policies be adopted with respect to the issuance of Trespass Notices issued pursuant to the *Trespass to Property Act*. Brief descriptions of some Ombudsman investigations that led to such recommendations are provided below.

1. Ombudsman of Ontario – “‘Counter Encounter’: Investigation into a complaint about the Township of Red Rock” (May 2017)

“The imposition and continuation of the ban ... for behaviour that all concerned

*acknowledged was not violent or threatening, **was excessive and unjustly punitive.***”

This investigation followed a dispute between a staff member of the Township of Red Rock and a long-time resident who wanted to register as a candidate in the 2014 Municipal Elections in September 2014. After verbal interactions between the resident and staff over the filing of the election papers, the Deputy Clerk filed a complaint under the Township’s Anti-Harassment Policy. The Chief Administrative Officer (CAO) investigated the complaint, despite being a witness to one of the incidents. Instead of following all stages of the Anti-Harassment Policy, the CAO told the Ombudsman that he switched to operating under the *Occupational Health and Safety Act*, which he said gave him an obligation to keep township employees safe. The CAO issued a Trespass Notice under the *Trespass to Property Act*. Pursuant to the Notice, the resident was not allowed to enter the municipal office during office hours for three months. The Ombudsman’s report noted as follows:

“A letter from the Chief Administrative Officer accompanying the notice states that the notice is ‘self-explanatory.’ It says the notice can ‘only be revoked upon receipt of a written apology above your signature and is accepted by [the Deputy Clerk].’ It also warns: ‘Should an apology not be received and accepted by [the Deputy Clerk] the Trespass Warrant may be extended.’”

The resident was elected to Council. After the initial Trespass Notice expired in January 2015, he received a series of Trespass Notices that were not issued in accordance with any policy or procedure, the Ombudsman determined. The Ombudsman found a number of errors in the Township’s response to the matter, including insufficient record keeping and a lack of a policy for the issuance of Trespass Notices under the *Trespass to Property Act*. The Ombudsman noted that the CAO “simply issued the notices unilaterally after a defective and unfair process.”

The Ombudsman made 11 recommendations in the case, including that the Township immediately withdraw the Trespass Notice issued against the resident/Councillor, and that the Township “should create and implement a policy specifically designed to apply to conduct by members of the public,” which should be different from its Anti-Harassment Policy. As noted below, other recommendations were made with respect to Trespass Notices.

2. Ombudsman of Ontario – “‘Press Pause’: Investigation into a meeting of council for the Regional Municipality of Niagara on December 7, 2017” (July 2018)

*“I recognize that the municipality requires some flexibility in evaluating incidents. However, at a minimum, it should generally define **“improper conduct”** and refer to categories or examples of impugned behaviour that the policy is intended to address.”*

This investigation involved a high-profile incident on December 7, 2017, in which a citizen blogger and journalist were ejected from a Council meeting and had their equipment seized after a digital recorder belonging to the citizen blogger was found running during an *in camera* portion of the meeting.

The report noted as follows [emphasis added]:

“Municipalities are entitled to take steps to maintain order during council meetings and on municipal property. Under the Municipal Act, 2001, the Regional Chair can expel individuals from a meeting for improper conduct. The Trespass to Property Act allows the region to expel and bar individuals from municipal property in appropriate circumstances. Still, as a level of government that affects the rights and interests of citizens, the region has an overriding responsibility to act in accordance with the Canadian Charter of Rights and Freedoms when exercising these powers.”

Among findings in the case, the Ombudsman determined that the “region rushed to judgement by seizing the digital recorder and excluding the citizen blogger from the meeting without first questioning whether there was an innocent explanation for the recording device.” With respect to the journalist, the Ombudsman found “there was no evidence justifying seizure of his laptop, his exclusion from the meeting or his ejection from the building.

“While there may have been some valid concerns about the recording of the confidential session by the citizen blogger, the region’s actions towards the journalist constitute the type of conduct that courts have consistently found to be a violation of *Charter* rights,” the Ombudsman wrote.

The report made 14 recommendations, including that the Regional Municipality of Niagara should ensure that any by-law or policy that references “improper conduct” include a definition of that term, including reference to specific categories or examples. While the Region had made changes to its *Procedure By-law* and adopted a new policy with respect to managing public spaces, the policy should be amended to include a specific definition of “improper conduct” in order to ensure “consistent application of the

region's new process, and to provide general information to the public about conduct that will not be accepted during a council meeting," the report stated. The Ombudsman also recommended that the Regional Municipality set out in writing its expectations and processes regarding the exercise of its authority under the *Trespass to Property Act*, either as a standalone policy or part of a broader policy respecting unreasonable or improper conduct.

In addition, as described in the *Procedure By-law* section of this report, the "Press Pause" report recommended a change to the *Procedure By-law* such that expulsion from a meeting should not take place under the Mayor's/presiding officer's statutory authority unless the Mayor/presiding officer is satisfied that evidence exists to support expulsion. The report also recommended that the reasons for the expulsion be recorded in the minutes.

3. Toronto Ombudsman – "Banned Indefinitely: Safety or Punishment? An Investigation into a Parks, Forestry and Recreation Decision to Ban an Individual" (March 5, 2010)

*"My most serious concern about this matter is the decision to impose an indefinite ban against the complainant. An indefinite ban is tantamount to a lifetime ban and should be reserved for the most serious of circumstances. **Even in those cases, there should be an opportunity to have the decision reviewed.**"*

This investigation involved a man, known as "Mr. M", who complained that Parks, Forestry and Recreation (PFR) staff acted unfairly in banning him for a year from all parks and community recreation facilities on December 5, 2005, for inappropriate behaviour relating to a dispute over the department's denial of a free gym use permit, and by continuing to refuse to lift the ban after further incidents. In part, the Ombudsman found that the indefinite ban had largely resulted from past interactions Mr. M had with staff.

The initial Trespass Notice was issued after Mr. M. made a phone call and left a voice message to a staff member that included obscene and abusive language. Continuing abusive and threatening behaviour led to another ban being issued in January 2006. The ban was further continued on an indefinite basis in March 2007.

The Ombudsman's decision noted that PFR was justified in responding to the various incidents, but reviewed the matter of whether the manner in which the department responded was reasonable and whether Mr. M was provided with procedural fairness.

The Ombudsman found that the initial decision to issue a ban and Trespass Notice “may have been an appropriate level of response to the incident in question,” but that the alleged incidents were not properly or adequately documented. Furthermore, Mr. M, “was not provided with an opportunity to respond before a significant ban was imposed and there was no indication that any alternative measures were considered. In fact, no rationale was provided for the decision,” the Ombudsman wrote.

The Ombudsman found that the ban, which covered all PFR facilities, was too broad in scope and unsupported by any evidence to indicate that the alleged safety risk was that wide. The Ombudsman also found that the department failed:

- To disclose clearly to the complainant the specific grounds that provided a basis for imposing each of the bans and the Trespass Notice;
- To provide the complainant with an opportunity to respond to allegations before imposing the bans;
- To establish that consideration was given to alternative measures or penalties against the complainant as provided in the PFR policy with respect to suspensions, bans and Trespass Notices;
- To specify the length of the ban in one instance, and in another instance banned Mr. M. indefinitely, primarily based on his original actions that already been addressed;
- To properly review, adequately document or explain the rationale for any of the incidents on which the bans were based; and
- To properly keep records relating to the complainant.

The Ombudsman further noted that the PFR policy with respect to suspensions, bans and Trespass Notices lacked “adequate guidance for staff on its application and the actions that may be taken, and a clear definition of ‘serious incidents’ justifying the issuing of a trespass notice” under the *Trespass to Property Act*.

Current policies and practices guiding responses to unreasonable conduct for the City of Ottawa

There are a number of current practices that may address unreasonable behaviour and frivolous or vexatious requests at the City of Ottawa. Often, the response depends on the particular circumstances of the incident and any specific procedures in place within

departments. A variety of department-specific practices are in place for issue management and/or the issuance of *Trespass to Property Act* Notices, and there are general provisions of existing policies that apply to matters such as violence and harassment in the workplace. While current practices may vary, the end result of the application of these existing practices and procedures may be that a decision is made to limit an individual's interaction with City staff, elected officials, or property.

Some cases relating to unreasonable conduct and/or frivolous and vexatious conduct have also been addressed on an *ad hoc* basis, often in consultation with the City Clerk and Solicitor and/or Legal Services, and measures have been applied such as designating a particular staff member to be the lone point of contact between a resident and a Member's Office or other staff.

With respect to City-wide policies, the Corporate Complaints Handling Policy and its accompanying Corporate Complaint Handling Procedures establish a consistent and uniform process to respond to complaints received from members of the public, and outline the process to be followed and service standards for the handling of public complaints. However, they do not provide specific and detailed guidance with respect to addressing frivolous and/or vexatious requests, or unreasonable behaviour from members of the public.

In addition, the City's Violence and Harassment in the Workplace Policy states that the City "is committed to providing a work environment governed by respect and regard for the safety, rights, and dignity of all, where employees can work free from violence and harassment." The policy further prohibits workplace harassment under any of the categories defined in the *Occupational Health and Safety Act*, the *Ontario Human Rights Code* and/or the *Canadian Human Rights Act*.

Regarding violent and harassing behaviour, the Violence and Harassment in the Workplace Policy states that "the City shall not tolerate violence directed at employees by members of the public ..." and that the City of Ottawa prohibits harassment, "from anyone in the workplace, including in the course of employment, in the provision of goods and/or services, and in the administration of contracts as defined by human rights legislation."

The Violence and Harassment in the Workplace Program, which supports the above-noted policy, states generally that, "When **harassment** originates from individuals not employed by the City of Ottawa, every reasonable effort is made to protect worker(s) that are or were being harassed. **In such cases, Managers shall take into consideration the client group and all relevant departmental procedures for**

handling such incidents and/or referencing the Violence and Harassment in the Workplace Prevention Guide” [emphasis added].

Similarly, when violence originates from individuals not employed by the City, the Violence and Harassment in the Workplace Program states that, “Managers **shall take into consideration operational requirements (i.e. clients/customers) and all relevant departmental procedures for handling such incidents** and/or referencing the Violence and Harassment in the Workplace Prevention Guide” [emphasis added]. It is anticipated that the proposed Public Conduct Policy and trespass procedures, if approved, would become a “departmental procedure,” as referenced above, for handling such incidents.

It is also noted that the existing Violence and Harassment in the Workplace Prevention Guide referenced above includes information about administrative practices that can be used to support existing efforts against these workplace issues, including the posting of signs that indicate that violence and harassing behaviour (i.e. aggressive or intimidating behaviour, bullying, harassment or coarse language) is not permitted and will not be tolerated, and which state, for example, that, “Those who engage in this type of behaviour may not be served.”

With respect to conduct at meetings, Subsection 12(2) of the *Procedure By-law* provides for the statutory authority, pursuant to Subsection 241(2) of the *Municipal Act, 2001*, that, “the Mayor may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.” Like the statute, the by-law does not currently define the term “improper conduct,” although this report includes a recommendation to add a definition, further to recommendations from the Ontario Ombudsman.

Key features – public conduct policies and trespass procedures

“... [A] trespass policy should provide **examples** of the kind of conduct it covers, the **process** for applying the policy, and the available **remedies**, which might include excluding the individual from municipal property or issuing a trespass notice under the Act for a **defined period**. Such policies should also provide an opportunity for those affected to **appeal**. **Some municipalities have included trespass procedures in policies that cover various aspects of inappropriate conduct by members of the public, including interaction over the phone and by email.**”

- Ombudsman of Ontario – “‘Press Pause’: Investigation into a meeting of council for the Regional Municipality of Niagara on December 7, 2017” (July 2018)

The Ontario Ombudsman has specifically noted a number of provisions and features that exist in public conduct policies adopted in municipalities throughout the province.

For example, the Ombudsman’s “Counter Encounter” report noted that the Town of Wasaga Beach’s “Handling Unreasonable Customer Behaviour” policy, “states that it is intended to address ‘[v]exatious, frivolous and/or unreasonably persistent’ conduct, rather than ‘generally difficult customers.’” In addition, the report stated that the Town’s policy includes:

- Concrete examples of unreasonable behaviour and vexatious or frivolous requests, without limiting the application of the policy to those examples;
- Clear steps to follow in response to such behaviour;
- A non-exhaustive list of potential restrictions that may be imposed by the municipality;
- A requirement for the restrictions to be reviewed after a certain amount of time, with the length based on the severity of the situation; and
- A process for appeal or review of any sanctions.

The “Counter Encounter” report also noted that the Town of Oakville’s “Rzone” Procedure¹⁰ [in which the “R” stands for “respect”] provides:

- Examples of inappropriate behaviour;
- Detailed responding steps and remedial options, from letters of warning to Trespass Notices that vary in length depending on the circumstances;
- The ability for members of the public subject to corrective action under the procedure to request a review by someone else in the municipality; and
- That training and education on the procedure will be provided to all staff.

¹⁰ The report also notes that the Rzone Procedure had been adopted by at least eight other municipalities, including the cities of London, Guelph, and Niagara Falls, the municipalities of North Perth and Middlesex Centre, the towns of Orangeville and Shelburne, and the Township of Centre Wellington.

In the “Press Pause” investigation report, the Ombudsman wrote that the City of Waterloo’s Respectful Behaviour Policy provides a definition of inappropriate behaviour as well as specific examples.

A number of other policies in municipalities such as the Region of Peel and the City of Mississauga, as well as a number of smaller municipalities, include similar language and provisions to the above-noted policy examples.

In addition, the New South Wales Ombudsman has developed an Unreasonable Complainant Conduct Model Policy and a Managing Unreasonable Complainant Conduct Practice Manual. In the Model Policy, the New South Wales Ombudsman recommends that the policy and procedure to address “unreasonable complainant conduct” should be in writing, and that a “robust and comprehensive” unreasonable complainant conduct policy should include the following basic features:

- Clear guidance about the authority vested in frontline staff and senior management to respond to and manage unreasonable complainant conduct, including taking action to restrict a complainant’s access to services;
- An explanation of the types of circumstances where it might be appropriate to change or restrict a complainant’s access to services and the procedures that should be followed when doing so;
- A range of possible service restrictions (not just ‘write only’ restrictions) that staff can use to manage unreasonable complainant conduct;
- Guidance about the types of factors that should be taken into account when deciding to change or restrict a complainant’s access to services;
- Procedures for communicating with complainants about decisions to change or restrict their access, including the use of template letters;
- A centralized system for recording and reporting details of complainants with service restrictions to assist with ongoing management and review of these cases; and
- A standardized process for reviewing decisions to change or restrict access – including fixed time periods and criteria for review, and a presumption that any restriction will be lifted unless there is a clear need for it to continue.

The New South Wales Ombudsman has also suggested:

- That organizations must take steps to ensure that their unreasonable complainant conduct policies “are applied cautiously and sparingly”¹¹;
- That organizations take steps to ensure that their policies are applied in the least restrictive ways possible. The New South Wales Ombudsman has noted that such policies “should never be applied in ways that go beyond what is appropriate and necessary to manage a complainant’s conduct and must always be proportionate to the complainant’s personal circumstances. The aim when applying such policies should not be to punish the complainant but rather to manage the impacts of their conduct.”¹²
- To guard against misuse, that staff be well-trained in appropriate and consistent record keeping and have access to a centralized case management system where conduct-related incidents can be easily recorded and accessed; and
- That use of the policy should be tracked and monitored, and policies themselves reviewed at regular intervals.

As noted above, the Ontario Ombudsman is also in the process of developing its own comprehensive policy relating to addressing unreasonable conduct. Recently, the Ontario Ombudsman outlined its expectations for “respectful communication and behaviour” on its website, which includes the following message with respect to service restrictions:

“We reserve the right to restrict service to those whose communications and behaviour in dealing with our staff is harassing, abusive, intimidating, discriminatory or threatening. For example, the person may be restricted from visiting or calling our Office and required to communicate with us in writing only.”

With respect to policies and procedures relating to the issuance of Trespass Notices under the *Trespass to Property Act*, the Ontario Ombudsman’s “Counter Encounter” report recommended that the Township of Red Rock develop and publicize a trespass policy, setting out at a minimum:

- The circumstances that might justify issuance of a notice, including examples;

¹¹ See New South Wales Ombudsman, “Guideline to Accompany the Unreasonable Complainant Conduct Model Policy” (February 2013), Page 2.

¹² Ibid, Page 3.

- The procedure for issuing and serving trespass notices, including appropriate delegation to staff;
- Required documentation to support the issuance of a notice, including records of the complaint and any investigation undertaken;
- Time limits for notices; and
- A right for an affected individual to request a review and/or appeal of the notice.

The Ombudsman's "Press Pause" report noted that the City of Waterloo's Respectful Behaviour Policy further addresses trespass situations and provides for appeals of any actions taken under the policy. The report also stated that the City of Windsor's Notice of Trespass Policy, "Sets out the conduct that might necessitate a notice of trespass and the steps that can be taken to address it."

In the "Banned Indefinitely" report, the Toronto Ombudsman made six recommendations relating to the City of Toronto and its Parks, Forestry and Recreation department, including that an existing Suspension, Ban and Trespass Policy be amended to include a clear definition of "serious incidents" justifying the issuance of a Trespass Notice. The Toronto Ombudsman also recommended that the following directive for staff be issued and incorporated into the policy for use when deciding to issue a ban or Trespass Notice:

- Document the conduct and incident(s) complained of contemporaneously or as soon as is reasonably possible thereafter;
- Ensure that the documentation is factual, precise and objectively descriptive and avoids the use of general or subjective terms;
- Before issuing the ban, suspend the individual complained of and provide an opportunity to that person to respond to the allegations. Specific and sufficient information on the grounds and allegations must be provided to that person. When it is not reasonably possible or safe to do so, due to factors such as criminal charges, the presence of weapons or apprehension by the police, Parks, Forestry and Recreation staff must document the circumstances;
- Complete an incident report;

- Consider the extent and gravity of the threat to safety posed by the individual, extenuating circumstances if any, and alternative measures in determining both the length and extent of the ban;
- When issuing a ban or trespass order, provide a clear rationale for the decision, including the reason for the length and extent of the ban imposed;
- Issue a ban for a finite period of time which must be clearly specified in the notice to the individual;
- In the decision or notice to the banned individual indicate whether there is a review and if so, what the process entails; and
- Ensure that documentation relating to a banned individual be properly maintained and included in one file.

The Toronto Ombudsman further recommended that the department develop a system to monitor, evaluate and provide information about suspensions, bans and Trespass Notices issued.

The Draft Public Conduct Policy and Corporate Trespass to Property – Procedures

Further to key features and best practices outlined above, highlights of the proposed Public Conduct Policy attached as Document 12 include as follows:

- **Consideration of each case on an individual basis** – The draft policy would require General Managers to determine to classify an individual’s behaviour as unreasonable, or to classify a request as frivolous and/or vexatious, based on information and documentation from staff and managers/directors, and further to the examples and definitions set out in the policy. The policy expressly provides that, “Each case should be considered on an individual basis”, with consideration given to the specific circumstances of the matter and other factors such as the individual’s personal circumstances that may be known to staff. As noted above, the New South Wales Ombudsman has recommended that a policy should include guidance about the types of factors that should be taken into account when deciding to change or restrict a complainant’s access to services. The “Purpose” section of the proposed policy also states that, “Determining whether particular behaviours or actions are unreasonable, frivolous or vexatious can be a flexible balancing exercise that requires all circumstances of a particular case to be taken into account.”

- Definitions of “unreasonable” behaviour, and “frivolous” and “vexatious” requests, as well as examples** – The “Press Pause” and “Counter Encounter” Ontario Ombudsman investigation reports both noted the importance of defining and providing examples of conduct that may be unreasonable. The proposed policy includes definitions of “unreasonable” behaviour, and “vexatious” and “frivolous” requests. In addition, the draft policy provides a list of examples of the various types of behaviour/requests (while not limiting the policy to these examples), which will assist in setting out expectations and applying the policy, and is in keeping with the Ombudsman’s recommendations. Such examples are set out in a number of municipal policies across the province. Recognizing that each incident would need to be considered on a case-by-case basis, it is expressly noted that, for examples of “unreasonable” behaviour, one single feature on its own may not necessarily imply that the person would be considered as being in this category. In addition, for a request to be considered as “vexatious,” or “frivolous,” it would be likely that more than one of the examples is relevant.

Furthermore, it is recognized that patterns of behaviour may also emerge, particularly as they relate to vexatious requests that amount to an abuse of the complaint process or request for service. It is also noted that unreasonable conduct may occur at public meetings, by way of written, telephone, electronic or in-person communication, as well as in interactions at City property, parks and facilities.

- Emphasis on documentation and record-keeping required to support actions taken** – The need for proper and adequate documentation to be kept with respect to actions taken by a municipality is set out in a number of Ombudsman’s investigations, as well as in Court cases. The “Responsibilities” section of the proposed policy expressly states that, “All users of this policy are required to document the actions of the individual, and their own actions, in as much detail as possible.” Specifically, staff are responsible for maintaining detailed records of staff interactions with individuals in order to justify any actions taken to restrict the individual’s access to staff or services. General Managers are responsible for maintaining all documentation related to the review and determination of restrictions, and advising the City Clerk and Solicitor in writing when restrictions are placed on an individual under the policy.
- Guidance regarding staff responsibilities and steps to take in responding to unreasonable conduct** – Further to recommendations from the Ontario

Ombudsman and News South Wales Ombudsman, the draft policy includes specific guidance with respect to the role of staff, managers and directors, General Managers, as well as the City Clerk and Solicitor. It also sets out guidance for Members of Council who wish to address any issues through the policy. As noted below, if the draft policy is approved, the Office of the City Clerk and Solicitor would work with Public Information and Media Relations and Corporate Security to develop materials to make staff aware of their responsibilities under the policy.

- **A non-exhaustive list of potential restrictions that may be applied –** Recognizing that situations can vary, and noting that “restrictions should be tailored to deal with the individual circumstances,” the draft policy includes a number of examples of potential restrictions, without limiting possible actions under the policy to those particular examples. Ombudsman’s Offices have indicated that a policy should provide such examples of potential restrictions. For example, Wasaga Beach’s policy was cited in “Counter Encounter” for having a “non-exhaustive” list of potential restrictions. The New South Wales Ombudsman has also indicated that an unreasonable complainant conduct policy should include a “range of possible service restrictions”¹³ that would be used to manage “unreasonable complainant conduct.” The potential restrictions within the draft policy are the same and/or similar to potential restrictions in other municipal policies. They include the potential issuance of a Notice of Trespass pursuant to the *Trespass to Property Act* and in accordance with the proposed Corporate Trespass to Property Procedures – as well as a requirement that anyone who has authority to issue a Trespass Notice must consider and/or implement all possible alternative measures before issuing a Notice.
- **Providing for notice to be issued to the affected individual, including a warning that a behaviour is unreasonable if the circumstances allow –** A letter of notification would be issued to the affected individual if restrictions were to be applied under the policy. Depending on the nature of the situation, the policy would also provide that a General Manager may send a letter of warning prior to making any restrictions.
- **A requirement for the restrictions to be reviewed after a certain amount of time –** The letter of notification that informs an individual of any restrictions would

¹³ See New South Wales Ombudsman, “Guideline to Accompany the Unreasonable Complainant Conduct Model Policy” (February 2013), Page 2.

advise of a review date for the matter, which would depend on factors such as the severity of the incident and the nature of the matter and restriction/service provided. It is noted that, generally, all cases where the policy would be applied should be reviewed every three months or six months and not more than 12 months after the service change or restriction was initially imposed or continued/upheld. This is based on what appears in the New South Wales Ombudsman Model Policy, and would provide a range of increments at which a review could be held, depending on the particular matter and severity of the issue. The affected individual would be invited to participate in the review process by providing a written submission or by way of another method as appropriate in the circumstances, unless it is determined that this invitation will provoke a negative response from the individual.

- **A right for an affected individual to request an appeal of the decision to apply restrictions, and a process for the appeal** – An affected individual would have the ability to appeal any decision to impose restrictions by contacting the City Clerk and Solicitor (or Integrity Commissioner, in the case of a Member of Council applying the restriction) in writing within 10 business days from the date the restriction was issued. The City Clerk and Solicitor (or Integrity Commissioner) would review all relevant information along with the appeal and may confirm, rescind or amend the restrictions. The City Manager would be responsible for the appeal if the City Clerk and Solicitor has made the decision to apply restrictions, or has been involved in the decision of a General Manager to impose restrictions. The decision made by the reviewer would be final. In the event that the issue could not be resolved through the policy, the individual may submit a complaint to the Office of the Ontario Ombudsman.

Highlights of the Corporate Trespass to Property – Procedures attached as Document 13 include as follows:

- **Requirement for all possible alternative measures to be considered before issuing a Trespass to Property Notice** – All staff who have the authority to issue Trespass Notices in accordance with the procedures would be required to consider and/or implement all possible alternative measures before issuing a Notice. Examples of alternative measures to consider are provided in the procedures.
- **Incident/behaviour types that may justify issuance of a Trespass Notice** – The procedures include the type of Trespass Notice that may be issued in

response to a range of specific incidents and behaviours, as set out in Appendix A of the procedures. Generally, the procedures provide that individuals who fail to abide by City policies, including the Public Conduct Policy, or who otherwise engage in aggressive, disrespectful or intimidating behaviour, bullying, harassment, criminal behaviour, or use of coarse language while accessing a City program, service, event or facility may be refused service and asked to leave the premises immediately. For non-violent incidents, issuance of a Trespass to Property Notice may be considered to prevent future reoccurrences.

- **Procedures for issuing and serving Trespass Notices and delegation to staff** – The procedures include responsibilities for various levels of staff as they relate to the issuance of verbal and written warnings. General Managers and Directors would be required to delegate authority in writing for the issuance of Trespass to Property Notices to staff at their respective facilities.

Under the procedures, verbal warnings could be issued immediately by staff working at a facility and/or facility security guards. For written notices, which are often issued retroactively by Corporate Security or delegated City staff members:

- Where a mailing address is available to City staff, the written notice would be delivered to the individual via registered mail.
 - When an address is not available, the physical notice would be prepared and delivered by Corporate Security staff, security guards or delegated City staff, usually the next time the individual is seen on the premises.
- **Required documentation to support the issuance of a Trespass Notice, including records of the complaint and any investigation undertaken, as well as record-keeping** – In the “Banned Indefinitely” report, the Toronto Ombudsman found that, “Incident reports were not completed, the rationale for arriving at decisions was not provided or explained in writing and vital material over the past four years was missing.” The Ombudsman further noted that, “Banning someone from ... facilities is a serious step. Such a decision must be properly documented and the relevant material placed in one file and stored in a secure place for purposes of future reference and an historical record.” The draft procedures would require incidents to be documented and submitted to Corporate Security using a template form that includes a detailed description of the incident, within 72 hours of the incident occurring.

In addition to issuing written Trespass Notices as outlined in Appendix A of the procedures, the Corporate Security Branch would be responsible for:

- Reviewing all Trespass to Property Notices and related incident reports submitted to Corporate Security for consistency, tracking and trending purposes;
 - Maintaining a centralized incident management database that includes information related to the issuance of Trespass to Property Notices; and
 - Providing a quarterly summary report to impacted General Managers of all Trespass to Property Notices issued, for reconciliation, tracking and trend analysis purposes.
- **Time limits for Trespass Notices** – As noted above, verbal warnings may be issued immediately by staff working at a facility and/or facility security guards. Verbal notices would remain in effect for 72 hours from the time of issuance. Written notices, which are often issued retroactively by Corporate Security or delegated City staff members, could be issued for a period of up to five years or more and may be facility-specific and/or City-wide. Given the diverse range of services, resources and programming available at the City, the issuance of a Trespass to Property Notice in excess of five years would be limited and would be issued by the City Manager, or delegate.
 - **A right for an affected individual to request a review and/or appeal of the Trespass Notice** – Individuals who have received a written Trespass to Property Notice (longer than 72 hours) could request a formal review by way of a written request within 10 business days from the date the Notice was issued. The City Clerk and Solicitor and/or his/her delegate(s) would review the Trespass to Property Notice and may uphold, modify, or withdraw all or part of the Notice. The review would include consideration of relevant factors to the case, as well as all appropriate alternative measures that could be utilized to minimize negative impacts that may result from limitations to City services/programs/facilities. The decision following the review would be final.

Implementing, tracking and monitoring the policy and procedures

If the draft policy is approved, the Office of the City Clerk and Solicitor would work with Public Information and Media Relations and Corporate Security to develop materials to communicate and publicize the policy to members of the public, Members of Council

and staff. Staff would also develop a case management system and template letters, forms etc. that would assist with implementation of the policy.

The City Clerk and Solicitor would be responsible for tracking and monitoring use of the Public Conduct Policy. General Managers would be responsible for advising the City Clerk and Solicitor when limitations are placed on an individual under the policy. This would assist in guarding against misuse or overuse of the policy. The policy would be reviewed on a biennial basis by the City Clerk and Solicitor as part of the City's regular Governance Review process.

The Corporate Security Branch would be responsible for reviewing all Trespass to Property Notices and related incident reports submitted to Corporate Security for consistency, tracking and trending purposes. The Branch would also be responsible for maintaining a centralized incident management database including information related to the issuance of Trespass to Property Notices, and providing a quarterly summary report of all Trespass to Property Notices issued for reconciliation, tracking and trend analysis purposes to impacted General Managers. Furthermore, the Corporate Trespass to Property – Procedures would be reviewed on an annual basis by the Manager, Security and Emergency Management, in consultation with the City Clerk and Solicitor.

Security and Emergency Management service review

It is noted that Corporate Security has identified that City Hall presents a unique security challenge owing to the variety of activities that are held at this location, such as public demonstrations, special events and festivals, as well as the presence of the government services centre. Activities at City Hall draw significant public participation during and after business hours, which compounds the challenges of maintaining a safe and secure environment.

Further to these challenges, a number of additional security measures have been implemented at City Hall, including:

- Increased restrictions (safeguards) to control public access to semi-private and private areas;
- Improved key management and physical controls for the facility;
- Optimized guard deployment strategy;
- Improved exterior security and safety lighting;

- Enhanced signage to direct the public; and
- Installation of 52 additional cameras to enhance physical security.

Recent global security incidents, however, have further heightened the public's expectations with respect to security services and the City is responding accordingly. Recently, the City has invested in electronic security systems and physical security controls. In addition, significant IT systems upgrades were made to the access control system and CCTV. In the fall of 2018, large boulders and crash-rated bollards will also be installed around the perimeter of Marion Dewar Plaza to prevent potential unauthorized vehicle access. These landscape changes are part of a broader security project for the exterior of City Hall.

The above-noted measures are examples of enhanced security measures that protect people and, importantly, recognize City facilities as public spaces. The public is entitled to access these facilities and the services provided therein. More broadly, security measures should, wherever possible, be implemented with consideration for preserving the freedoms and quality of life residents expect in a free and democratic society. This balance is achieved through the careful implementation of security measures and the close collaboration between security professionals and key stakeholders.

On this point, experts suggest the business of security services is rapidly migrating from a largely technology-based industry to a comprehensive workplace safety program. Preliminary research and benchmarking against peer municipalities suggest this shift comes with significant resource implications. For example, the majority of larger municipalities surveyed by staff indicate they have developed mixed security guard forces using a combination of in-house and/or peace officers at their respective City Halls. Several municipalities also routinely perform bag check screening and/or metal detection. City Council in Toronto, for instance, recently voted in favour of performing enhanced security screening at its meetings.

Further to these initial findings, staff can advise that Corporate Security is currently participating in a Service Review within Security Emergency Management branch. The Service Review includes a benchmarking study with peer municipalities, a service gap analysis and an assessment of existing and potential new services, including any resulting resource implications. The comprehensive Security and Emergency Management Service Review report is anticipated in Q2 2019 and will make recommendations for Council's consideration.

Amendments to the Commemorative Naming Policy

The amendments to the Commemorative Naming Policy as described in this report and in Document 14

Approved by City Council on July 24, 2002, the Commemorative Naming Policy outlines the criteria and process for commemoratively naming municipal streets, parks and facilities (or parts thereof) after a person, persons or family. The policy is based on a commitment to providing a fair, consistent and efficient process, while respecting the important need for public consultation and legislative approvals.

The Office of the City Clerk and Solicitor oversees the Commemorative Naming Policy and the associated program, including facilitating applications, coordinating the Commemorative Naming Committee, handling the legislative process and arranging for events and the installation of commemorative signage. A number of departments have a role in the Commemorative Naming program, including Emergency Protective Services, Planning, Infrastructure and Economic Development and Recreation, Cultural and Facility Services.

In keeping with past practice, the Commemorative Naming Policy is reviewed as part of regular Governance Reviews to make any necessary process improvements and policy amendments. As described in more detail below, staff are recommending that Recreation, Cultural and Facility Services (RCFS) assume authority for the Commemorative Naming Policy and the associated program, in an effort to align the policy with RCFS' existing service mandate and work plan.

Following the October 2016 corporate re-alignment, RCFS became responsible for municipally-owned facilities, in addition to parks and other recreational amenities. RCFS is also responsible for the park planning process for residential developments.

In addition, RCFS is leading the development and implementation of the Council-approved "Renewed Action Plan for Arts, Heritage and Culture in Ottawa," in collaboration with a number of internal, external, government, and private and community stakeholders. On February 8, 2012, City Council approved this six-year action plan for arts, heritage and culture. One of the recommended actions identified in the Council-approved action plan was the development and implementation of a municipal commemoration and naming policy.

RCFS is currently preparing Terms of Reference to develop and implement a comprehensive renewed Municipal Commemoration Policy. These Terms of Reference will map out a framework for the policy's renewal, building upon the City's existing Public Commemorations Policy and the Commemorative Naming Policy. The

development and implementation of a renewed Commemoration Policy will enable the recognition and celebration of Ottawa's distinct and unique cultural histories, stories, places, people and events. Commemorations in spaces can honour important achievements and aspirations, discuss uncomfortable truths, and build appreciation of the diverse stories that emanate from past generations.

The renewed policy will build upon existing research, consider current City of Ottawa policies and programs, and be informed by best practices from other municipal, provincial, national and international commemoration policies. It will identify gaps and establish new types of commemorations. Staff anticipate bringing a revised policy forward in Q1 2020.

To support RCFS' efforts in developing a revised Commemoration Policy and to align the existing Commemorative Naming Policy with the new corporate structure, staff are recommending that RCFS assume responsibility for the Commemorative Naming Policy and program, as described in Document 14. The Office of the City Clerk and Solicitor will continue to serve on the Commemorative Naming Committee, and will remain responsible for coordinating the Commemorative Naming Committee meetings, agendas, minutes and reports through the Committee and Council Unit.

Through this approval, RCFS would be responsible for the Commemorative Naming Policy, the Memorial Bench program, the Donations to the City for Community Benefit Policy, and the City's Public Art Policy, which collectively will inform the development of the renewed Municipal Commemoration Policy.

Amendments to the *Licensing By-law*, *Vehicle for Hire By-law* and *Property Standards By-law*

The amendments to the *Licensing By-law*, the *Vehicle for Hire By-law* and the *Property Standards By-law* as described in this report and in Document 15

As noted in Part I of this report, the Property Standards and License Appeals Committee (PSLAC) addresses matters under three relevant By-law and Regulatory Services by-laws: The *Licensing By-law* (No. 2002-189), the *Property Standards By-law* (No. 2013-416) and the *Vehicle for Hire By-law* (No. 2016-272).

As most of these by-laws were originally enacted prior to PSLAC's dual mandate and function being established through the [2010-2014 Council Governance Review](#), there are some inconsistencies and anomalies relating to the Committee that staff

recommend addressing through amendments to the by-laws. The proposed changes are set out in Document 15 and include amendments that would bring consistency to matters such as the number of PSLAC members, notices of refusal, dates of review and decision dates as set out in the respective by-laws.

Temporary Borrowing By-law for 2019, 2020, 2021 and 2022

The renewal of the *Temporary Borrowing By-law* as described in this report and in Document 20

Section 407 of the *Municipal Act, 2001*, permits a municipality to authorize short-term borrowings for current purposes as may occur from time to time. The maximum amount that may be outstanding at any one time, determined in accordance with Subsection 407(2), is based on the estimated revenues adopted by Council for the preceding year until the estimated revenues for the current year have been adopted as provided for in Subsection 407(3).

On April 7, 2015, the Finance and Economic Development Committee enacted a *Temporary Borrowing By-law* through the approval of the staff report entitled, [Temporary Borrowing By-law for 2015, 2016, 2017, 2018 Current Operations](#).

The borrowing authority of \$100 million is within the limits set out under Subsection 407(2). The by-law authorized the Mayor and City Treasurer to execute any loan agreements necessary to implement the borrowing for each year within the term of Council.

As this by-law expires at the end of 2018, staff are seeking to renew the *Temporary Borrowing By-law* for the 2018-2022 Term of Council. The *By-law* is attached as Document 20.

PART V – OTHER MATTERS

Appointment of Council Liaison Positions

The creation of the positions of Council Liaison for Housing and Homelessness, Sports Commissioner and Council Liaison for Women's Issues, to be considered by the Nominating Committee and City Council, as described in this report;

The establishment of a Council Sponsors Group to work with staff on the development of the respective mandates for the Council Liaisons and Sports Commissioner, as described in this report

Section 225 of the *Municipal Act, 2001* sets out the role of the Head of Council, including that the Mayor may provide recommendations to Council with respect to policies, practices and procedures to implement its decisions. In keeping with this authority, past practice has been for Mayors to establish Task Forces or appoint Commissioners and Liaisons to address emerging issues.

During the 2014-2018 Term of Council, City Council approved the establishment of a Sports Commissioner as part of the 2014-2018 Council Governance Review. The Sports Commissioner was given a mandate to work with the Economic Development Office to support the City's efforts to attract a greater share of large-scale sporting events and to participate in the bid process. A Member of Council was recommended by the Mayor to serve as the Sports Commissioner and the appointment was approved by City Council at its meeting of December 10, 2014, through the Nominating Committee Report.

Over the course of the 2014-2018 Term of Council, additional commissioners and liaisons were established to address emerging issues.

During the Mayor's State of the City Address on January 27, 2016, the Special Liaison for Refugee Resettlement was announced, with a mandate to:

1. Work with the government, local community, sponsorship and integration organizations to support refugee settlement in the City of Ottawa;
2. Assist in monitoring the integration of refugees with the support of community organizations to ensure they continue to be supported post-settlement;
3. Organize a city welcome event for the newly arrived refugees; and
4. Continue the dialogue with local settlement organizations to be aware of how their needs may change over the course of 2016 and what support can be provided to them.

In this instance, a Member of Council was named to the position in the Mayor's speech. As part of this Liaison's efforts, the Mayor and the Special Liaison for Refugee Resettlement hosted a celebration welcoming Syrian Refugees to Ottawa in May 2016, and the Special Liaison spoke at Council on May 25, 2016, to provide an update on the City's efforts to support Syrian refugee resettlement in Ottawa.

In the summer of 2016, the Mayor announced the establishment and appointment of the Special Liaison on Housing and Homelessness. The Mayor tasked the Special Liaison

with a mandate to work with key stakeholders, community agencies and funding partners to review the City's progress in reducing its reliance on emergency shelter stays and accelerate the response to homelessness issues. The Special Liaison was further directed to provide a status report to the Community and Protective Services Committee (CPSC). A Member of Council was named to the position in the announcement. On March 22, 2018, the Special Liaison on Housing and Homelessness released a report titled, "Everyone Together – Ottawa, A Caring and Compassionate City," which included a series of recommendations and was presented at CPSC.

Similar to the Special Liaison for Refugee Resettlement and the Special Liaison on Housing and Homelessness, the Veteran and Military Liaison was announced during the Mayor's State of the City Address on January 31, 2018. The Veteran and Military Liaison's mandate was to solidify the relationship between the military and the veteran community by attending events and association meetings and being a champion for veterans and military personnel at City Hall. A Member of Council was named to the position in the Mayor's speech.

During consultations for the 2018-2022 Governance Review report, some Members expressed concern with the lack of consistency in how liaisons and commissioners were established and approved over the course of the 2014-2018 Term of Council. As noted above, while the Sports Commissioner was established through the 2014-2018 Governance Review report and the appointment was approved by Council, subsequent liaison positions and appointments were announced through the Mayor's annual State of the City Address. There was consensus among Members that City Council approval should be required for the establishment of liaison positions and the corresponding appointments.

That being said, Members were supportive of continuing the practice of the Mayor recommending positions and appointments to Council, in keeping with the Mayor's authority set out under the *Municipal Act, 2001*.

Further to the above-noted comments, the Mayor is recommending that City Council approve the continuation of the Council Liaison for Housing and Homelessness as well as the Sports Commissioner for the 2018-2022 Term of Council.

In addition, the Mayor is recommending the establishment of a Council Liaison for Women's Issues for the 2018-2022 Term of Council. During Governance Review consultations, Members of Council were supportive of establishing a Council Liaison for Women's Issues in an effort to promote and advance the gender-equity programs and policies currently in place at the City. In addition, it was felt that a liaison would lend

support to strengthening the application of a gender-equality lens to new and existing policies and programs in order to remove barriers and to create more inclusive and responsive services.

The Mayor is recommending a Council Sponsors Group be established for each position to further develop the position's mandate, including how it will intersect with Standing Committees and departmental staff.

With respect to the Sports Commissioner, the Council Sponsors Group would include the Commissioner, the Mayor or his designate, and the Chair of the Board of Health, to work with relevant City staff, including the City Manager or his designate, the General Manager of Planning, Infrastructure and Economic Development or his designate, and the Medical Officer of Health or her designate.

The Council Sponsor Group for the Council Liaison for Housing and Homelessness would consist of the Liaison, the Mayor or his designate, and the Chairs of the Community and Protective Services Committee and the Planning Committee, to work with relevant City staff, including the City Manager or his designate, and the General Managers of Community and Social Services and Planning, Infrastructure and Economic Development or their designates.

Finally, the Council Sponsors Group for the Council Liaison for Women's Issues would consist of the Liaison, the Mayor or his designate, Councillors McKenney and Deans, and the Chair of the Community and Protective Services Committee, to work with relevant City staff, including the City Manager or his designate and the General Managers of Community and Social Services and Service Innovation and Performance or their designates. Should Councillors Deans and/or McKenney be appointed through Nominating Committee to either of the above-noted positions, additional Member(s) may be added to the Sponsors Group following the December 12, 2018 City Council meeting byway of a Motion.

The Sponsors Group would also be responsible for the development of a recommended approach for the establishment of a City of Ottawa Gender Equity Strategy and/or a Women's Bureau, as described later in this report.

Members of Council would be circulated for interest in serving as a Liaison or Commissioner. The Mayor intends to recommend appointees, to be considered by the Nominating Committee on December 11, 2018, and City Council on December 12, 2018.

Deputy Mayor positions for the 2018-2022 Term of Council

The establishment of three Deputy Mayor positions for the 2018-2022 Term of Council, and that the appointments for these positions be recommended to Council by the Mayor and included in the Nominating Committee report

Section 242 of the *Municipal Act, 2001* states as follows:

“A municipality may, by by-law or resolution, appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality’s procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be, with respect to the role of presiding at meetings.”

In addition, Section 23.1 of the *Municipal Act, 2001* authorizes a municipality to delegate its powers and duties under that statute or any other Act, to a person or body, subject to certain restrictions.

Further to the above-noted statutory provisions, Deputy Mayors at the City of Ottawa traditionally chair Council meetings, sign documents, attend events and act in any other capacity when the Mayor is unavailable or absent.

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

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

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

It is recommended that the Mayor nominate the individuals he recommends to serve as Deputy Mayors to Council, consistent with the approach taken during the 2010-2014 and 2014-2018 Terms of Council, and that his recommendations be brought forward to Council as part of the Nominating Committee report.

In an effort to ensure greater representation across the City's large geographical footprint, the Mayor will be recommending the appointment of three Deputy Mayors.

Support for Deputy Mayors

That a temporary FTE be provided to support the role of the Deputy Mayors, to be funded from the Council Administrative Services budget, as described in this report

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

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

This approach was consistent with the way in which Council has recognized the additional legislative workload placed on Standing Committee Chairs, whereby a half FTE is provided to each Committee Chair to ensure that their work on behalf of constituents does not suffer due to the extra workload experienced by the Chairs' office.

The Deputy Mayor's Scheduling Assistant is responsible for coordinating all invitations received by the two Deputy Mayors, including event invitations referred by the Mayor and through the regrets system. The Assistant coordinates all aspects of the Deputy Mayor's attendance including their role, logistics, agenda, speaking notes, special requirements, etc. On average, the Deputy Mayors attended 275 events each year during the 2014-2018 Term of Council. These totals do not reflect events organized internally through Public Information and Media Relations, the Office of Protocol or other departments, Council and Committee meetings and other internal City business meetings. These numbers were over and above the responsibilities the Deputy Mayors had in their capacity as a Ward Councillor.

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

In recognition of the continuing and significant workload, staff recommends the temporary FTE provided to support the role of the Deputy Mayors continue with the new Term of Council, so that the Deputy Mayors' work on behalf of the Mayor does not take away from their services to their constituents.

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

Options Related to the Establishment of a Women's Bureau

That Council receive the information related to options for a Women's Bureau outlined in this report; and

That Council approve the establishment of a Council Sponsors Group to work with staff on the development of a City of Ottawa Gender Equity

Strategy and/or a Women's Bureau, and that an additional Full-time Equivalent (FTE) be incorporated into the Draft 2019 Operating Budget in the Partner & Stakeholder Initiatives branch of the Community and Social Services Department, along with any additional funds required to support the first phase of this work, as described in this report

On March 28, 2018, Council approved the following motion from Councillors Deans and McKenney:

“Therefore be it resolved that Ottawa City Council recommend that the Mayor and City Staff examine the options for including the role of a Council Representative Special Liaison for Women's Issues and a Women's Bureau to provide a gender lens on our policies and practices, and provide the results in the 2018-2022 Governance report; and,

Therefore be it further resolved that the City Clerk and Solicitor review the City's recruitment, selection and appointment practices for Advisory Committees with the goal of appointing 50 percent representation of women in the next Term of Council.”

This section provides information with respect to the options for the establishment of a Women's Bureau at the City of Ottawa. Recommendations with respect to the establishment of a Council Liaison for Women's Issues and changes to the recruitment, selection and appointment practices for Advisory Committees are found elsewhere in this report.

To meet Council's direction, staff undertook an environmental scan of the initiatives underway in comparable Canadian municipalities related to the use or consideration of a gender lens on local government policies and practices. The scan included a review of the publicly-available information as well as interviews with municipal staff from the cities of Vancouver, Calgary, Edmonton, Toronto, and Windsor, and a representative from a non-profit working with the Ville de Montréal working on the City's gender initiatives. A high-level overview of each of those initiatives is provided in Document 17. Staff also contacted Status of Women Canada with respect to their Gender-Based Plus (GBA+) training program, and the Federation of Canadian Municipalities (FCM) on its gender-based initiatives.

In addition to the environmental scan, staff met with Councillors Deans and McKenney, (their proposal for a Women's Bureau at the City of Ottawa is provided in Document 18), attended the City for All Women Initiative's event for the 2018 Municipal Elections

focusing on municipal issues and the establishment of a Women's Bureau, and participated in the November 2018 Gender-Based Plus (GBA+) Forum in Ottawa.

Finally, staff consulted with the Ottawa Police Service for information and experiences in collecting and analysing disaggregated data (an important tool to help identify barriers and measure the effectiveness of changes designed to reduce barriers).

Staff did not undertake a broad-based public consultation on this initiative. Given the timelines, there would have only been time to conduct a targeted stakeholder engagement exercise with a limited focus related to options for a Women's Bureau. The environmental scan revealed that most gender equity initiatives in other cities were an outcome of a multi-year, multi-stakeholder process, some of which are still underway.

In addition, the motion directed that the options for a Women's Bureau be brought forward in the 2018-2022 Governance Review report. Governance Reviews are traditionally brought forward to a new Council following a municipal election campaign without public consultation because the Members of the newly-elected Council have just completed the massive, personal, nearly six-month public consultation process that is a municipal election campaign.

General observations from other municipalities

With respect to the options for the establishment of a Women's Bureau at the City of Ottawa, the environmental scan revealed that there was no single, common model undertaken by municipalities to advance gender equity and equality or to establish a Women's Bureau. Rather, each municipality has developed a structure and methodology that responds to local needs and priority areas. Some have dedicated staff, others are led within diversity offices. Further, each of these municipalities is at a different stage of their gender equity strategy. For example, Edmonton has had a fully implemented strategy since 2014, Vancouver recently updated its 2005 strategy, and the City of Windsor approved its strategy in June 2018. Others – Calgary, Toronto and Montréal – are in the process of scoping and piloting their plans. The varied options for providing a gender lens to municipal policies and practices initiated in other municipalities are listed and described in Document 17. Information with respect to common terms used in this report and in the source documents referenced in the environmental scan, as well as consultation processes in municipalities reviewed by staff, is provided in Document 19.

The environmental scan found that the reasons municipalities and local councils decided to take action on gender equity are different, and these reasons had an impact

on the focus of the initiatives. For example, Vancouver directed an update of its 2005 Gender Equality Strategy to ensure it reflected the evolving national and provincial context, and aligned with other recently adopted City of Vancouver policies. The idea for Edmonton's Women's Initiative came from community stakeholders who approached former Mayor Mandel with the idea of creating a group designed to advocate for the needs of Edmonton women because at the time, there was a shortage of women on Edmonton City Council and there was a recognized need for more gender-diversity in Council decision-making. Subsequently, the initiative was led by Mayor Iveson and Councillor Esslinger. In Calgary, Members of Council wanted to improve Calgary's ranking in the "Best and Worst Places to be A Woman in Canada 2017" by the Canadian Centre for Policy Alternatives. Calgary was ranked 22nd, ahead of only three other municipalities.

Although each municipality's rationale and strategy for addressing gender equity is different, staff did identify two common approaches being taken to identify and remove systemic barriers experienced by women, namely:

- Incorporating a consultation process for setting priorities; and
- Developing a measureable, outcome-based framework which takes a holistic, intersectional approach to policy, program and practice review, coupled with robust data collection and reporting.

Developing a measurable, outcome-based gender-equity framework

Municipalities deliver the services and build and maintain the infrastructure essential to the quality of life for the residents and businesses that live there. Applying an intersectional gender lens to city services and infrastructure allows staff to broaden their understanding of the impact of those services on the full population served and consequently improve the service experience for everyone.

With respect to services to the community, for example, research generally indicates that women experience more real and perceived personal safety concerns related to the use of public spaces than men. A consultation on a new or renewed pathway or facility using a gender lens might result in the provision of such amenities as better lighting and landscaping that provides clear sight lines to improve the safety of everyone and that also increases the opportunity for women to participate in evening events who otherwise might not if they feel unsafe.

With respect to internal services, women are underrepresented in leadership and decision-making positions, as are other diverse populations. When decision-makers are more reflective of the communities they serve, barriers are more easily identified and understood, and approaches that reduce and remove barriers more likely to be brought into policy and program development at the start. Flexible work environments, active mentorship and succession planning, blind hiring and harassment-free workplaces are all tools that can be used to increase equity and diverse representation in the workforce.

Given the breadth and scope of municipal services, and the important role municipalities play as employers, there are many different areas of focus that could be incorporated in a gender equity framework. All of the comparator municipalities have developed or are developing frameworks with different areas of focus. Some are focused primarily on gender equity, others are focusing on gender equity and diversity, and one is incorporating gender equity as part of a diversity strategy.

The Cities of Vancouver and Edmonton have developed strategies dedicated primarily to improving equality and equity of women, while working in concert with other diversity strategies. Both Vancouver and Edmonton have objectives to improve participation of women in leadership roles within the municipal workforce, as well as removing barriers experienced by women accessing municipal services and programs. With respect to equity and equality goals of other diverse populations, other programs have been initiated. For example, Vancouver states that it is home to the largest lesbian, gay, bisexual, trans, gender diverse, queer and Two-Spirit community in Western Canada and, as such, has an inclusion, equity and diversity strategy for the LGBTQ2+ community as well as an LGBTQ2+ and a Trans, Gender Diverse and Two-Spirit Inclusion advisory committee of council. Edmonton has one of the largest urban Indigenous populations in Canada, and has developed an Urban Aboriginal Accord to improve relations between the municipality and Indigenous people, to increase Indigenous participation in the City of Edmonton workforce and to ensure that municipal services address the needs of Indigenous people.

The City of Montréal, through the MTElles project, is focusing on identifying and understanding the systemic barriers to women's participation in community development, and then introducing innovative and inclusive participatory democracy practices to counter the systemic barriers.

The Cities of Toronto and Calgary are in the process of developing strategies that encompass gender equity and diversity. In Toronto, staff have been directed to create an intersectional strategy by the first quarter of 2019 with established targets for

addressing intersectional gender equity in the areas of housing, shelter, governance, transit planning, recreation, urban planning, youth, violence against women, affordable childcare and budgeting. City of Toronto Council has also directed staff to report back in early 2019 on establishing an advisory committee to inform the strategy, developing a framework for collecting disaggregated data, conducting annual gender-responsive budgeting as well as analyzing the feasibility of implementing a fully resourced and staffed Gender Equity Office. At present, the City of Calgary has a diversity and inclusion strategy, but in order to further advance gender equity, Calgary City Council supported that such efforts be embedded in a more holistic, intersectional manner in a Gender Equity and Diversity Strategy in order to address diverse needs across diverse populations. City of Calgary staff will be reporting back to its council on a recommended Gender Equity and Diversity Strategy by the end of the second quarter of 2019.

The City of Windsor is implementing a Diversity and Inclusion Initiative aimed at addressing issues of discrimination based on race, national or ethnic origin, colour, religion, sex, gender identity, sexual orientation, age, mental or physical disability and for those persons who identify as First Nations, Métis and Inuit. Phase 1 (2018-2020) is internally-focused to identify systemic and attitudinal barriers in policies, practices, and procedures in the organization. Phase 2 (2020-2025) will analyze the organization through a community lens for the purposes of ensuring that programs and services meet the needs of everyone.

Each municipality is also taking its own approach with respect to the steps taken to develop and implement gender equity tools. Again, while using an intersectional approach is common, how that approach is being realized has differences. For example, while the City of Vancouver will be using Status of Women's GBA+ training for all senior staff, and it is developing its own intersectional lens to inform decision-making in four priority areas over 10 years: safety, childcare, housing and leadership and representation. It is using four strategies to make progress in these priority areas: education and awareness, policy, data and partnership and collaboration. The majority of the work to date has been accomplished within existing budget lines by City staff. While a number of the objectives in the 10-year strategy have future financial implications, most of the actions in Phase 1 are related to information gathering, training and research.

The City of Calgary is scoping its own intersectional approach through eight GBA+ pilots in existing programs and services that staff believed could most easily implement a GBA+ lens. Staff supporting the pilots have all taken GBA+ training, meet monthly and have access to a consultant, who is providing GBA+ coaching. Training on the use of

the GBA+ tool is offered by Status of Women Canada and the department's provincial counterparts in Alberta and British Columbia. Calgary is also in the process of releasing a voluntary demographic survey to staff. Findings from the survey will serve to inform the development of the strategy. A voluntary survey will also be distributed to citizen applicants to boards, commissions and committees for the same purposes as the staff survey, and to develop tactics to advance more equitable representation. One-time funding of \$170k was provided from the City's Council Innovation Fund for the baseline assessment and the development of the eight pilot projects, but any budget considerations associated with the strategy are expected to be brought forward through the standard budget process.

The first phase of the City of Windsor's initiative (2018-2020) provides that a workforce census for all staff to complete will be issued and analyzed. Questions strive to capture a spectrum (non-binary) of demographic information, such as birthplace, gender, marital status, ethnicity, language, sexual orientation, religion, and abilities. The purpose of collecting this data is to identify systemic and attitudinal barriers in policies, practices, and procedures, and strengthening the municipality's capacity to work with diverse communities. The Phase 1 budget was \$62k in one-time funding. Staff was directed to bring future costs forward through the standard budget process.

Edmonton's Women's Initiative's key themes are engagement, leadership and best practice. The City of Edmonton conducted in-depth research and developed an Edmonton Women's Quality of Life Scorecard that measures and reports on indicators in five areas: finance and economy; leadership, political empowerment and participation, education, health and wellness and safety. They host an annual Women's Symposium that focuses on key priority topics. The Initiative is supported by one staff person and an annual budget of approximately \$140k.

Montréal's MTElles project is conducting consultations with municipal and community stakeholders, including Montreal's borough roundtables, to develop participative strategies for government engagement that encourage women's involvement and empower women to have an influence on decision-making. This three-year project includes evaluating existing practices and piloting potential solutions. As noted, this is being funded through a \$500k grant from Status of Women Canada.

The City of Toronto is in the early stages of developing its Intersectional Equity Strategy and creating its Gender Equality Office, as these initiatives result from a July 23, 2018 Council motion. Their framework is expected to include:

- a) established targets and strategies for addressing intersectional gender equity in key areas such as housing, shelter, governance, transit planning, recreation, urban planning, youth, violence against women, affordable child care and budgeting;
- b) establishing an ongoing advisory committee to inform the development of the strategy as well as the development and review of existing and new City policies and programs;
- c) an implementation plan and annual reporting for intersectional Gender-Responsive Budgeting;
- d) a feasibility analysis of establishing a fully resourced and staffed Gender Equity Office; and
- e) the collection of disaggregated data.

This work is currently being done within existing resources.

The City of Ottawa

Ottawa is ranked 11th in the Canadian Centre for Policy Alternatives report, “The Best and Worst Places to be a Woman in Canada 2017” – up from 14th in 2016. This report looks at the gender gap in Canada’s 25 biggest cities using statistics in the areas of economic security, educational attainment, leadership in local government and management, health and personal security. The ranking of the comparator municipalities in the environmental scan is: Vancouver (5), Toronto (10), Montréal (15), Edmonton (18), Calgary (22) and Windsor (25).

The City of Ottawa, as a corporation and as a government, has a long-standing, demonstrated commitment to the use equity principles and practices throughout its operations. Today’s Equity and Inclusion Lens Initiative grew out of the 1999 endorsement of the Worldwide Declaration on Women in Local Government by the Regional Municipality of Ottawa-Carleton’s Council. At that time, Regional Council directed staff to develop an action plan to improve gender equity, and provided in-kind support for a research project that became the Working Group on Women’s Access to Municipal Services (WAMS). The WAMS research noted that, although “there were some good practices in the city that address women’s specific needs... gender was not systematically taken into account in decision-making”, and furthermore that, “the City of

Ottawa did not have the kind of information that would be necessary to take gender and diversity among women into account in a systematic way.”¹⁴

The WAMS research led directly to the City for All Women Initiative (CAWI), which began as a one-year research project funded by Status of Women Canada. In 2005, Council directed staff to work with the City for All Women Initiative (CAWI) to develop tools to promote gender equality in City services. The resulting Gender Equality Guide (2008) was piloted to highlight difference between women and men, and among a diversity of women.

Following the pilot, the need to recognize intersectionality was identified. City staff, working in partnership with CAWI, brought together over 100 staff and community leaders – including representatives from the Ottawa Youth Commission; the Social Planning Council; Centretown Community Health Centre; the Immigrant Impact Council of the United Way; Ottawa Police Services GLBT Liaison Committee; Ottawa Independent Living Resource Centre; Child and Youth Friendly Ottawa; Wabano Centre for Aboriginal Health; Council on Aging; Women’s Initiatives for Safer Environments, as well as the Accessibility, Equity and Diversity, French Language Services, Poverty, Rural Affairs, and Seniors Advisory Committees of the City of Ottawa, academics from Carleton University and the University of Ottawa, and representatives of Ottawa Police Services – to inform the creation of the Equity and Inclusion Lens in 2010.

The Equity and Inclusion Lens addresses City operations, policy development and services, and incorporates the equity concerns of 11 groups risking exclusion: Aboriginal peoples; Francophones; immigrants; lesbian, gay, bisexual, and transgender (LGBT) persons; people living in poverty; people with disabilities; rural residents; seniors; visible minorities; women and youth. In keeping with the principles of intersectionality, the Lens was designed to ensure that a gender perspective would not be lost in the broader approach. To achieve this, specific gender concerns were integrated throughout the Lens and in the short, accompanying documents on each of the 11 groups.

In 2014, researchers from Carleton University and the University of Ottawa, supported by representatives from CAWI, the City of Ottawa and the Federation of Canadian Municipalities, carried out evaluation research on the Equity and Inclusion Lens and its application from 2010 to 2013. The project, funded by the Social Sciences and

¹⁴ Klowlasky, Dr. F. et al, “Equity and Inclusion: Findings, Possible Next Steps and General Lessons”, Carleton University, July 2014, Page 10.

Humanities Research Council, examined the broad intentions of the EI Lens as an organizational change initiative and examined specific operational aspects of EI Lens training for City staff. Published in July, 2014, the key findings of the “Equity and Inclusion: Findings, Possible Next Steps and General Lessons” report were: that the Equity and Inclusion Lens Initiative had already had numerous, positive impacts on the City of Ottawa as an organization; that the City had received several awards that recognize its proactive efforts in the area of diversity in employment (where the EI Lens was a significant or primary contributor); that the Equity and Inclusion Lens had been, or was being used, in developing new policies and services; that a key driver of the success of the EI Lens was the engagement of community leaders of equity seeking groups and senior management at the municipal level; and that greater attention was needed to assess the meaning and significance of gender for each diversity group. A number of observations and suggestions were made to further enhance the EI Lens.

As a follow up, the Equity and Inclusion Lens was updated in 2015 (an updated Equity and Inclusion Lens Handbook was also produced, and this has been updated again in 2018). Also in 2015, the City approved a Corporate Diversity and Inclusion Plan (2015-18) to ensure equitable, diverse and inclusive employment practices.

The City can demonstrate considerable success in its use of the Equity and Inclusion Lens throughout its programs and services.

For example, the City of Ottawa has a number of policies, tools and practices to guide equitable hiring practices and provision of municipal programs and services. And for six consecutive years, the City of Ottawa has been as one of Canada's top Diversity Employers. Upon hire through a voluntary self-identification survey, the City conducts collects employment equity related data for designated groups: women, Aboriginal/Indigenous Peoples, persons with disabilities and members of visible minority groups (racialized peoples). Periodically, employment equity and diversity surveys are also conducted in the workforce. Going beyond the four designated groups, the City has chosen to proactively collect statistics on new immigrants and members of the Lesbian, Gay, Bisexual, Trans and Queer (LGBTQ) who are employed to further understand the composition of the workforce. Over the past ten years, the City has seen a steady increase in the number of women holding management positions (program manager and above), moving from 33 per cent in 2008 to 41 per cent in 2017. This is above the 37 per cent average of female managers in Ottawa as a whole noted in the “The Best and Worst Places to be a Woman in Canada 2017” report.

Accessibility issues are addressed with the support of an Accessibility Office, informed by the work and with the input of the Accessibility Advisory Committee (AAC). City service areas consult regularly with the AAC on programs and services for which the City has a duty to consult. As well, each year, the AAC holds a special meeting where staff consult with the Committee on all applicable capital projects. In 2018, topics included exterior paths of travel (rest areas), on-street parking spaces, outdoor play spaces and recreation trails.

Youth are engaged through the Ottawa Youth Engagement Committee, which develops Yearly Action Plans to ensure that youth concerns are reflected in areas that matter to them.

The City also has a number of multi-year plans for specific equity groups, including the Older Adult Plan (informed by quarterly meetings of the Seniors Roundtable, as well as the Accessibility Advisory Committee), and the Reconciliation Action Plan (which is currently being scoped, with the input of the Aboriginal Working Group).

While the Equity and Inclusion Lens identifies strategies for gender equality, and these strategies are being used in policy and program development, there is no multi-year plan specifically related to gender equity. As well, there is no program for measuring and formally reporting to Council results in this area.

The City's own best practices with respect to targeted, multi-year initiatives (such as the Older Adult Plan) could inform the development of a similar gender equity plan. To be consistent with best practices, measuring progress using disaggregated data and regular reporting on progress would need to be incorporated into such a plan.

Conclusion

There are many organizational structures that municipalities can use to advance its equity goals so that barriers are removed with respect to the hiring and promoting of women, and so that services and programs are provided in an equitable manner. Common strategies include integrating an intersectional approach, regular tracking and analyzing of disaggregated data, and building an iterative and consultative process for setting priorities. There could be an office, a dedicated staff person or a dedicated effort inside an existing office.

As well, there is no single model for a multi-year gender equity strategy. Each municipality in the environmental scan picked a starting place, identified measures,

defined a reporting mechanism and stated the intention to build on lessons learned throughout the life of the strategy.

Recommendation

The Mayor, after reviewing the information in this section and the submission circulated by Councillors Deans and McKenney, is recommending that staff proceed with the development of a recommended approach for the establishment of a City of Ottawa Gender Equity Strategy and/or a Women's Bureau, working with a Council Sponsors Group. The Council Sponsors Group would consist of Councillors Deans and McKenney, the Chair of the Community and Protective Services Committee, the Council Liaison for Women's Issues and the Mayor or his designate, to work with relevant City staff, including the City Manager or his designate and the General Managers of Community and Social Services and Service Innovation and Performance or their designates. Should Councillors Deans and/or McKenney be appointed through Nominating Committee to either of the above-noted positions, additional Member(s) may be added to the Sponsors Group following the December 12, 2018 City Council meeting byway of a Motion.

To support this work, the Mayor is recommending that an additional Full-time Equivalent (FTE) be incorporated into the Draft 2019 Operating Budget in Partner & Stakeholder Initiatives in the Community and Social Services Department, along with any additional funds required to support the first phase of this work.

Ward Boundary Review

On July 8, 2015, Council considered the staff report titled, "[Ward Boundary Review – Information and Options \(2015\)](#)," which discussed the status of the City of Ottawa's ward boundaries and included four options with respect to a review of ward boundaries for Council's information. As described below in more detail, Council received the report, which had the effect of continuing with the *status quo* for the 2014-2018 Term of Council, on the understanding that a comprehensive ward boundary review would be required to be undertaken in 2019.

By way of brief background, there is no express requirement in the *Municipal Act, 2001* for a municipality to conduct a review of its ward boundaries at any particular time. Neither does the Act provide any criteria to govern the establishment of ward boundaries. That said, common law in Canada requires that the principle of "effective representation" be applied when reviewing ward boundaries.

Effective representation, as noted in the Toronto Ward Boundary Review Background Research Report (December 2014), “is the goal of all ward boundary reviews. The primary consideration when it comes to effective representation is ‘voter parity’ (often also referred to as representation-by-population). This is the principle that all votes should have equal weight and therefore the number of people living in each voting area (i.e. ward) should be similar. However there are other factors used by the courts and the Ontario Municipal Board to define effective representation, including protection of communities of interest and neighbourhoods, respect for natural and physical boundaries, ward history, and recent and projected population growth.”

The City of Ottawa’s last major ward boundary review occurred over 2004-2005, with ward boundaries approved by Council on June 8, 2005, following consideration of a comprehensive Recommendations Report. The boundaries established by the review identified that the ward boundaries established for the 2006 Municipal Elections would meet the test of effective representation until 2015.

In 2015, four options were presented during Council’s consideration of the “Ward Boundary Review – Information and Options (2015)” report, including as follows:

- Option 1: Retaining the *status quo* for Ottawa’s ward boundaries for the 2018 municipal election on the understanding that a comprehensive ward boundary review would be required to be undertaken in 2019;
- Option 2: Undertaking a “limited” ward boundary review in the 2014-2018 Term of Council, to be in effect for the 2018 Municipal Elections. This review would have incorporated only those lands that were added to the Urban Boundary through Official Plan Amendment 76;
- Option 3: Undertaking a “focused” ward boundary review in the 2014-2018 Term of Council, to be in effect for the 2018 Municipal Elections. This review would have been in keeping with the framework established in the 2005 Recommendations Report; and
- Option 4: Undertaking a “comprehensive” ward boundary review in the 2014-2018 Term of Council, to be in effect for the 2018 Municipal Elections.

As Council received the report on July 8, 2015, it had the effect of selecting Option 1 – retaining the *status quo* for the 2014-2018 Term of Council, on the understanding that a comprehensive ward boundary review would be required in 2019. As such, staff will be bringing forward a report in 2019 regarding next steps, further to the 2015 report.

As part of that forthcoming report, staff will also review matters relating to ward boundary reviews that arose recently in the City of Toronto. Specifically, Bill 5, the *Better Local Government Act, 2018*, which received Royal Assent on August 14, 2018, effectively overturned ward boundaries in Toronto that were determined through a comprehensive ward boundary review, and replaced a 47-ward structure with a 25-ward structure for the 2018 Municipal Elections.

Conservation Authorities

Although conservation authorities are not generally considered to be “local boards” of the City of Ottawa, City Council appoints members to the boards of three authorities – the Mississippi Valley Conservation Authority, Rideau Valley Conservation Authority and South Nation Conservation Authority – and has statutory roles and responsibilities with respect to these entities, such as approving their annual levies.

Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017*, was adopted by the Ontario Legislature and received Royal Assent on December 12, 2017. Bill 139 established and amended a number of pieces of municipal legislation, and made significant changes that included replacing the Ontario Municipal Board (OMB) with the Local Planning Appeal Tribunal (LPAT). Some information relating to Bill 139 was provided to Planning Committee in a memo dated October 17, 2017, titled, “[Bill 139 – Ontario Municipal Board Reform](#).”

Under Schedule 4 of Bill 139, a number of amendments were made to the *Conservation Authorities Act*, a piece of legislation that governs conservation authorities in Ontario. Provided below is an overview of the changes made by Bill 139 that relate to Council's appointments to conservation authorities, as well as changes regarding the governance of conservation authorities. As noted below, while most of the amendments under Bill 139 came into effect upon Royal Assent on December 12, 2017, some provisions are to come into force at a later date or upon proclamation.

Provisions in effect as of Royal Assent (December 12, 2017)

1. Appointment matters

Under Bill 139, Subsection 14(4.1) of the *Conservation Authorities Act* now provides that a member shall be appointed to a conservation authority for a term of up to four years, as may be determined by the Council that makes the appointment. Prior to Bill 139, the *Conservation Authorities Act* had provided that no member of an authority could be appointed to hold office for more than three years at any one time.

As such, appointments to conservation authorities by Council will be for the entire term of the 2018-2022 Council, unless otherwise specified by Council, without the need to re-affirm after three years.

Under Bill 139, a member's term begins at the first meeting of the authority after his or her appointment and expires immediately before the first meeting of the authority after the appointment of his or her replacement. That said, new provisions under the Bill [as set out in Subsections 14(4.3) and 14(4.4) of the *Conservation Authorities Act*] also expressly provide that a Council may replace the member it appoints, and that a member is eligible to be reappointed.

In addition, a new provision that is to come into force upon proclamation provides that the Lieutenant Governor in Council may make regulations regarding various matters, including regulations "governing the composition of conservation authorities and prescribing additional requirements regarding the appointment and qualifications of members of conservation authorities." A proclamation date for this new provision has not yet been announced.

2. *Authority to make by-laws*

Bill 139 provides that conservation authorities may make by-laws relating to a number of specific matters, including as follows [Section 19.1 of the *Conservation Authorities Act*]:

- Meetings and meeting procedures: This includes by-laws "respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public";
- Accountability and transparency in the administration of the authority: This includes by-laws relating to,
 - providing for the retention of records specified in the by-laws and for making the records available to the public;
 - establishing a code of conduct for the members of the authority; and
 - adopting conflict of interest guidelines for the members of the authority;
- Management of the authority's financial affairs: This includes by-laws respecting the management of the authority's financial affairs, including auditing and reporting on the authority's finances; and

- Various other matters: This includes by-laws relating to matters such as prescribing powers and duties of the secretary-treasurer, delegating powers to the executive committee, establishing committees relating to the authority's governance, and respecting roles and responsibilities of the members of the authority and of its officers and staff.

Under Bill 139, a conservation authority must undertake a review of its by-laws “at such regular intervals as may be determined by by-law,” and must make its by-laws available to the public, “in the manner it considers appropriate.” The Minister may also give an authority a written direction to make or amend its by-laws.

Previously, Section 30 of the *Conservation Authorities Act* had provided that an authority was required to make **regulations** with respect to certain matters, such as regulations “providing for the calling of meetings of the authority and prescribing the procedure at those meetings,” and prescribing, designating and/or delegating various powers and duties. Section 30 was repealed under Bill 139.

A transition provision within Bill 139 provides that any conservation authority established on or before the day the section of Bill 139 relating to the authority to make by-laws came into force [i.e. December 12, 2017] must make by-laws “required for its proper administration” within one year [i.e. by December 12, 2018]. Until then, or until the day an authority revokes a regulation previously made by a conservation authority under the former Section 30 of the *Conservation Authorities Act*, those previous regulations continue in force.

3. Agreement to provide programs and services on behalf of a municipality

Conservation authorities previously had the power, under Subsection 21(1)(n) of the *Conservation Authorities Act*, to “collaborate and enter into agreements with ... municipal councils ...” This provision remains in the *Conservation Authorities Act*, as amended by Bill 139.

Bill 139 provides the express authority for a conservation authority to “enter into a memorandum of understanding with a municipality situated in whole or in part within its area of jurisdiction in respect of programs and services that the authority will provide on behalf of the municipality,” as set out in the new Subsection 21.1(3) of the *Conservation Authorities Act*.

An authority and a municipality that enter into such a memorandum of understanding shall review the memorandum “at such regular intervals as may be determined by the

memorandum.” Furthermore, under a new subsection that is to come into force upon proclamation, an authority shall make the memorandum of understanding available to the public in such a manner as may be determined in the memorandum. A proclamation date for this new provision has not yet been announced.

Provisions in effect as of December 12, 2018

1. Open meeting requirements

Bill 139 requires that every meeting held by a conservation authority “shall be open to the public, subject to such exceptions as may be specified in the by-laws of the authority.” This provision is set out under a new Subsection 15(3) of the *Conservation Authorities Act*, which will come into force on December 12, 2018.

Provisions in effect upon proclamation (date not announced)

1. Regulations from Lieutenant Governor in Council

Bill 139 provides that the Lieutenant Governor in Council may make regulations with respect to a number of matters, including the composition of conservation authorities, matters such as programs and services provided by authorities, and the apportionment of an authority’s capital costs and operating expenses. A date for these new provisions to come into force has not yet been announced.

Municipal Parking Management Strategy

The Municipal Parking Management Strategy (MPMS) was approved by Council in April 2009 and serves as the guiding policy framework for the City’s paid parking program, as well as broader initiatives and programs related to parking management. The MPMS establishes the mandate of the program, the key principle and objectives, the funding model, and emphasizes efficiency, transparency, and clarity along with a commitment to stakeholder consultation.

The process to develop the MPMS involved extensive consultation and was based largely on feedback received from stakeholders. One of the key outcomes was that service should be prioritized over revenue generation. Generally, sections 390 and 391 of the *Municipal Act, 2001* require that fees and charges are cost recovery, and related to the City’s costs of providing the services or activities, or for the use of City property, and not for the purpose of generating general revenue like property taxes. In this regard, the “revenue” associated with parking fees and charges are assigned to

reserves which provide that the parking related “revenues” are expended on parking related programs consistent with the MPMS.

In January 2018, staff launched a process to update the MPMS. This update is to be conducted in three phases, as follows:

- **Phase I – the MPMS Refresh (began January 2018):** The existing MPMS, including the program mandate, key principles and objectives, the funding model and rate setting guidelines are being reviewed and updated based on stakeholder feedback, municipal best practices, and lessons learned.
- **Phase IIa – the Governance Review (to begin November 2018):** A fulsome review that will be supported by an expert in municipal parking issues, as described below in more detail. Potential governance models for the paid parking program will be assessed with a recommendation based on the updated mandate of the program as determined in Phase I.
- **Phase IIb – the Bike Parking Strategy (to begin November 2018):** The City’s various existing bike parking programs will be reviewed and consideration will be made to align budgets and resources so that clear roles and responsibilities for the provision of municipal bike parking in Ottawa will be established.
- **Phase III – Final Report (Fall 2019):** Staff would report back to Transportation Committee and Council with the results and recommendations of Phases I, IIa, and IIb.

Stakeholder consultation has already been a critical component of the above-noted process. Staff sought the input of key stakeholders on the phased approach, as outlined above, early in the process. To date, consultation has included the Parking Stakeholder Consultation Group (PSCG), Councillors whose wards contain paid parking, and BIAs with paid parking. Additional consultation is planned with all Councillors and the broader public early in 2019.

On April 12, 2017, Council directed staff to “review the oversight of the Municipal Parking Management Strategy as part of the End of Term Governance Review for the next term of Council.” Furthermore, at the Transportation Committee meeting of October 3, 2018, the following direction was issued to staff:

- To advise on the scope of the framework and work plan that staff will be undertaking to respond to the original motion approved by Transportation Committee and Council in February 2016, which directed staff to “explore

alternative governance models for the Municipal Parking Management Program and the potential opportunities and drawbacks of each as part of its overall update of the Municipal Parking Management Strategy”; and

- To indicate what opportunities there are for Council to clarify/give further direction on the matter of alternative parking governance models in the context of the upcoming 2018-2022 Term of Council Governance Review.

In responding to the Transportation Committee’s above-noted direction, staff noted in a memorandum to Members of Council dated October 9, 2018, that information regarding the oversight of the MPMS could be provided as part of the 2018-2022 Governance Review. This would give Council an opportunity to clarify and/or give further direction on the matter of exploring alternative parking governance models by way of motion or direction during consideration of the Governance Review report.

That said, it was recommended that any changes relating to the paid parking program governance structure be subject to the study process and governance review described in this section, including the opportunities for public input and consultation with key stakeholders, and business case as may be required by legislation. As noted in the memo, the Governance Review report does not provide an opportunity to receive the key stakeholder feedback and public input required to adopt a new governance structure for the paid parking program at this time and meet all requirements prescribed by the *Municipal Act, 2001*, as described below.

As noted above, the MPMS update includes a specific governance review phase [Phase IIa] that will be informed by the findings of Phase I. Further to the findings in Phase I, Phase IIa will also provide an opportunity to review the *Delegation of Authority By-law* as it relates to municipal parking. Specifically, the governance review phase will consist of a review of alternative governance models as permitted under the provisions of the *Municipal Act, 2001* and in consultation with key stakeholders including Legal Services. These options could include establishing a ‘parking authority’ as either a municipal service board (MSB), municipal services corporation (MSC), or any other available model. It should be noted that, as per *Ontario Regulation 599/06* under the *Municipal Act, 2001*, a municipality must develop a business case and conduct public consultations prior to establishing an authority.

Staff believe the current approach for the MPMS update will provide sufficient opportunity to review governance options and fulfill legislative requirements, and it is recommended that the process continue as described above.

RURAL IMPLICATIONS

There are no specific rural implications associated with this report.

CONSULTATION

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

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city-wide report.

LEGAL IMPLICATIONS

There are no legal implications to Committee and Council considering this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

FINANCIAL IMPLICATIONS

With the approval of the recommendations in this report, the Community & Social Services draft 2019 Operating Budget will include an FTE and any associated funds to support the development of a recommended approach for the establishment of a City of Ottawa Gender Equity Strategy and/or a Women's Bureau. The expanded role of the Integrity Commissioner over the Code of Conduct for Members of Local Boards, as well as the new statutory responsibility to provide all Members of Council and Local Board Members with legal advice under the *Municipal Conflict of Interest Act* may result in an increase in costs. Staff will monitor all expenses and resource allocations and report back to Council as required. All other financial implications associated with this report will be absorbed within existing budgets.

ACCESSIBILITY IMPACTS

Impacts on persons with disabilities were considered and assessed during the development of this report.

SUPPORTING DOCUMENTATION

Document 1 – Ward- and Position-specific Appointments

Document 2 – 2018 Annual Report of the Integrity Commissioner

Document 3 – Draft *Code of Conduct for Members of Local Boards By-law*

Document 4 – Draft *Code of Conduct for Members of Council By-law*

Document 5 – Draft *Code of Conduct for Citizen Members of the Built Heritage Sub-Committee By-law*

Document 6 – Update on the City of Ottawa’s Local Boards (Agencies, Boards, Committees and Commissions)

Document 7 – Proposed Amendments to the *Procedure By-law*

Document 8 – Proposed Amendments to the *Delegation of Authority By-law*

Document 9 – Proposed Amendments to the Appointment Policy

Document 10 – Proposed Amendments to the Advisory Committees’ Participation Expense Policy

Document 11 – Proposed Amendments to the *Advisory Committee Procedure By-law* and Code of Conduct

Document 12 – Draft Public Conduct Policy

Document 13 – Draft Corporate Trespass to Property – Procedures

Document 14 – Proposed Amendments to the Commemorative Naming Policy

Document 15 – Proposed Amendments to the *Licensing By-law, Vehicle for Hire By-law* and *Property Standards By-law*

Document 16 – Bill 175, the *Safer Ontario Act, 2018* summary

Document 17 – Options Related to the Establishment of a Women’s Bureau (Environmental Scan Summary)

Document 18 – Options Related to the Establishment of a Women’s Bureau (Deans-McKenney Proposal Document)

Document 19 – Options Related to the Establishment of a Women’s Bureau
(Terminology and Municipal Public Consultation)

Document 20 – *Temporary Borrowing By-law*

DISPOSITION

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