

# Special City Council Meeting Agenda

Monday, March 22, 2021, 2:00 p.m.

Remote meeting live streamed  
on [guelph.ca/live](https://guelph.ca/live)

Changes to the original agenda are noted with an asterisk "\*".

To contain the spread of COVID-19, City Council meetings are being held electronically and can be live streamed at [guelph.ca/live](https://guelph.ca/live).

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## Pages

### 1. Notice of Electronic Participation

#### 1.1. City Council

This meeting will be held by Electronic Participation in accordance with City of Guelph Procedural By-law (2020)-20515.

### 2. Call to Order

### 3. Open Meeting – 2:00 p.m.

#### 3.1. O Canada

#### 3.2. Silent Reflection

#### 3.3. First Nations Acknowledgement

#### 3.4. Disclosure of Pecuniary Interest and General Nature Thereof

### 4. 2018-2022 Mid-term Governance Review - 2021-74

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#### Presentation:

Stephen O'Brien, General Manager, City Clerk's Office/City Clerk

**Recommendation:**

1. That the Procedural By-law, included as Attachment-1 to the 2018-2022 Mid-term Governance Review and dated March 22, 2021, be approved.
2. That the City Clerk be directed to develop a policy related to the submission of electronic petitions and report back to City Council through an Information Report in the third quarter of 2021.
3. That the revised Committee of the Whole Terms of Reference, included as Attachment-3 to the 2018-2022 Mid-term Governance Review and dated March 22, 2021, be approved.
4. That the City Council Terms of Reference be repealed.
5. That the Information Flow Protocol be repealed.
6. That the revised City Council Vacancy Policy, included as Attachment-4 to the 2018-2022 Mid-term Governance Review and dated March 22, 2021, be approved.
7. That staff be directed to bring a revised copy of the Elliott By-law as outlined in the 2018-2022 Mid-term Governance Review and dated March 22, 2021, to City Council for approval.
8. That the Recruitment, Appointment and Contract Administration for Municipal Officers policy, included as Attachment-5 to the 2018-2022 Mid-term Governance Review and dated March 22, 2021, be approved.
9. That the Recruitment Procedures for Municipal Officers, included as Attachment-6 to the 2018-2022 Mid-term Governance Review and dated March 22, 2021, be approved.
10. That the Chief Administrative Officer Procedure for Hiring and Position Profile be repealed.
11. That the Chief Administrative Officer Appraisal Committee Terms of Reference be repealed.
12. That the Chief Administrative Officer Employment Policy be repealed.
13. That the authority to recruit and appoint the position of Integrity Commissioner, whenever a vacancy occurs, be delegated to the Chief Administrative Officer and that the Chief Administrative Officer report on any use of this delegation through an information report.
14. That the City Clerk be delegated authority to act as the head of the municipality under the Ontario Ombudsman Act.
15. That the City Clerk be directed to implement any necessary policies and procedures required to act as the head of the municipality under the Ontario Ombudsman Act.

**5. By-laws**

Resolution to adopt the By-laws (Councillor Hofland).

**6. Adjournment**

# Staff Report



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To	<b>City Council</b>
Service Area	Corporate Services
Date	Monday, March 22, 2021
Subject	<b>2018-2022 Mid-term Governance Review</b>

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## Recommendation

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14. That the City Clerk be delegated authority to act as the head of the municipality under the Ontario Ombudsman Act.
  15. That the City Clerk be directed to implement any necessary policies and procedures required to act as the head of the municipality under the Ontario Ombudsman Act.
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## **Executive Summary**

### **Purpose of Report**

To update corporate policies, documents and by-laws, as well as to create new corporate policies and repeal current corporate policies, to ensure legislative compliance and consistency with current governance best practices. Taken together, the recommendations contained in this report ensure that Guelph's governance structure is accountable, transparent and responsive.

### **Key Findings**

#### **Procedural By-law**

To update the [Procedural By-law](#) based on feedback received from the public through community engagement, feedback from City Council through the 2019 Procedural By-law review, and other administrative changes resulting from a review of the current by-law. The proposed changes include allowing the submission of electronic petitions as well as screening written submissions or petitions that contain obscene or improper content or language or defamatory allegations, including defining the terms 'obscene' and 'defamatory'.

Staff are also proposing to pilot video delegations and electronic voting for remote meetings, neither of which require a formal amendment to the Procedural By-law and can be implemented through internal processes.

#### **Notice of Motion Process**

The proposed changes to the notice of motion procedures will shorten the process by about one month and remove the requirement for Deputy Chief Administrative Officer approval to add items to Committee of the Whole Agendas.

#### **Committee of the Whole Terms of Reference**

To update and simplify the Committee of the Whole Terms of Reference to reflect current practices.

#### **City Council Terms of Reference**

To repeal the City Council Terms of Reference because they do not provide value or clarity regarding the role of City Council and are not in place at any comparator municipalities.

#### **Information Flow Protocol**

To repeal the Information Flow Protocol because the information is duplicated within other policies, statutes, processes or practices, or is of no practical value to members of City Council, the public and staff.

## **City Council Vacancy Policy**

To update the City Council Vacancy Policy to remove the requirement that a member of City Council seeking to fill a mayoral vacancy must declare a pecuniary conflict of interest.

## **By-law (2016)-20090 to delegate authority to The Elliott to operate The Elliott Long-Term Care Residence as the City of Guelph's Long-Term Care Home**

To update The Elliott By-law to reflect that all members of City Council form the Committee of Management of The Elliott Long-term Care Residence.

## **Recruitment, Appointment and Contract Administration for Municipal Officers**

To establish a new Recruitment, Appointment and Contract Administration for Municipal Officers policy to maintain transparency in the hiring processes for the Chief Administrative Officer and Integrity Commissioner as well as to respond to recommendations from the Ontario Ombudsman in response to an investigation into the hiring of the Chief Administrative officer in Niagara Region.

## **Delegation of Authority under the Ontario Ombudsman Act**

To delegate authority to the City Clerk to act as the head of the municipality under the Ontario Ombudsman Act and direct the City Clerk to implement policies and procedures necessary to allow for the appropriate tracking and reporting of interactions between the City of Guelph and the Ombudsman's Office.

## **Executive Team Expense and Gift Tracking**

City staff do not recommend moving forward with additional reporting regarding Executive Team expense and gift tracking because existing internal controls and policies ensure ethical behaviour and transparency.

## **Committee of the Whole Charing**

City staff are recommending that Committee of the Whole service area chairs begin chairing remote Committee of the Whole meetings as of April 1, 2021.

## **Financial Implications**

None.

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## **Report**

The purpose of this report is to update corporate policies, documents and by-laws, as well as to create new corporate policies and repeal current corporate policies, to ensure legislative compliance and consistency with current governance best practices. Taken together, the recommendations contained in this report ensure that Guelph's governance structure is accountable, transparent and responsive.

The findings and recommendations outlined below are based on best practices in the field of legislative services and municipal governance as well as comparator and community engagement data when available.

## **Policy Updates**

### **Procedural By-law**

[Section 238 \(2\) of the Municipal Act](#) requires that every municipality pass a Procedural By-law to govern the calling, place and proceedings of meetings of City Council and committees. The City Clerk's Office has committed to undertake a fulsome review of the Procedural By-law as part of the twice per term Governance Reviews. These reviews are intended to respond to community feedback, adopt best practices and make general housekeeping updates to clarify procedural rules.

The Procedural By-law was last reviewed in September 2019 through report [CS-2019-62 Procedural By-law Update](#) and a follow-up [Council memo](#). Subsequent amendments to the Procedural By-law have been made on an ad-hoc basis in response to legislative changes as a result of the COVID-19 pandemic, primarily to facilitate the transition to electronic City Council meetings. These amendments are detailed in the following agendas and staff reports:

- [Procedural Considerations – March 23, 2020](#)
- [Procedural By-law Update – April 16, 2020](#)
- [Procedural By-law Amendments to Allow for Continued Remote Meetings – July 20, 2020](#)

### **Community engagement**

As part of the mid-term governance review, the City Clerk's Office committed to conducting community engagement as part of its review of the Procedural By-law. In consultation with community engagement staff, an online survey was developed to gather feedback on how members of the public interact with City Council; specifically relating to delegations, presentations, written submissions and petitions, and electronic participation in meetings. The survey was emailed directly to previous delegations from a three-month period between September and November 2020 and was also posted publicly online at [haveyoursay.guelph.ca](https://haveyoursay.guelph.ca). A total of 48 surveys were completed. A summary of the responses can be found in Attachment-2.

### **Recommendations arising from community engagement results**

The City Clerk's Office strives to ensure the process for members of the public to participate in the City Council decision-making process is transparent, accessible and easy to navigate. There were several comments and suggestions received through the Procedural By-law review community engagement survey related to improving this process. Based on this feedback, staff are recommending the following actions. Some of these actions do not require a formal amendment to the Procedural By-law and can be implemented through internal processes.

1. Develop a policy related to the submission of electronic petitions

Section 4.9 (f) of the Procedural By-law currently states that electronic petitions will not be accepted. The review of this section focused on exploring how the public could interact with City Council to advocate for a specific issue through the use of electronic petitions. This is especially relevant given the increased prevalence of websites specifically designed to facilitate the creation and circulation of digital petitions. As part of the Procedural By-law review community engagement survey, members of the public were asked if electronic

petitions should be accepted. 36 respondents (75%) responded 'yes' and eight respondents (16.7%) responded 'under some circumstances'.

As a result, staff are recommending that Section 4.9 of the Procedural By-law be amended to allow for the submission of electronic petitions by members of the public. If the electronic petition is related to an agenda item, the petition will be circulated as part of the agenda package, similar to other correspondence or written materials. If the electronic petition is not related to an agenda item, the petition will be circulated as part of the Information Items where a member of City Council has the ability to request that the petition be placed on a City Council or Committee of the Whole agenda for discussion.

Staff is also recommending that the City Clerk's Office be directed to develop a policy to formally guide this process and set out specific requirements for handling electronic petitions. This policy may include the format electronic petitions must follow, how personal information is to be redacted and a threshold for the number of signatures the petition must receive before it is accepted and circulated as part of the Information Items.

## 2. Allow delegates to appear via video

Multiple responses in the Procedural By-law review community engagement survey indicated that delegates would like the opportunity to appear via video during their delegation. Since the City moved to electronic City Council and committee meetings as a result of the COVID-19 pandemic, delegations have been permitted to participate via telephone only. Staff recognize that providing delegates with the option to appear via video has many benefits. Some delegates may be more comfortable interacting with City Council face-to-face via video, while others may be more comfortable delegating via telephone. Staff are proposing a three-month trial period to implement video delegations for one meeting type (e.g. end of the month City Council meetings), recognizing that there are technical and logistical challenges to work through before implementing video delegations for all meeting types. This recommendation does not require a formal amendment to the Procedural By-law, as Section 9 (e) permits delegations to participate in an electronic meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the City Clerk's Office.

Following the trial period, the City Clerk will make a final determination of the acceptability of video delegations for all meeting types.

## 3. Display vote results on screen for meetings held by electronic participation

Prior to the transition from in-person to electronic City Council and committee meetings, technology in the Council Chambers displayed all recorded vote results on an overhead projector screen. Since moving to electronic meetings, votes are now taken by a show of hands. Feedback received in the Procedural By-law review community engagement survey indicated that it can be difficult for members of the public to capture vote results. WebEx, the system that the City currently uses to hold electronic meetings, has a polling feature which could be used to display vote results on screen. Other virtual meeting platforms (Microsoft teams, Zoom, etc.) offer similar functionality. Staff are proposing to implement this feature following internal testing and training of members of City Council. Compatibility of this functionality with future technology changes



required for hybrid meetings will also be considered. This recommendation does not require a formal amendment to the Procedural By-law.

A final determination on the acceptability of existing polling functionality to capture votes will be made by the City Clerk.

It should be recognized that there were a number of other valuable comments and suggestions made through the Procedural By-law review community engagement survey that may not be possible to implement immediately but can be explored in the future as staff continue work to improve the City Council decision-making process.

### **Recommendations based on follow-up of 2019 Procedural By-law review**

As a result of discussions arising from the 2019 review of the Procedural By-law, the City Clerk's Office committed to re-examining several different processes as part of this year's review.

#### **1. Definitions of 'defamatory' and 'obscene' as it relates to written submissions and petitions**

Through report [CS-2019-62 Procedural By-law Update](#) staff had recommended that Section 4.9 (c) of the Procedural By-law be amended to include a disclaimer that the City Clerk's Office will not accept any written submission or petition that contains any obscene or improper content or language or defamatory allegations, as determined by the City Clerk in consultation with the City Solicitor. At the September 3, 2019 Committee of the Whole meeting, the Committee did not bring forward staff's recommendation regarding this proposed amendment. Comments were raised related to limiting freedom of expression, censorship and the potential legal risk to the City of reprinting material as part of an agenda package that may be considered defamatory. It was also requested that definitions of 'defamatory' and 'obscene' be provided.

City Clerk's Office staff are again recommending that that Section 4.9 (c) be amended to include a disclaimer that the City Clerk's Office will not accept any written submission or petition that contains any obscene or improper content or language or defamatory allegations. Staff are also recommending that the Procedural By-law be amended to add the following definitions in Section 1, which were developed in consultation with Legal, Realty and Court Services staff:

'Defamatory' means an unjustified falsehood which is derogatory towards an identifiable person or group.

'Obscene' means language, gestures or images which are, or which are likely to be received as being, degrading or dehumanizing of an individual or group, particularly but not limited to on the basis of grounds protected under the Human Rights Code (Ontario).

Legal, Realty and Courts Services staff have advised that the City is likely a broadcaster within the meaning of the [Libel and Slander Act](#) with regards to correspondence and petitions published publicly on the City's website as part of an agenda package. The publication by the City of correspondence that is defamatory in nature is a liability risk, as is the publication of statements which target individuals or groups on the basis of personal characteristics which may raise implications under the [Ontario Human Rights Code](#).

Where City Clerk's Office staff, in consultation with Legal, Realty and Court Services staff, have determined that a written submission or petition contains any obscene or improper content or language or defamatory allegations, in accordance with the definitions outlined above, the following process is proposed:

- The author of the written submission or petition is advised of the portion of their material that is being withheld per Section 4.9 (c) of the Procedural By-law and is offered the opportunity to re-submit without the content in question included.
- If the author declines to re-submit by removing or rewording the objectionable content, City Council will be provided with a confidential memorandum from Legal, Realty and Court Services staff providing a legal opinion for withholding the written submission or petition.
- City Council would have the opportunity to request a closed meeting under Section 239 (2) (f) of the Municipal Act to receive an explanation of the legal opinion provided by Legal, Realty and Court Services staff. Upon receiving said explanation, City Council will retain the final decision as to whether the subject material is withheld from publication.

The above process is not being proposed as a means to limit the ability of members of the public to voice their opinions but rather as a means to avoid publishing material that is defamatory and/or harmful to the human rights of others and may pose a liability to the City.

2. Repeat delegations from Committee of the Whole to City Council

Based on feedback received from members of City Council and the public during the 2019 Procedural By-law review, staff is recommending that no action be taken at this time related to repeat delegations from Committee of the Whole to City Council.

3. Public message board to answer Councillor questions in advance of a meeting

Staff is recommending that a public message board to answer questions from members of City Council not be implemented at this time. Doing so could be construed as advancing business outside of a formal meeting and decision-making process for which public notice has been given.

4. Timing of agenda items

Concerns were raised by members of City Council during the 2019 Procedural By-law review regarding how difficult it can be for members of the public to tune into a specific item during a lengthy City Council or committee meeting without providing a timing of agenda items. Staff agrees with this concern. However, providing an accurate timing of agenda items is difficult. The time that a specific agenda item takes depends on several variables, including the total number of delegations as well as the amount of questions and comments from members of City Council.

Were City staff to attempt to time agenda items, over and under-estimation of item length would still lead to significant variations between the forecasted and actual times. Additionally, the timing of items would make it impossible for chairs to use their discretion to amend the order of items on an agenda.

The shift to electronic City Council meetings has given the public the ability to delegate over the phone from anywhere in the world. Instead of waiting in the Council Chambers for their items appear before City Council (sometimes for many hours), delegates now receive a phone call from the City Clerk's Office within about 20 minutes of their turn to speak. This makes it much easier for the public to participate.

As restrictions related to the COVID-19 pandemic are lifted and in-person meetings again become the norm, it is anticipated that members of the public will continue to be able to delegate remotely if they wish. Staff are exploring technology enhancements to the Council Chambers that will support hybrid meetings where members and the public could attend remotely or in-person.

City staff do not recommend moving forward with the timing of agenda items.

### **Other administrative changes**

In addition to the amendments outlined above, staff are also recommending the following administrative changes to the Procedural By-law:

- Section 4.4 (c) added to clarify what happens if quorum is lost during a meeting, including loss of quorum during electronic meetings due to technology issues.
- Section 5.9 (b) amended to reflect the updated practice of attaching an electronic copy of every proposed by-law to the revised agenda.
- Section 12.2.1 (b) added to include information relating to the Emergency Governance Committee's scope of responsibilities (this information was previously included in the Committee of the Whole Terms of Reference).
- Section 13.2 amended to reflect updated practices regarding the Information Items distribution.
- All sections amended to replace 'consolidated agenda' with 'revised agenda' to align with language used as a result of the implementation of eScribe, the City's electronic agenda management system.
- Minor formatting and grammatical changes throughout.

### **Notice of Motion Process**

On September 23, 2019 City Council passed the following resolution:

That the Notice of Motion procedure be referred to the 2020 Governance Review process and that staff provide City Council with options and alternatives for debate at that time.

A notice of motion is a procedural process by which members of City Council bring forward motions for discussion and debate which are not the result of staff recommendations or staff reporting to City Council. It provides advance notice for other City Council members, staff and the public to review the matter prior to it appearing on a City Council agenda.

At the [September 23, 2019 City Council meeting](#), City Council referred the notice of motion process to the 2020 Governance Review. At the time, some members of City Council indicated they believed that the process was too long. During a [previous notice of motion review in 2017](#), some members of City Council indicated they believed the process was too short. In this regard, there are shifting expectations about the notice of motion process from City Council.

Following the 2017 notice of motion review, the process was amended to provide a quicker route for motions to appear on an agenda if the Chair/Mayor and the Deputy Chief Administrative Officer/Chief Administrative Officer agreed. With the agreement of the Chair/Mayor and the Deputy Chief Administrative Officer/Chief Administrative Officer, motions may be added directly onto Committee of the Whole and City Council agendas – bypassing the notice of motion process entirely. This provides an efficient route for members of City Council to add items directly to agendas.

If there is no agreement between the Chair/Mayor and the Deputy Chief Administrative Officer/Chief Administrative Officer, the notice of motion process is available and typically takes two to three months from initial notice to final decision. The additional time included in the notice of motion process allows the public, City Council and staff to prepare for the motion to come before City Council in a fully informed way.

Of the 18 comparator municipalities surveyed regarding their notice of motion process, the majority have a more permissive process than Guelph and allow for motions to be considered and voted on at the same or subsequent meeting. For example, Kingston and Vaughan permit a notice of motion to be introduced at a City Council or Committee of the Whole meeting for consideration at the next regular meeting.

Of all the comparators surveyed, Guelph has the longest notice of motion process in situations where there is no agreement between the Chair/Mayor and the Deputy Chief Administrative Officer/Chief Administrative Officer to place an item on an agenda.

To shorten the notice of motion process, the first notice that appears on an agenda with no discussion or debate could be removed. Instead, the first time the notice would appear is at City Council for debate and discussion of a referral to the Committee of the Whole. This reduces the length of time a notice motion takes by two weeks to one month, depending on the upcoming meeting schedule.

To illustrate the difference in timing between the current and proposed notice of motion processes, an example timeline is provided below.

#### Current Notice of Motion Example Timeline:

- January 4, 2021 Committee of the Whole – for notice only
- January 25, 2021 City Council – referral discussion
- March 1, 2021 Committee of the Whole – discussion on motion
- March 29, 2021 City Council – final decision

#### Proposed Notice of Motion Example Timeline:

- January 25, 2021 City Council – notice and referral discussion
- March 1, 2021 Committee of the Whole – discussion on motion
- March 29, 2021 City Council – final decision

Staff are recommending that the Procedural By-law be amended to remove the first notice requirement for notices of motion (as summarized above).

In addition, staff are recommending that the requirement for Chair/Mayor and Deputy Chief Administrative Officer/Chief Administrative Officer be amended to remove reference to the Deputy Chief Administrative Officer/Chief Administrative Officer. This would leave it to the discretion of the Chair/Mayor to add items directly

to an agenda. This recommendation ensures that staff are not drawn into political discussions about what items are added and which need to proceed via the notice of motion process.

## **Proxy Voting**

Bill 197, the COVID-19 Economic Recovery Act, amended the Municipal Act to give municipal council's the ability to amend their procedural by-laws to allow members of City Council who are absent from a meeting to appoint another member of City Council to vote on their behalf. [Section 243.1 of the Municipal Act](#) establishes several rules regarding the use of proxies. In addition, the Municipal Act makes explicit reference to the authority of the City Clerk to establish a process to govern proxy voting if a procedural by-law is amended to include it.

For the purpose of this report, the member of City Council appointing a proxy will be referred to as the appointing member and the member of City Council appointed as a proxy will be referred to as the proxy holder.

Subject to the required amendment of the Procedural By-law and the establishment of a policy to govern proxy voting, the basic process as outlined in the Municipal Act is as follows. Members of City Council absent from a City Council or committee meeting could formally appoint another member of City Council who will be present at the meeting to vote on their behalf. At a meeting where a proxy holder is voting on behalf of an appointing member, the City Clerk would record the vote of the proxy holder representing themselves and the vote of the proxy holder representing the appointing member. The vote would be recorded in such a way as to identify the name of the proxy holder, the name of the appointing member and the vote cast by the proxy holder on behalf of the appointing member.

The rules laid out in Section 243.1 of the Act also stipulate that no member of City Council may act as a proxy holder regarding any items for which they have declared a pecuniary interest. In addition, an appointing member may not appoint a proxy holder for any item for which they must declare a pecuniary interest.

Because proxy voting is primarily a political tool, staff are not making a recommendation in favour or against its implementation.

As part of the Procedural By-law review community engagement survey, members of the public were asked if the City should allow proxy voting. 31 survey respondents (67%) indicated that proxy voting should be permitted.

Public comments against proxy voting generally revolved around the idea that councillors are elected to sit on City Council and should therefore be present to hear from the public and staff themselves. Others commented that a councillor appointing a proxy had likely made up their mind before the public meeting without hearing from delegations or staff.

A [guide to proxy voting](#) prepared by the Association of Municipal Managers, Clerks and Treasurers of Ontario provides additional detail on proxy voting for members of municipal Councils.

If City Council wishes to proceed with the implementation of proxy voting, staff recommend passing the following motion:

That the City Clerk be directed to report back to City Council as part of the next Governance Review in the 2022–2026 term of City Council with a

Procedural By-law amendment and a process to allow for proxy voting at City Council and committee meetings.

If the City Clerk is directed to proceed with a Procedural By-law amendment and process for proxy voting, the report back to City Council will include detailed procedural rules and analysis regarding different scenarios that could arise as a result of proxy voting. As an example, rules would need to be established to govern whether proxies are appointed for an entire meeting or for specific agenda items.

Before proxy voting is permitted, an affirmative vote by City Council to amend the Procedural By-law will be required at the time the City Clerk's report is presented.

### **Committee of the Whole Terms of Reference**

The [Committee of the Whole Terms of Reference](#) were last reviewed and updated by City Council as part of the 2018 Governance Review. Since that time staff have observed that the Committee of the Whole structure is continuing to function as intended and no significant governance issues have arisen. As a result, staff are recommending only minor changes to the Committee of the Whole Terms of Reference to reflect current practices.

The changes are as follows:

- Clarification that City Council has delegated to Committee of the Whole the authority to refer items back to City staff where the referral does not significantly impact workplans.
- Clarification that City Council has delegated to Committee of the Whole the authority to approve procedural motions and direct City staff in closed meetings.
- Simplification of the general responsibility of the Committee of the Whole to receive all reports from Public Services, Corporate Services, Infrastructure, Development and Enterprise Services and the Office of the Chief Administrative Officer.
- Removal of the 'Role of Stakeholders with Respect to Committee of the Whole Meetings' section as these roles are either included in other documents (for example, rules of decorum are contained in the Procedural By-law and the role of the City Clerk is included in legislation and a job description) or of a common-sense nature (for example, councillors reading agenda materials prior to meetings).
- Removal of reference to the Emergency Governance Committee as staff are recommending that this information be included directly in the Procedural By-law.
- Updates to the specific responsibilities of the Governance Committee to reflect current practices, including:
  - a. The removal of the Governance Committee role in the Chief Administrative Officer performance review process due to the establishment of the [Chief Administrative Officer Recruitment, Selection and Performance Sub-committee](#).
  - b. The removal of the Governance Committee role in succession planning as that is a human resources function delegated to the Chief Administrative Officer.

The Internal Auditor and City Treasurer reviewed the terms of reference for the Audit Committee and are not recommending any changes be made.

## City Council Terms of Reference

Staff are recommending that the [City Council Terms of Reference](#) be repealed.

The City Council Terms of Reference were first established on February 25, 2013 in report [CAO-C-1301 Terms of Reference: City Council and Standing Committee](#). Since then, they have been reviewed and updated several times, most recently as part of report [CS-2018-66 2018 Governance Review](#). Staff believe, in the case of each section of the terms of reference outlined below, that the information is duplicated within other policies, statutes or by-laws or of limited practical value to members of City Council, the public and staff.

Of 18 comparator municipalities surveyed, none had terms of reference for City Council.

### Guiding Principles and Mandate

The guiding principles and mandate sections include references to existing policies and provincial legislation including the [Code of Conduct for City Council and Local Boards](#), the Municipal Act and the Planning Act.

As City Council is bound to operate within the framework established by these policies and statutes, this section provides little in the way of additional guidance. Additionally, as the Municipal Act and other provincial statutes are frequently updated, it can result in inconsistency between the City Council Terms of Reference and provincial statutes which supersede it.

### Principle-Based Responsibilities

On November 13, 2013 in report [CAO-M-1201 Governance Framework](#), City Council adopted a governance framework which included a principle-based governance system. The principle-based governance system was woven into several governance and administrative processes including the City Council Terms of Reference. As the principles laid out in the governance framework do not curtail the statutory authority granted to municipal councils by provincial statute, it is difficult to effectively use them to govern City Council decision-making. As a result, the principles within the City Council Terms of Reference are seldom, if ever, referenced for any practical purposes.

### Composition and Term

The four-year term of City Council is mandated by [section 6 \(1\) of the Municipal Elections Act](#) and cannot be changed by City Council. Inclusion of term length in the City Council Terms of Reference simply parrots the Municipal Elections Act without adding value or clarity for members of City Council.

The composition of City Council can be changed at the discretion of City Council in accordance with the parameters established in [section 217 \(1\) of the Municipal Act](#). The composition of City Council is therefore captured by by-law. In the current context, the public and City Council is also likely aware of the pending report from the [Council Composition and Ward Boundary Review](#) project.

City Council compensation/remuneration is reviewed every term by the [City Council Remuneration Advisory Committee](#).



## Resources and Operating Procedures

The role of the Chief Administrative Officer, including delegations of authority, are included in the [Chief Administrative Officer Appointment By-law](#).

The Procedural By-law is required by [section 238 \(2\) of the Municipal Act](#) and is reviewed by City Clerk's Office staff as part of the twice-per-term governance reviews. To ensure the Procedural By-law meets the needs of City Council, the public and City staff, it is also often amended between governance reviews. Since the last governance review in 2018 the Procedural By-law has been amended four times (once in 2019 and three times in 2020).

## Role of Stakeholders with Respect to City Council Meetings

The roles identified in the City Council Terms of Reference are either included in other documents (for example, rules of decorum are contained in the Procedural By-law) or of a common-sense nature (for example, councillors reading agenda materials prior to meetings). As a result, there is little practical value to the roles included in the City Council Terms of Reference and they are seldom, if ever, referenced.

## Information Flow Protocol

Staff are recommending that the [Information Flow Protocol](#) be repealed.

The Information Flow Protocol was established in 2012 to prescribe the conditions under which information flows between staff and City Council. Staff believe, in the case of each section of the Information Flow Protocol, that the information is duplicated within other policies, statutes, processes or practices and, as such, is of no practical value to members of City Council, the public and staff.

The Information Flow Protocol has not been revisited or revised since it was approved in 2012. However, since that time, a number of more specific policies have been approved and have come to replace the need for the Information Flow Protocol.

The [Code of Conduct for Council and Local Boards](#) and the [Employee Code of Conduct](#) outline acceptable City Council and employee behavior respectively, and convey the organization's expectations related to working relationships. In addition, the [Council-Staff Relations Policy](#), a policy required by [section 270 \(1\) of the Municipal Act](#), was approved by City Council in November 2018 and outlines the roles and working relationship expected between City Council and staff.

Access to information processes are codified in the City's [access to information practices](#) and [policies](#). These practices are governed by the [Municipal Freedom of Information and Protection of Privacy Act](#) (MFIPPA). As City Council is bound to operate within the framework established by MFIPPA, the Information Flow Protocol provides little in the way of additional guidance.

In another example, the City's [Media Relations Policy](#) was approved in 2013. It specifies how employees are to interact with traditional, online and social media according to principles outlined in the [City of Guelph Communications Plan](#), including how staff are to advise City Council of its media relations activity (guidance that is currently duplicated in the Information Flow Protocol). The policy is complemented by the City's [Social Media Guidelines for Elected Officials](#).



Staff note that—unlike the Information Flow Protocol—the policies and practices noted above are revised and updated on a regular basis.

Several other tools—both formal and informal—have been added to the way information is shared between administration and City Council in recent years. Staff adapt and evolve those tools on an ongoing basis to meet the needs of the organization.

Finally, the information, practices and policies captured in the above are part of City Council's orientation process and materials. Orientation materials are available at all times for councillors on City Council's Infonet page, and staff are working on an enhanced orientation process for future terms of City Council.

### **City Council Vacancy Policy**

The [City Council Vacancy Policy](#) was approved by City Council on October 23, 2017.

[Section 6 \(b\)](#) of the appointment procedure to fill a Mayoral vacancy (included as schedule 1 of the City Council Vacancy Policy) requires that members of City Council seeking appointment to the office of the Mayor, in the case where a vacancy in the office has occurred, declare a pecuniary conflict of interest.

Since the approval of this policy, staff have become aware that section 6 (b) is in conflict with [section 4 \(g\)](#) of the Municipal Conflict of Interest Act which specifically relieves any requirement that a councillor declare a conflict of interest when they are eligible for appointment to fill a vacancy on City Council.

As a result, staff are recommending that the revised City Council Vacancy Policy, included as Attachment-4, which removes section 6 (b) in its entirety, be approved.

### **Recruitment, Appointment and Contract Administration for Municipal Officers**

At the City of Guelph, two municipal officers report directly to City Council: the Chief Administrative Officer and the Integrity Commissioner. While the Municipal Act establishes these positions, their roles and responsibilities, it does not include requirements relating to recruitment, appointment or contract administration.

The City of Guelph does not have a policy which establishes procedures relating to the recruitment, appointment or contract administration of municipal officers reporting directly to City Council. Instead, informal procedures and position-specific policies are being used. City Clerk's Office staff are recommending that a new policy titled Recruitment, Appointment and Contract Administration for Municipal Officers, as well as related procedures, be approved to ensure continued transparency and a consistent approach in the hiring of all municipal officers reporting directly to City Council.

The proposed policy and procedures (Attachment-5 and 6) incorporate best practices and respond to the recent recommendations of the Ontario Ombudsman following an investigation into the Chief Administrative Officer hiring process in Niagara Region.

As part of Ombudsman's report into the Niagara Region Chief Administrative Officer hiring, titled [Inside Job](#), several recommendations were made regarding the hiring and performance appraisal of the Chief Administrative Officer. Among those recommendations is the adoption of 'a policy setting out the process for hiring a Chief Administrative Officer, including the appropriate roles of staff and their

accountability to City Council or a committee of City Council charged with the hiring.’ By approving the proposed policy, City Council would be ensuring compliance with the best practices recommended by the Ontario Ombudsman as well as the utmost expectations of transparency.

The proposed policy includes a codification of many of City Council’s informal practices, including:

- Designating which City staff may be involved in the hiring process.
- Requiring that there be no acts of favouritism, bias, undue influence or discrimination in the municipal officer recruitment process.
- Assigning specific responsibilities to City Council, the Mayor, interview panel members, City staff and external search firms.

In addition, the proposed policy establishes that any complaints related to members of City Council and this policy shall be made to the Integrity Commissioner.

Should City Council approve the proposed policy, the City Clerk and City Solicitor will be responsible for reviewing and monitoring the policy as it relates to hiring and contract administration respectively. Any violations of the policy on the part of City staff may result in discipline up to and including dismissal.

### **Chief Administrative Officer Recruitment and Hiring Procedures**

The proposed Recruitment Procedures for Municipal Officers includes a codification of existing recruitment and hiring processes for the Chief Administrative Officer through the Chief Administrative Officer Recruitment, Selection and Performance Sub-committee.

The approval of these procedures, and the ongoing use of the Chief Administrative Officer Recruitment, Selection and Performance Sub-committee, necessitates the repeal of the Chief Administrative Officer Procedure for Hiring and Position Profile and the Chief Administrative Officer Appraisal Committee Terms of Reference.

### **Integrity Commissioner Recruitment and Hiring Procedures**

To date, the Integrity Commissioner has been appointed by City Council based on a recommendation from the City Clerk which follows a public request for proposal process. The proposed Recruitment Procedures for Municipal Officers formalizes this process by requiring a formal request for proposal and interview prior to the appointment of the Integrity Commissioner. To expedite and simplify this process, staff are recommending that the authority to appoint the Integrity Commissioner be delegated to the Chief Administrative Officer in accordance with the Recruitment Procedures for Municipal Officers.

If approved, the Chief Administrative Officer would be required to report on the exercise of their delegated authority via an information report after an agreement with a successful candidate has been finalized. Delegating this authority to the Chief Administrative Officer removes any perceived conflict that could occur as a result of City Council appointing a position responsible for investigating their adherence to the [Code of Conduct for City Council and Local Boards](#).

The final appointment of the Integrity Commissioner will be confirmed by by-law.

## **Delegation of Authority under the Ontario Ombudsman Act**

The [Ombudsman Act](#) designates City Council as the head of the municipality. As a result, the Ombudsman is required to inform City Council before investigating any complaints received regarding the City of Guelph and before entering City of Guelph property to carry out an investigation. For obvious reasons, notifying City Council in this way is impractical and, in practice, different staff are notified by the Ombudsman depending on the nature of the investigation. This makes it difficult to track and understand how many Ombudsman investigations are ongoing in relation to the City of Guelph. [Annual reporting](#) from the Ombudsman's Office shows the number of complaints regarding the City of Guelph increased from 5 in 2018 to 9 in 2019. However, without a centralized process for tracking interactions between City of Guelph staff and the Ombudsman's Office, there is no way of determining how these cases relate to City of Guelph operations or departments and the outcomes of these interactions.

To contribute to the efficient management of the City, ensure legislative compliance with the Ombudsman Act and provide for public reporting through the [Delegation of Authority By-law](#), staff are recommending that the City Clerk be delegated authority to act as the head of the municipality with regard to the roles and responsibilities of the head as outlined in the Ombudsman Act. In addition, staff are recommending that the City Clerk be directed to implement policies and procedures necessary to allow for the appropriate tracking and reporting of interactions between the City of Guelph and Ombudsman's Office.

As part of this delegated authority, the City Clerk will report annually on the exercise of this delegated authority. All reporting and interactions between the City of Guelph and the Ombudsman's Office will be done in a way that maintains the confidentiality of complainants but in a way that contributes to additional transparency on these interactions.

### **By-law (2016)-20090 to delegate authority to The Elliott to operate The Elliott Long-Term Care Residence as the City of Guelph's Long-Term Care Home**

On September 23, 2019 City Council amended the composition of the Committee of Management for The Elliott to include all members of City Council. This change was captured in the Procedural By-law.

The Committee of Management of The Elliott By-law (2016)-20090 has not been updated to reflect this change. As a result, staff are recommending that The Elliott By-law be updated to reflect the committee's current composition.

### **Executive Team Expense Tracking**

On June 25, 2019 City Council passed the following resolution:

1. That the following clauses with respect to report CS-2018-47 Accountability and Transparency Policy Update be referred to the 2018-2022 Term of Council:

That all gifts received by Council or the Executive Team with a value of \$100.00 or more be disclosed on a monthly basis and posted online.

That total monthly expenses by Council and the Executive Team be disclosed quarterly and posted online.

The Code of Conduct for Council and Local Boards prohibits any member of City Council from accepting a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of their duties except in specific situations (for exceptions, see [S. 5 of the Code of Conduct for Council and Local Boards](#)).

Gifts which qualify for an exception must be disclosed publicly if they exceed \$300 for an individual gift or \$300 cumulatively for gifts received from one source in a calendar year. To date, [no gift disclosures have been received](#) from any members of City Council or a local board.

The [City of Guelph Employee Code of Conduct](#), which applies to all employees including the Executive Team, prohibits any staff person from accepting gifts or benefits except where the gift is an expression of common courtesy or within normal standards of hospitality. In such cases where a gift meets those requirements it can only be accepted provided it is of nominal value (\$100 or less).

As staff cannot receive gifts over \$100 and the Code of Conduct for Council and Local Boards tightly regulates the receipt of gifts for elected officials, staff do not recommend adding any additional reporting on gifts.

With regard to expense tracking, only two of 18 comparator municipalities surveyed (the [City of Ottawa](#) and the [City of Hamilton](#)) disclosed executive expenses. Expenses for members of City Council are already tracked and reported annually by information report ([2019 Statement of Remuneration and Expenses for Members of City Council](#)).

There are several existing policies applying to all staff, including the Executive Team, which ensure that all claimed expenses and reimbursements are completed transparently and fairly. These policies include:

- Automotive Expense Reimbursement Policy
- Employee Expense Reimbursement Policy
- Expense Authorization Policy
- Purchasing Card Policy and Procedure

Additional tracking and reporting of Executive Team expenses would need to be completed manually by establishing expense reporting business units for each member of the Executive Team. While possible, this represents a significant volume of administrative work. As a result, staff do not recommend proceeding with the quarterly tracking and reporting of City Council and Executive Team expenses.

A new expense management system is scheduled to be implemented in mid-2021. This system will track City expenses paid personally and reimbursed to employees, as well as expenses paid via corporate procurement card. The system would reduce some of the administrative work required to meet the intention of this resolution. However, it will not capture payments made through the City's accounts payable process so manual work would still be required to capture cellular and mobile data expenses and any conference expenses paid through accounts payable.

If City Council wishes to proceed with additional expense tracking and reporting, the following resolution could be passed:

That total monthly expenses by members of City Council and the Executive Team be disclosed quarterly and posted online, beginning in 2022, following the implementation of an expense management system in mid-2021.

## **Committee of the Whole Chairing**

On August 24, 2020 City Council passed the following resolutions:

5. That the Mayor be appointed as a Committee of the Whole vice-chair for all service areas for the purpose of chairing electronic Committee of the Whole meetings until the next Governance Review to be completed by the end of Q1 2021.
6. That staff be directed to review chairing in the context of electronic meetings and report back as part of the next Governance Review.

These resolutions were approved to ensure the effectiveness and stability of meetings as City Council and staff transitioned from the emergency remote meeting schedule used in the first half of 2020 to a normalized meeting schedule beginning in September 2020. Since that time, members of City Council, staff and the public have grown more comfortable with the remote meeting format. As a result, staff are recommending that the Mayor's appointment as vice-chair for all service areas be allowed to lapse at the end of March and Committee of the Whole service area chairs return to their full roles beginning April 1, 2021.

No action is required on the part of City Council in order to facilitate this transition. After the Mayor's appointment as vice-chair lapses, service area chairs will again be required to chair meetings under the Procedural By-law.

## **Financial Implications**

None.

## **Consultations**

Karl Hutchinson, Internal Auditor

Tara Baker, General Manager, Finance/City Treasurer

Mark Ellis, General Manager, Human Resources

Shanna O'Dwyer, Manager, Financial Reporting and Accounting

## **Strategic Plan Alignment**

Reviewing and updating governance practices and policies to meet the highest standards of accountability and transparency reinforces the Strategic Plan value of integrity by ensuring honest and ethical decision-making at the City of Guelph. In addition, several recommendations in this report serve to improve how the City communicates with residents and delivers services in accordance with the [Working Together for our Future Strategic Plan](#) pillar.

## **Attachments**

Attachment-1 Revised Procedural By-law

Attachment-2 Procedural By-law Review Engagement Data

Attachment-3 Revised Committee of the Whole Terms of Reference

Attachment-4 Revised City Council Vacancy Policy

Attachment-5 Recruitment, Appointment and Contract Administration for Municipal Officers Policy

Attachment-6 Recruitment Procedures for Municipal Officers

## **Departmental Approval**

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The Corporation of the City of Guelph

By-law Number (2021) - XXXXX

A By-law to provide rules for governing the order and procedures of the Council of the City of Guelph and to repeal By-law Number (2020)-20515.

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## 1. Definitions

In this by-law,

**"Act"** means the Municipal Act, 2001, c.25 as amended or replaced from time to time.

**"Acting Mayor"** means the Councillor who is appointed, in alphabetical order by last name, to serve one month each, to act in the place and stead of the Mayor as required.

**"Ad Hoc Committee"** means a committee created by Council with a defined ending, to report directly to Council on a specific matter.

**"Advisory Committee"** means a committee created by Council, to report to the Committee of the Whole on a specific subject.

**"By-law"** means an enactment, in the form approved by Council, passed for the purpose of giving effect to decisions or proceedings of Council.

**"CAO"** means the Chief Administrative Officer of the City.

**"Chair"** means the Mayor or Acting Mayor of any meeting of Council or the chair or acting chair of any meeting of a committee.

**"City"** means The Corporation of the City of Guelph.

**"Clerk"** means the Clerk, or his or her designate.

**"Closed Meeting"** means a meeting, or part of a meeting of Council or a Committee, which is closed to the public as permitted by the Municipal Act.

**"Committee"** means Committee of the Whole, advisory committee or other committee, sub-committee or similar entity, appointed by City Council.

**"Committee of the Whole"** means a committee comprised of all Members of Council that directly reports to Council.

**"Committee of the Whole Consent Report"** means a report from Committee of the Whole outlining items approved by the committee and forward to Council for consideration.

**"Confirmatory By-law"** means a by-law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous meetings which did not have a confirmatory by-law, in respect of each resolution and other actions taken, so that every decision of Council at that meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.

**"Consent Agenda"** means a listing of consent items being presented to Council and Committee of the Whole for its consideration.

**"Consent Item"** means a report that is presented for approval without debate and with no delegation or presentation.

**"Council"** means the City's elected representatives, comprised of the Mayor and Councillors.

**"Councillor"** means a Member of Council, other than the Mayor.

**"Declared Emergency"** means any period of time during which an emergency has been declared in all or part of the City of Guelph under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act.

**"Defamatory"** means an unjustified falsehood which is derogatory towards an identifiable person or group.

**"Delegate"** means any person, group of persons, firm or organization, who is neither a Member of the Committee of the Whole, Council or an appointed official of the City and who is speaking to committee or Council.

**"Deputy CAO"** means staff who report to the CAO and are responsible for multijurisdictional service areas.

**"Electronic Device"** means computers, cell phones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders, cameras or any other similar device.

**"Electronic Participation"** means a member of City Council who participates

remotely in any open or closed Council or committee meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance, including the right to vote, and shall count towards a quorum of members.

**“Items for Discussion”** means agenda material that is presented for approval which has an associated presentation or delegation(s).

**“Local Board”** means a local board of the City as defined in the Municipal Act.

**“Majority”** means, for the purpose of voting, unless otherwise specified, more than half of the Members of Council or committee present at the vote and not prohibited by statute from voting.

**“Mayor”** means the head of Council and includes the Acting Mayor when acting in place of the Mayor.

**“Meeting”** means any regular or special Council or committee meeting when a quorum is present as defined in the Municipal Act and includes meetings where some or all Members are attending via electronic participation.

**“Member”** means, according to the circumstances, a Member of Council, including the Mayor, or a member of the committee including the chair.

**“Motion”** means a proposal, moved by a member and seconded by another member, for the consideration of Council or a committee.

**“Notice of Motion”** means a written notice, given by a member, advising Council that the motion described therein will be brought forward at a ~~subsequent~~ meeting.

**“Obscene”** means language, gestures or images which are, or which are likely to be received as being, degrading or dehumanizing of an individual or group, particularly but not limited to on the basis of grounds protected under the Human Rights Code (Ontario).

**“Open Meeting”** means a meeting which is open to the public.

**“Presentation”** means information presented to Council or committee in person by an individual or group on an issue which typically does not require any action to be taken by Council or committee.

**“Quorum”** means a majority of the members.

**“Recording Device”** means any device used for the purpose of recording whether it be analogue, digital or other means of recording, including but not limited to computers, cell phones, smartphones, tablets, voice recorders, cameras or any other similar device.

**“Registered Delegate”** means an individual who has submitted a request for delegation to the Clerk within the prescribed timelines to address Council or committee in relation to a matter appearing on the agenda.

**“Resolution”** means a motion that has carried.

**“Rules of Procedure”** means the rules and procedures set out in this by-law.

**“Regular Meeting”** means a meeting of Council or committee held at the times and dates specific in this by-law and approved by Council or committee as part of an annual calendar.

**“Special Meeting”** means a separate meeting of Council or committee held at a time different than a regular meeting as approved by Council or committee and which is focused on one or more particular and specific items or subjects.

**“Vice-chair”** means a Member of Council appointed by Council who shall have all the power and duties of a chair in their absence; and consequently the words “Vice-chair” are interchangeable with the word “chair” in all sections of this by-law.

**“Workshop”** means a meeting convened for the purpose of educating or training the members, for providing the members with information and/or advice, or to solicit input from the members.

## **2. Purpose and Principles**

### **2.1 Purpose**

- a) Council and Committee of the Whole shall observe the Rules of Procedure

contained in this by-law in all proceedings of the Council and committee. This by-law shall be used to guide the order and dispatch of business of the Council and committee and wherever possible, with the necessary modifications, for all advisory committees and ad hoc committees unless otherwise provided.

- b) This by-law sets out processes that are open and transparent.

## **2.2 Principles**

- a) Each member has the right to:
  - i. One vote, subject to the declaration of pecuniary interest;
  - ii. Information to help make decisions, unless otherwise prevented by law;
  - iii. An efficient meeting; and
  - iv. Be treated with respect and courtesy.
- b) No item shall be placed on an agenda with respect to a matter which is not within the jurisdiction of Council or committee. The Mayor and/or chair, in consultation with the Clerk, will determine if a matter is within the jurisdiction of Council or committee.
- c) In the event of conflict between the provisions of this by-law and the Act, or any other legislation, the provisions of the legislation shall prevail.

## **2.3 Suspension of Rules**

- a) No provision of this by-law shall be suspended except by an affirmative vote of at least two-thirds of the entire Council (nine members) for each incidence of suspension of the rules.
- b) The suspension shall only apply to the procedure(s) or rule(s) which are stated within the motion to suspend and only during the meeting in which such motion was introduced.
- c) The following procedure(s) or rule(s) cannot be suspended:
  - i. No other business in special meetings; and
  - ii. Majority of members for quorum.

## **3. Conduct at Meetings**

### **3.1 Council and Committee Members**

- a) Council Members shall govern themselves according to Council's Code of Conduct and Council-Staff Relations Policy.
- b) The Mayor or chair shall preserve order and rule on points of order and privilege.
- c) Every member desiring to speak shall indicate so in order to be recognized by the Mayor or chair.
- d) Every member, on being recognized, shall remain seated in his or her place and address themselves to the Mayor or chair.
- e) A member called to order by the Mayor or chair shall immediately cease further comment and may appeal the call to order to the Council or committee. The Council or committee, if appealed to, shall decide on the case without debate and by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or chair shall be final.

- f) No member shall, without leave of the Council or committee:
- i. Speak to an issue for more than five (5) minutes (cumulative);
  - ii. Use offensive words or speak disrespectfully of the Mayor, Members of Council, committee, staff or the public;
  - iii. Speak on any subject other than the subject under debate;
  - iv. Speak in contempt of any decision of the Council or committee;
  - v. Leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; and
  - vi. Disobey the rules or decisions of Council or a decision of the Mayor or chair on points of order or privilege, or upon the interpretation of the Rules of Procedure. If a member persists in such disobedience after having been called to order by the Mayor or chair, the member may be ordered by Council or committee to leave his or her seat for the meeting. In the event that a member refuses to vacate their seat, the Mayor or chair may request that the member be removed by the Clerk and/or staff as required. In case of adequate apology being made by the member they may, by way of majority vote of the members present, be permitted to take their seat.

### **3.2 Member Absent from Council**

The office of a Member of Council becomes vacant if the member has been absent from meetings of the Council for three (3) successive months without being authorized to do so by a resolution of Council unless otherwise permitted by S. 259 (1.1) of the Act.

### **3.3 Electronic Devices**

- a) Each member shall place any electronic devices on an inaudible setting during any open or closed meeting.
- b) No member shall use an electronic device to broadcast, record or otherwise publish or distribute audio or video of any open or closed meeting, nor photographs of any closed meeting.

### **3.4 Hearing Delegations**

- a) Except for points of order or privilege, Members of Council shall not interrupt a delegate while he or she is addressing Council or committee.
- b) Members may address a delegate only to ask questions of clarification and not to express opinions or enter into debate or discussion.
- c) All registered delegates for any particular agenda item shall be heard before Council or committee enters into discussion or debate on that item.
- d) After all delegations have been heard, the related item shall immediately be brought forward for the consideration of Council or committee.

### **3.5 Conduct of Public and Delegations**

- a) Members of the public and delegations in attendance at a meeting, shall not:
  - i. Address Council or committee without permission;
  - ii. Bring food or beverage, with the exception of water, into the Council Chamber or meeting room unless so authorized;
  - iii. Engage in any activity or behaviour or make any audible noise that could affect the Council or committee deliberations, including clapping,

shouting, jeering or any other form of disorderly conduct; or

- iv. Bring any signs or placards into, or hand out any brochures, pamphlets, buttons or literature in the Council Chambers.
- b) No person, except Members of Council and appointed officials of the City of Guelph, shall be permitted to come within or behind the horseshoe during a meeting of the Council or committee without the permission of Council or committee.
- c) No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public, Mayor, Members of Council or committee.

#### **4. Rules and Procedures for Council and Committee Meetings**

##### **4.1 Public Notice of Meetings**

- a) The Clerk shall give public notice of all regular open and closed Council and committee meetings by inclusion on the City's website at least 72 hours prior to the meeting.
- b) The Clerk may, at his or her discretion, publish notice of Council and committee meetings in a local newspaper or other local media source.
- c) Public notice shall include:
  - i. Date;
  - ii. Time;
  - iii. Location of meeting; and
  - iv. Method of participation for Council, the public and staff (in-person, electronic or a combination of both).
- d) The Clerk shall give public notice of all special open and closed meetings of Council and committee by inclusion on the City's website as soon as possible after the meeting is called and no later than 48 hours prior to the meeting.
- e) Section 4.1 (d) shall not apply to emergency meetings called under Section 8.1 (d). The Clerk shall give public notice for emergency meetings called under Section 8.1 (d) by inclusion on the City's website as soon as possible after the meeting is called.

##### **4.2 Location, Date and Time of Meetings**

Committee of the Whole, regular Council and Council Planning shall meet in the Council Chambers of City Hall, 1 Carden Street, unless with adequate public notice, as required in Section 4.1, the Council selects an alternate meeting location, date, or time. In the event the regular meeting date falls on a public holiday, the Council or committee shall meet at the same hour on the next day not being a public holiday.

##### **4.3 ~~Consolidated Revised~~ Agenda**

- a) The Clerk shall prepare a ~~Consolidated Revised~~ Agenda advising Council or committee of the names of registered delegates and written submissions relating to matters on the agenda.
- b) Items or matters will not be added to the agenda after distribution to Council or committee unless directed by the Mayor or chair, CAO and/or Deputy CAO(s) and if the urgent nature of the matter requires a decision prior to the next Council or committee meeting.

#### **4.4 Quorum and Commencement of Meetings**

- a) Unless there is a quorum present within fifteen minutes after the time appointed for the meeting of the Council or committee, the Council or committee shall stand adjourned until the next meeting date.
- b) As soon as there is a quorum present, the Mayor or chair shall call the members to order. In the absence of the Mayor or chair, the Clerk shall call the members to order and the Council shall choose a chair from the members present and that person shall preside over the meeting or until the arrival of the Mayor or chair.
- c) If at any time during a meeting quorum is lost, the meeting shall automatically be recessed until a quorum is re-established. If the loss of a quorum continues for thirty minutes, the meeting shall stand adjourned either until the next regular meeting or until a special meeting is called to deal with the matters remaining from the adjourned meeting. This clause shall also apply if quorum is lost during an electronic meeting because of technology issues.

#### **4.5 Disclosure of Pecuniary Interest**

Prior to a particular matter being addressed, members shall declare any pecuniary interests they may have, and the general nature thereof, in connection with that matter pursuant to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended. Such members shall then be precluded from participating in any way regarding the matter in question.

#### **4.6 Closed Meetings**

##### **4.6.1 General Principles**

- a) Meetings shall be open to the public.
- b) Notwithstanding Section 4.6.1(a), a meeting or part of a meeting may be closed to the public in accordance with Section 239 (2), (3) and (3.1) of the Act.
- c) Council shall approve and maintain a closed meeting Protocol.

##### **4.6.2 Date and time of Meetings**

Further to Section 4.2:

- a) Where possible, when a closed meeting of Council is required, it shall be held no earlier than 4:30 p.m. on the day of an existing regular Council or Council Planning meeting.
- b) Where possible, when a closed meeting of Committee of the Whole is required, it shall be held no earlier than 12:30 p.m. on the day of an existing Committee of the Whole meeting.

##### **4.6.3 Resolution**

- a) Prior to holding a closed meeting, Council or committee shall state by resolution in an open meeting, that Council or committee will be holding a closed meeting, the subject matter and the permitted closed meeting exemption under the Municipal Act.

##### **4.6.4 Recording of Minutes**

- a) The Clerk and/or his or her designate shall attend all closed meetings and record the proceedings, including procedural motions and direction given to staff, without note or comment.
- b) The Clerk may delegate the Clerk's duties with respect to recording minutes in a closed meeting of Council or committee to a staff person. For closed meetings of committee or Council where the CAO's performance or contract is addressed, the Clerk may delegate the Clerk's duties with instructions to a third party.

#### **4.6.5 Reporting in Open Session**

- a) The Mayor or chair shall report out in an open meeting immediately following the closed meeting and summarize the actions taken in the closed meeting.
- b) Matters discussed in a closed meeting which require a decision will be brought forward to an open meeting of Council or committee.

#### **4.6.6 Closed Meeting Voting**

- a) In relation to a matter considered in a closed meeting pursuant to Section 4.6.1(b), Council or committee may vote:
  - i. On procedural motions;
  - ii. On motions to rise, report and introduce a proposed recommendation on an open meeting agenda; or
  - iii. To give direction to staff or a third party of the City.
- b) Notwithstanding Section 4.11(g), votes held in closed meetings shall be by a show of hands unless a recorded vote is requested by a member in accordance with the regulations contained in the Act.

### **4.7 Presentations**

#### **4.7.1 Public Presentations**

- a) A request from an outside organization or individual to make a presentation to Council or committee shall only appear on an agenda upon approval of the Mayor, chair and Deputy CAO for the appropriate Service Area.
- b) Public presentations are for information only.
- c) Public presentations at a meeting shall be limited to a maximum of 10 minutes and shall be heard at the beginning of a Council or committee meeting.
- d) Presentations by outside organizations or individuals shall not be permitted for the sole purpose of generating publicity or promotion.
- e) Outside organizations or individuals shall provide the Clerk with written material for inclusion on the agenda by the agenda production deadline.
- f) Presentations by outside organizations or individuals shall not be added on the ~~consolidated-revised~~ agenda.

#### **4.7.2 City Presentations**

- a) Presentations by City staff at meetings shall endeavour to be a maximum of 10 minutes.
- b) Presentations by staff providing information with no accompanying report shall be heard at the beginning of a regular Council or Council Planning meeting.
- c) Presentations recognizing achievements shall be heard at the beginning of a Committee of the Whole meeting.
- d) Where a staff or third party presentation accompanies an item on an agenda, the item shall be placed under items for discussion with the report and shall be brought forward for consideration immediately after the presentation has been made. If delegates wish to speak on an item with a presentation, the item shall not be considered until all delegates on the item have been heard.

### **4.8 Delegations**

- a) A delegate may address Council or committee for a period of time not exceeding five minutes. Council or committee may extend the five minute



time period by a majority vote of the members present. Such a motion shall be decided without debate.

- b) For the purpose of Council and committee meeting agendas, delegates have until 10:00 a.m. on the Friday of the week prior to the meeting to notify the Clerk that they wish to delegate or to submit written submissions on items on the agenda.
- c) Notwithstanding Section 4.8 (a), designated representatives of senior levels of government or the County of Wellington appearing before Council or committee shall have no time limitations placed on their delegation.
- d) A delegate may only address Council or committee with respect to an item on the agenda.
- e) Delegates shall only be permitted at Council budget meetings designated for the explicit purpose of receiving budget delegations.
- f) No delegation shall be made to Council or committee on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said administrative tribunal or court.
- g) No delegate shall speak on a matter that is not within the jurisdiction of the Council or committee. The Mayor and committee chairs in consultation with the Clerk will determine if a matter is within the jurisdiction of the Council or committee.
- h) No delegations shall be made to notices of motion on a Council or committee agenda. Delegates will have an opportunity to speak at a subsequent Council or committee meeting when that item will be discussed.
- i) No delegations shall be permitted to speak on a notice of motion to reconsider.
- j) No delegations shall be made at workshops.
- k) A delegate may not address Council or committee with respect to a by-law on the agenda.
- l) Delegates shall not be permitted to appear before Council or committee for the sole purpose of generating publicity for an event.
- m) No delegations shall be permitted to speak to presentations at Council or Committee of the Whole meetings.
- n) No delegations shall be permitted to closed Agenda items.
- o) A delegate shall only register themselves to speak and may not register other delegates.
- p) If a delegate is unable to attend the meeting for which they are registered they may provide their written submission to the Clerk.
- q) Delegates wishing to speak on a matter not on the agenda:
  - i. Shall provide the Clerk in writing a request outlining the subject matter of the delegation and the action being requested to be taken by Council.
  - ii. The Clerk will advise the appropriate chair and Deputy CAO of the request.
  - iii. The Clerk will advise the requestor that the chair and Deputy CAO has been made aware of the request.

- iv. The requestor will be advised of the actions taken or when the item is coming forward to Council or committee.
- r) For Special Council meetings called under Section 8.1 (d), delegations may be permitted at the discretion of the Mayor or Chair in consultation with the City Clerk. If delegations are not permitted, a note to that effect will be posted on the City's website and/or included on the meeting agenda.
- s) For delegations permitted under Section 4.8 (r), the deadline to register as a delegate and/or to submit written correspondence will be posted on the City's website and/or included on the meeting agenda.

#### **4.9 Written Submissions/Petitions**

- a) Individuals may submit written correspondence on matters listed on the agenda by the timelines specified in Section 4.8 (b) and (s) for inclusion on the agenda and ~~consolidated-revised~~ agenda.
- b) Petitions ~~may be submitted in written or electronic format and shall meet the requirements set out in a petition policy approved by the City Clerk.~~
- c) Petitions shall not contain any obscene or improper matter or language.
- d) The individual or group initiating the petition, or submitting the petition to the Clerk, must provide a key contact name, mailing address, and telephone contact information.
- e) Personal information will be redacted from the information published in the agenda. ~~Council or committee will be advised of the number of signatures only.~~
- f) ~~Petitions that relate to a matter listed on the agenda should be submitted in accordance with the timelines specified in Section 4.8 (b) and (s) for inclusion on the agenda and revised agenda.~~
- a) ~~Petitions not relating to a matter listed on the agenda will be included on the subsequent Information Items in accordance with a petition policy approved by the City Clerk.~~
- ~~g) Electronic petitions will not be accepted.~~
- h) No written submissions shall be accepted with respect to a by-law on the agenda.
- i) Written submissions for Council budget meetings shall only be accepted for those budget meetings designated for receiving written submissions.

#### **4.10 Motions and Order of Voting**

- a) After a motion has been moved and seconded, it shall be deemed to be in the possession of Council or committee. Council or committee may consent to the withdrawal of the motion at any time before amendment or decision.
- b) Council or committee shall not debate any motion until it has been moved and seconded. When a motion has been seconded, it may upon request, be read or stated by the Mayor, chair or Clerk at any time during the debate.
- c) When a Councillor moves a motion or an amendment to a motion that is not included as part of the agenda package, that Councillor shall provide a copy of the motion to the Mayor or chair prior to the vote being taken.
- d) Whenever the Mayor or chair is of the opinion that an amending motion is contrary to the main motion, the Mayor or chair shall apprise the members thereof immediately. A Member of Council or committee may appeal the ruling of the Mayor or chair to Council or committee. If there is no appeal,

the decision of the Mayor or chair shall be final. The Council or committee, if appealed to, shall vote on the motion without debate and its decision shall be final.

- e) A motion in respect of a matter which is not within the jurisdiction of the Council or committee shall not be in order. The Mayor or chair in consultation with the Clerk will determine if the matter is within the jurisdiction of Council or committee.
- f) When a motion is under consideration no other motion shall be received unless it is a motion:
  - i. To refer the motion to committee, Council, staff or any other person or body. Such a motion to refer:
    - a. is open to debate;
    - b. is amendable; and
    - c. shall preclude amendment or debate of the preceding motion.
  - ii. To amend the motion. Such a motion to amend:
    - a. is open to debate;
    - b. shall not propose a direct negative to the main motion;
    - c. shall be relevant to the main motion;
    - d. is subject to only one further amendment, and any amendment more than one must be to the main motion; and
    - e. if more than one, shall be put in the reverse order to that in which they were moved, and shall be decided or withdrawn before the main motion is put to the vote.
  - iii. To defer the motion to another time. Such a motion to defer:
    - a. is not open to debate;
    - b. is not subject to amendment; and
    - c. applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.
  - iv. To adjourn the meeting notwithstanding Section 4.13(d). Such a motion to adjourn:
    - a. is not open to debate;
    - b. is not subject to amendment; and
    - c. shall always be in order.
  - v. To call a vote on the motion. Such a motion to call a vote on the motion:
    - a. cannot be amended;
    - b. cannot be proposed when there is an amendment under consideration;
    - c. when resolved in the affirmative, shall be forwarded by voting on the motion, without debate or amendment;

- d. when resolved in the negative, shall be followed by resumption of debate; and
- e. shall always be in order.
- g) Once all motions relating to the main motion have been dealt with, and once the main motion is put, there shall be no further discussion or debate and the motion shall be immediately voted on.
- h) A motion may be voted against by the mover and seconder.

#### **4.11 Voting at Open Meetings**

- a) When one or more motions as set out in Section 4.10 have been made, the order of the vote shall be as follows:
  - i. To defer the motion;
  - ii. To refer the motion;
  - iii. Upon the amendments in the reverse order to that in which they were moved, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
  - iv. Then, upon the main motion or upon the main motion as amended. If any amendments have been carried.
- b) Except as otherwise provided, every Member of Council or committee shall have one vote.
- c) Any motion on which there is a tie vote shall be deemed to be defeated, except where otherwise provided by any act.
- d) A failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
- e) When the motion under consideration contains distinct clauses, and a member has requested to vote on each distinct clause, then a vote shall be taken separately on each clause; including each clause added by way of an amendment.
- f) After a vote has been called by the Mayor or chair, no member shall be recognized to speak to the motion or make any other motion after the result of the vote has been declared.
- g) Members shall distinguish their vote by voting either in favour or opposed using an electronic voting system. Should Council or committee meet in a location where there is no electronic voting system, or should the electronic voting system be inoperable, each member must distinguish their vote by a show of hands.
- h) Unless otherwise requested by a member, no recorded vote is required for the following privileged and incidental motions:
  - i. Adjournment;
  - ii. Recess; and/or
  - iii. Moving out of a closed meeting.
- i) The Mayor or chair shall vote on any motion while in possession of the chair, however, if the Mayor or chair wishes to propose a motion he or she shall step down and shall not resume the chair until the vote is taken.

## **4.12 Points of Order or Privilege**

### **4.12.1 Point of Order**

- a) A member may raise a point of order at any time, whereupon the Mayor or chair shall:
  - i. Interrupt the matter under consideration;
  - ii. Ask the member raising the point of order to state the substance of and the basis for the point of order; and
  - iii. Rule on the point of order immediately without debate by Council or committee.
- b) A Member of Council or committee may appeal the ruling of the Mayor or chair to Council or committee which will then decide on the appeal, without debate, by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or chair shall be final.

### **4.12.2 Point of Privilege**

- a) A member may raise a point of privilege at any time if he or she considers that their integrity, the integrity of Council or the committee as a Whole or staff has been impugned, whereupon the Mayor or chair shall:
  - a. Interrupt the matter under consideration;
  - b. Ask the member raising the point of privilege to state the substance of and the basis for the point of privilege; and
  - c. Rule on the point of privilege immediately without debate by Council or committee.
- b) A Member of Council or committee may appeal the ruling of the Mayor or chair to Council or committee.
- c) If there is no appeal, the decision of the Mayor or chair shall be final. The Council or committee, if appealed to, shall vote on the motion without debate by way of a majority vote of the members present and its decision shall be final.
- d) Where the Mayor or chair considers that the integrity of any city employee has been impugned or questioned, the Mayor or chair may permit staff to make a statement to Council or committee.

## **4.13 Adjournment of Council and Special Council Meetings**

- a) Council shall adjourn at 11:00 p.m. unless otherwise decided before that hour by a majority vote of the members present. If Council is adjourned before the agenda is completed, Council shall establish a time and date for consideration of the balance of the agenda.
- b) Only one motion to extend the automatic adjournment beyond 11:00 p.m. shall be permitted per meeting, and the maximum allowable extension shall be to 11:59 p.m.
- c) A motion to adjourn may be made by any member who has been recognized by the Mayor or chair. The motion must be moved and seconded. A motion to adjourn shall not be made during a vote on any other motion.
- d) Notwithstanding Section 4.13(a), if a motion to extend the automatic adjournment time is required prior to the hearing of all delegates on a matter being considered at the time such motion to adjourn is made, Council shall not adjourn the meeting until all listed delegates on the matter have been heard. Once the listed delegates have been heard, Council shall deal with the matter being considered at the time the motion to adjourn was made, as well

as any other time sensitive issues on the agenda identified by the Clerk.

#### **4.14 Adjournment of Committee of the Whole Meetings**

- a) The Committee of the Whole shall adjourn at 8:00 p.m. unless otherwise decided before that hour by a majority vote of the members present. If the Committee of the Whole meeting is adjourned before the agenda is completed, the committee shall establish a time and date for consideration of the balance of the agenda.
- b) Only one motion to extend the automatic adjournment beyond 8:00 p.m. shall be permitted per meeting, and the maximum allowable extension shall be to 9:00 p.m.
- c) A motion to adjourn may be made by any member who has been recognized by the chair. The motion must be moved and seconded. A motion to adjourn shall not be made during a vote on any other motion.
- d) Notwithstanding Section 4.14(a), if a motion to extend the automatic adjournment time is required prior to the hearing of all delegates on a matter being considered at the time such motion to adjourn is made, Committee of the Whole shall not adjourn the meeting until all listed delegates on the matter have been heard. Once the listed delegates have been heard, the committee shall deal with the matter being considered at the time the motion to adjourn was made, as well as any other time sensitive issues on the agenda identified by the Clerk.

### **5. Regular Meetings of Council**

The rules and procedures contained in Sections 3 and 4 shall apply with necessary changes.

#### **5.1 Location, Date and Time of Meetings**

Notwithstanding Section 4.2:

##### **5.1.1 Time of Regular Meetings**

Regular Council meetings shall be held at 6:30 p.m.

##### **5.1.2 Closed Council Meetings**

When a closed meeting of Council is required, where possible, it shall be held no earlier than 4:30 p.m. on the day of an existing regular Council meeting.

#### **5.2 Order of Business**

The Clerk, in consultation with the Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:

- Call to Order
- Singing of O Canada
- Silent Reflection
- First Nations Acknowledgement
- Closed Meeting Summary
- Disclosure of Pecuniary Interest and General Nature Thereof
- Confirmation of Minutes
- Presentations
- Consent Agenda
- Items for Discussion
- Special Resolutions
- By-laws
- Announcements
- Notice of Motions
- Adjournment

#### **5.3 Closed Meeting Summary**

Following a closed meeting of Council or committee, the Mayor or chair shall disclose, in a general manner, how the agenda items were dealt with in the closed

meeting.

#### **5.4 Confirmation of Council and Committee of the Whole Minutes**

- a) The Clerk shall present the minutes, without note or comment, of any previous open and closed Council or committee meetings to Council for adoption.
- b) When the minutes of Committee of the Whole, or any Council meeting, have been adopted, the Mayor and Clerk shall sign them.

#### **5.5 Committee of the Whole Consent Report**

- a) The report from Committee of the Whole to Council, for items which do not have presentations or delegations, shall be submitted to Council in the form of a consent report, and shall be dealt with by Council as follows:
  - i. The Committee of the Whole consent report shall be presented by the respective chair or, in his or her absence, by the vice-chair who shall move the adoption of their report.
  - ii. Council Members shall identify any items contained on the Committee of the Whole consent report which they wish to speak to and the matter shall be extracted from the consent report to be dealt with separately under items for discussion.
  - iii. The balance of items on the Committee of the Whole consent report, which have not been extracted, shall be voted on in one motion.
- b) In the event that Council adopts a motion to be referred back to staff, staff shall report back to a regular Council meeting and not back to a Committee of the Whole meeting.
- c) Reports from local boards and advisory committees submitted in writing shall be signed by the chair or secretary. When such reports are requesting Council action, they shall include appropriate resolutions for consideration.

#### **5.6 Council Consent Agenda**

- a) The Council consent agenda shall consist of the following items that do not have presentations or delegations:
  - i. Reports from staff;
  - ii. Correspondence for the direction of Council, which may include:
    - correspondence for which a policy decision or approval of Council is required;
    - correspondence accompanied by a recommendation from staff; and
  - iii. Items of a timely nature.
- b) Council Members shall identify any items contained on the consent agenda which they wish to speak to and the matter shall be extracted from the consent agenda to be dealt with separately under items for discussion.
- c) The balance of items on the consent agenda, which have not been extracted, shall be voted on in one motion.

#### **5.7 Items for Discussion**

- a) Items for discussion shall consist of the following items that have presentations and/or delegations:
  - i. Reports from staff;
  - ii. Correspondence for the direction of Council; and

- iii. Correspondence extracted from the weekly Items for Information.
- b) In the event that Council adopts a motion to be referred back to staff, staff shall report back to a regular Council meeting and not back to a Committee of the Whole meeting.

## **5.8 Reconsideration of a Council Decision**

- a) Council may reconsider an entire resolution that was decided during any term of Council. A reconsideration of a portion of a resolution shall not be permitted. Such reconsideration can either amend the previous decision or rescind it.
  - i. No resolution shall be reconsidered more than once during the term of Council.
  - ii. A motion to reconsider shall not be reconsidered.
- b) A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution resulting in legally binding commitments that are in place on the date the motion to reconsider is considered by Council.
- c) If Council passes a resolution and adopts the same matter by by-law, only the resolution may be reconsidered. If the decision resulting from the reconsideration warrants, the by-law will be amended or repealed accordingly.
- d) A motion to reconsider shall be introduced by way of a notice of motion to Council ~~pursuant to Section 5.11. and considered as a special resolution at a subsequent regular meeting of Council pursuant to Sections 5.11 and 5.12.~~
- e) No delegations shall be permitted to speak on a notice of motion to reconsider.
- f) Only a Member of Council who voted with the majority in respect of a previous decision or who was absent from the vote or was not a Member of Council at the time may move or second a motion for reconsideration.
- g) A motion to reconsider must be carried in the affirmative by a vote of two-thirds of the entire Council.
- h) If a motion to reconsider is decided in the affirmative:
  - i. The reconsideration effectively returns Council to just prior to the original Council decision.
  - ii. Reconsideration of the original motion shall then be the next order of business unless the motion specifies a future date.
- i) A notice of reconsideration received from the Local Planning Appeals Tribunal shall not be deemed a reconsideration of a Council decision.

## **5.9 By-laws**

- a) The Clerk shall submit to Council a summary of all by-laws proposed for adoption that includes the by-law numbers and titles.
- b) A complete copy of every proposed by-law shall be ~~brought to the Council meeting and be available to any person interested in reviewing attached in electronic format to the revised agenda.~~
- c) Unless otherwise requested, all by-laws proposed for adoption shall be passed in one single motion.



- d) The Clerk shall be responsible for their correctness should they be amended at a Council meeting.
- e) Every by-law passed by Council shall:
  - i. Be signed by the Mayor, or the presiding officer;
  - ii. Be signed by the Clerk or designate;
  - iii. Be sealed with the City seal; and
  - iv. Indicate the date of passage.
- f) Council shall enact a by-law to confirm all actions taken by Council.

## 5.10 Announcements

Council meeting announcements shall be provided to the Mayor in writing prior to the Council meeting, and the Mayor shall read the announcements at the end of the Council meeting.

## 5.11 Notices of Motion

- a) Prior to initiating the notice of motion process, a member shall first submit the proposed motion in writing to the ~~Deputy CAO and~~ relevant Committee of the Whole Service Area chair for approval to place the matter on a Committee of the Whole agenda. If approved, the motion shall be submitted in writing to the Clerk prior to the regular agenda deadline for inclusion on a committee meeting agenda.
- ~~b) If the matter is not placed on a Committee of the Whole agenda by the relevant Service Area chair and Deputy CAO, at a regular Council, Council Planning or Committee of the Whole meeting, a member shall give notice that he or she intends to introduce a motion at a subsequent regular meeting of Council to initiate any measure within the jurisdiction of Council.~~
- ~~b) If approval is not obtained as per Section 5.11 (a), a notice of motion shall be submitted in writing, on the prescribed form, to the Clerk and shall be placed on a regular Council agenda, as a referral to a future Committee of Whole meeting as an item for discussion, or if no future Committee of the Whole meeting has been scheduled, to regular Council.~~
- ~~c) The notice of motion shall be submitted in writing, on the prescribed form, to the Clerk prior to the regular agenda deadline for inclusion on any regular Council agenda.~~
- d) The motion may not be submitted as part of a ~~consolidated-revised~~ agenda.
- ~~e) A motion for which notice has been given, other than one to reconsider or rescind a prior decision of Council, shall be in the form of a referral to the Committee of the Whole or, if no future Committee of the Whole meeting has been scheduled, to regular Council.~~
- ~~f) The motion for which notice has been given, shall be included as a special resolution on an agenda of a regular Council meeting.~~
- ~~g) If a motion is introduced and not brought forward in the next two (2) subsequent regular Council meetings, the motion expires.~~
- h) No delegations shall be permitted to speak on a notice of motion when it appears on an agenda as a referral to the Committee of the Whole.

## ~~5.12 Special Resolutions Arising from Notice of Motion~~

- ~~a) Motions for which notice has been given shall be listed on the next regular Council agenda, unless the member introducing the motion has specified another regular Council meeting date as per Section 5.11(a), under the special resolutions section of the agenda. Special resolutions for which previous notice has been given shall not be placed on a consolidated agenda.~~

~~b) In introducing a special resolution to Council, a member shall be permitted the opportunity of providing material and information in support of the resolution.~~

### **5.13 Special Resolutions Arising from Closed Meeting**

- a) Where Council has passed a procedural resolution at a closed meeting to report out at a meeting, such resolution shall be introduced under the special resolution or closed meeting summary heading of the agenda pursuant to Section 4.6.7 (a) (ii).
- b) Council or staff may provide contextual information prior to Council's consideration of the special resolution.

## **6. Council Planning Meetings**

The rules and procedures contained in Sections 3, 4 and 5 shall apply with necessary changes.

Council Planning shall consider matters where a public meeting is required to hear applications under the Planning Act.

### **6.1 Public Notice of Meetings**

Notwithstanding Section 4.1, staff shall give legislated notice of items on any agenda in accordance with the applicable legislation.

### **6.2 Location, Date and Time of Meetings**

Notwithstanding Section 4.2:

#### **6.2.1 Time of Meetings**

Council Planning meetings shall be held at 6:30 p.m.

#### **6.2.2 Closed Council Meetings**

When a closed meeting of Council is required, where possible, it shall be held no earlier than 4:30 p.m. on the day of an existing Council Planning meeting.

### **6.3 Order of Business**

The Clerk, in consultation with the Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:

- Call to Order
- Singing of O Canada
- Silent Reflection
- First Nations Acknowledgement
- Closed Meeting Summary
- Presentations
- Disclosure of Pecuniary Interest and General Nature Thereof
- Setting of the Consent Agenda
- Public Meetings Pursuant to The Planning Act
- Items for Discussion
- Special Resolutions
- By-laws
- Announcements
- Notice of motions
- Adjournment

### **6.4 Delegations**

- a) Notwithstanding Section 4.8 (a), the time limitation for delegations speaking at a public meeting to hear applications under the Planning Act, shall not exceed ten minutes. Council may extend the ten-minute time period by a majority vote of the Council Members present without debate.
- b) Council may ask questions of staff after a staff presentation and prior to delegates addressing Council.

- c) Once all registered delegates have spoken, the Mayor or chair shall ask if anyone present wishes to speak. Such individuals shall be permitted to speak without advance notice pursuant the Planning Act and as per Section 6.4 (a).

## **6.5 Council Planning Consent Agenda**

The rules and procedures contained in Section 5.6 shall apply to the Council Planning consent agenda.

## **7. Committee of the Whole Meetings**

Notwithstanding Section 4.2, the rules and procedures contained in Sections 3, 4 and 5 shall apply with necessary changes.

### **7.1 Location, Date and Time of Meetings**

#### **7.1.1 Time of Meetings**

Committee of the Whole meetings shall be held at 2:00 p.m.

#### **7.1.2 Closed Meetings**

When a closed meeting of committee is required, it shall be held no earlier than 12:30 p.m. on the day of an existing scheduled Committee of the Whole meeting.

### **7.2 Chairing**

- a) Chairs will chair the portion of the committee meeting where business is forwarded from their respective Service Areas or portfolios.
- b) Chairs will assume the head of council seat when chairing their portion of the meeting.

### **7.3 Service Area Reporting**

Service Areas will report to committee on their designated month.

### **7.4 Order of Business**

The Clerk, in consultation with the chairs, Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:

- Closed Meeting Summary
- Disclosure of Pecuniary Interest and General Nature Thereof
- Presentations
- Consent Agenda (rotating based on Service Area reporting)
- Items for Discussion (rotating based on Service Area reporting)
- Chairs and Staff Announcements
- Notice of motions
- Adjournment

### **7.5 Committee of the Whole Consent Agenda**

- a) Committee of the Whole shall use a consent agenda which shall consist of items that do not have presentations or delegations.
- ~~b) A Member of Council may request that a matter appearing on the Weekly Information Items to Council be listed on the appropriate Committee of the Whole consent agenda for discussion or consideration.~~
- c) Reports from local boards and advisory committees submitted in writing shall be signed by the chair or secretary. When such reports are requesting Council action, they shall include appropriate motions for consideration.
- d) Those matters which are time sensitive may be included on the consent agenda as approved by the CAO and appropriate Deputy CAO.
- e) Council Members shall identify any items contained on the Committee of the Whole consent agenda which they wish to speak to and the matter shall be

extracted from the consent agenda to be dealt with separately under items for discussion.

- f) The balance of items on the Committee of the Whole consent agenda, which have not been extracted, shall be voted on in one motion.

## **7.6 Announcements**

Service Area updates may be made by the Mayor, chair, CAO, Deputy CAO's or their designates. Service Area announcements provided to the chairs prior to the meeting shall be read by the chair at the end of the relevant Service Area portion of the meeting.

## **8. Special Council Meetings**

The rules and procedures contained in Sections 4 and 5 shall apply with necessary changes.

### **8.1 Calling of Special Council Meetings**

- a) The Mayor may at any time summon a special meeting of Council within 48 hours. The Mayor shall also summon a special meeting of Council when so requested in writing by a majority of Members of Council.
- b) Upon receipt of a written petition of the majority of the Members of Council, the Clerk shall summon a special meeting for the purpose mentioned in the petition.
- c) Upon the calling of a special meeting the Clerk shall give notice to all members, not less than 48 hours prior to the time fixed for the meeting of the:
  - time;
  - place; and
  - business to be considered.
- d) On emergency or extraordinary occasions, the Mayor may call a special Council meeting without the notice provided in Section 8.1 (a).
- e) City Council shall have the discretion to consider any items previously considered by any committee of City Council, but not yet confirmed by City Council, as part of a meeting called under Section 8.1 (d).
- f) Only items disclosed on the meeting agenda may be considered by Council. Items will not be added to the special meeting on a ~~consolidated-revised~~ agenda.

### **8.2 Workshops**

#### **8.2.1 Location, Date and Time of Meeting**

Council workshops shall be held no earlier than 6 p.m.

#### **8.2.2 Delegations**

Delegations will not be heard at Council workshops.

## **9. Electronic Participation in Meetings**

- a) Any member of City Council may participate in any open or closed City Council, Special Council or Committee meeting electronically and be counted for the purpose of establishing quorum.
- b) A member who joins a meeting via electronic participation partway through the meeting shall advise the Chair and Clerk of their attendance at the meeting.
- c) A member who is participating electronically in a meeting who, for any reason, will no longer be attending the meeting prior to adjournment, shall

advise the Chair and Clerk of their absence from the meeting.

- d) In accordance with Section 4.5 and pursuant to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended, members who have declared a pecuniary interest regarding a matter being discussed, and are participating electronically, shall disconnect and leave the electronic meeting and not participate in any way with respect to the matter in question.
- e) Delegations may participate in an electronic meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the City Clerk's Office, and in accordance with the rules set out in Section 4.8.
- f) Any member of an advisory committee, local board, agency, commission and association may participate in meetings electronically and be counted for the purpose of establishing quorum.

## **10. Inaugural Council Meeting**

- a) The first meeting of Council following a regular election shall be held on the first Monday in December at 6:30 p.m. in the Council Chambers of City Hall or at such alternate location as determined by the Clerk.
- b) At the inaugural meeting, each member present shall make his or her declaration of office and sign Council's Code of Conduct. The Clerk may provide additional policies or procedures to Council as appropriate. Council shall not proceed with any regular business at this meeting.

## **11. Council Meeting as Shareholder**

- a) Council meets as the shareholder of the following Corporations:
  - i. Guelph Municipal Holdings Incorporated; and
  - ii. Guelph Junction Railway Company.
- b) Shareholder meetings shall be held as special meetings on separate dates, unless otherwise directed by the Mayor and/or CAO.

## **12. Committees**

### **12.1 Appointments to Committees**

- a) Council shall appoint chairs for Committee of the Whole. Council shall consider rotating the chairs' position every two years. In appointing chairs, consideration shall be given to workload balance, individual interests and Councillor development.
- b) Council shall appoint vice-chairs for Committee of the Whole. Council shall consider rotating the vice-chairs' position every two years. In appointing a vice-chair, consideration shall be given to workload balance, individual interests and Councillor development.
- c) Council shall make public and member appointments to agencies, boards, committees and commissions at regular Council meetings.

### **12.2 Committees Reporting Directly to Council**

The following committees are appointed by and report directly to Council:

- a) Ad Hoc Standing Committees
  - i. Emergency Governance
- b) Quasi-judicial committees
  - i. Business Licence Appeals Committee

~~c) Committee of Management for the Elliott~~

- d) Chief Administrative Officer Recruitment, Selection and Performance Sub-committee

### **12.3 Committee Composition**

The Mayor is ex-officio on all committees and:

- i. May attend meetings;
- ii. Attendance does not count towards quorum; and
- iii. May participate in meetings.

#### **12.3.1 Emergency Governance Committee**

- a) The Emergency Governance Committee shall be comprised of a minimum of four (4) and a maximum of six (6) Members of Council and quorum shall be four (4) members.
- b) ~~The Emergency Governance Committee's scope of responsibilities includes the exercise of Council's legislative, quasi-judicial and administrative powers, subject to the limitations of the Municipal Act, with such delegated authority to be exercised only:~~
  - ~~a. For the duration of an emergency which has been declared by the Mayor or his/her designate, in accordance with the City's Emergency Response Plan;~~
  - ~~b. At such time when at least seven members of Council are incapacitated through death, illness or injury, and are not able to attend a properly scheduled Meeting of Council; and~~
  - ~~c. For Council's normal decision-making process and not for the management or coordination of emergency response activities.~~

#### **12.3.2 Committee of Management for The Elliott**

The Committee of Management for The Elliott shall be composed of all Members of Council.

#### **12.3.3 Business Licence Appeals Committee**

The Business Licence Appeals Committee shall be composed of five (5) Members of Council appointed for the term of Council to hear appeals under the Business Licence By-law.

#### **12.3.4 Chief Administrative Officer Recruitment, Selection and Performance Sub-committee**

The Chief Administrative Officer Recruitment, Selection and Performance Sub-committee shall be composed of the Committee of the Whole service area chairs for Corporate Services, Public Services, Infrastructure, Development and Enterprise Services, Audit and Governance.

### **12.4 Ad Hoc Committees and Advisory Committees**

#### **12.4.1 Ad Hoc Committees**

- a) Council may appoint ad hoc committees, with a defined ending, to consider a specific matter and report to Council.
- b) Only the members of an ad hoc committee shall participate in debate or ask questions at ad hoc committee meetings.

#### **12.4.2 Advisory Committees**

- a) Advisory committees are created by Council with no defined ending, to report through the appropriate Service Area on a specific subject matter.
- b) No Members of Council shall be appointed to advisory committees.
- c) The appointment of a member of the public to an Advisory committee may be forfeited if the member is absent from meetings of the committee for three (3) consecutive months without being authorized to do so by a resolution of the committee.

**13. Report Deadlines and ~~Weekly~~ Information Items**

**13.1 Report Deadlines**

Reports, presentations and other agenda materials are due to the Clerk’s office on the dates and times set out in the Council and Committee Report Deadlines schedule prepared following the adoption of the Council and committee meeting dates.

**13.2 ~~Weekly~~ Information Items**

- a) ~~Weekly~~ Information Items ~~shall~~**may** consist of the following items:
  - i. ~~Reports from staff for information~~ Information Reports;
  - ii. Correspondence received that may be of interest to Members of Council;
  - iii. Boards’ and committees’ minutes and information; **and**
  - iv. Intergovernmental ~~Consultations~~ Information.
  - ~~v. Items available in the Clerk’s Office.~~
- b) ~~Weekly~~ Information Items will be published ~~and distributed weekly on Fridays~~ **the last business day of each week.**
- c) Members of Council may request an item from the ~~Weekly~~ Information Items be placed on the appropriate Committee of the Whole or Council agenda for discussion.

**14. General Rules**

**14.1 Robert’s Rules of Order**

In relation to the proceedings of Council and committees and for which Rules of Procedure have not been provided in this by-law, Robert’s Rules of Order 11<sup>th</sup> Edition shall be referenced where practicable.

**14.2 Other General Information**

**13.2.1** This by-law comes into force on ~~July 27, 2020~~ **March 22, 2021.**

**13.2.2** The short title of this by-law is the Procedural By-law.

**13.2.3** Appendix 1, the “Motions Table”, forms part of this by-law and shall be used as a reference.

**15. Procedural By-laws for Other Boards, Committees or Commissions**

Where a board, committee or commission of the City has not adopted a procedural by-law, such board, committee or commission shall be deemed to have adopted this procedural by-law with necessary modifications including the requirement that all meetings be open to the public, subject to the same exceptions applicable to Council meetings as set out herein.

**16. Repeal of Previous By-law**

By-law Number (2020)-20515 is hereby repealed.

**Passed this twenty-second day of March, 2021.**

**Cam Guthrie, Mayor**

---

**Stephen O’Brien, City Clerk**



17. Appendix 1

Table 1 Motions Table

Motion	Debatable	Non-debatable	Amendable	Non-amendable	Special Majority
Adjourn	No	Yes	No	Yes	
Point of privilege	No	Yes	No	Yes	Chair Rules*
Point of order	No	Yes	No	Yes	Chair Rules*
Call a vote on the motion	No	Yes	No	Yes	
Motion to amend	Yes	No	Yes	No	
Defer	No	Yes	No	Yes	
Refer	Yes	No	Yes	No	
Extend Council meeting beyond 11:00 p.m.	Yes	No	No	Yes	Majority of the members present
Extend Committee of the Whole meeting beyond 8:00 p.m.	Yes	No	No	Yes	Majority of the members present
Reconsideration	Yes	No	No	Yes	Two-thirds of entire Members of Council
Appeal the chair’s ruling	No	Yes	No	Yes	
Suspend the Rules of Procedure	No	Yes	No	Yes	Two-thirds of entire Members of Council
Extend delegation speaking time beyond the five or ten minutes, whichever is applicable	No	Yes	No	Yes	

\* A point of order/privilege is ruled on by the Mayor/chair. Any member may appeal the chair’s ruling which must then be decided by a majority vote of the members present without debate.

# Procedural By-law Survey

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## **SURVEY RESPONSE REPORT**

29 December 2020 - 27 January 2021

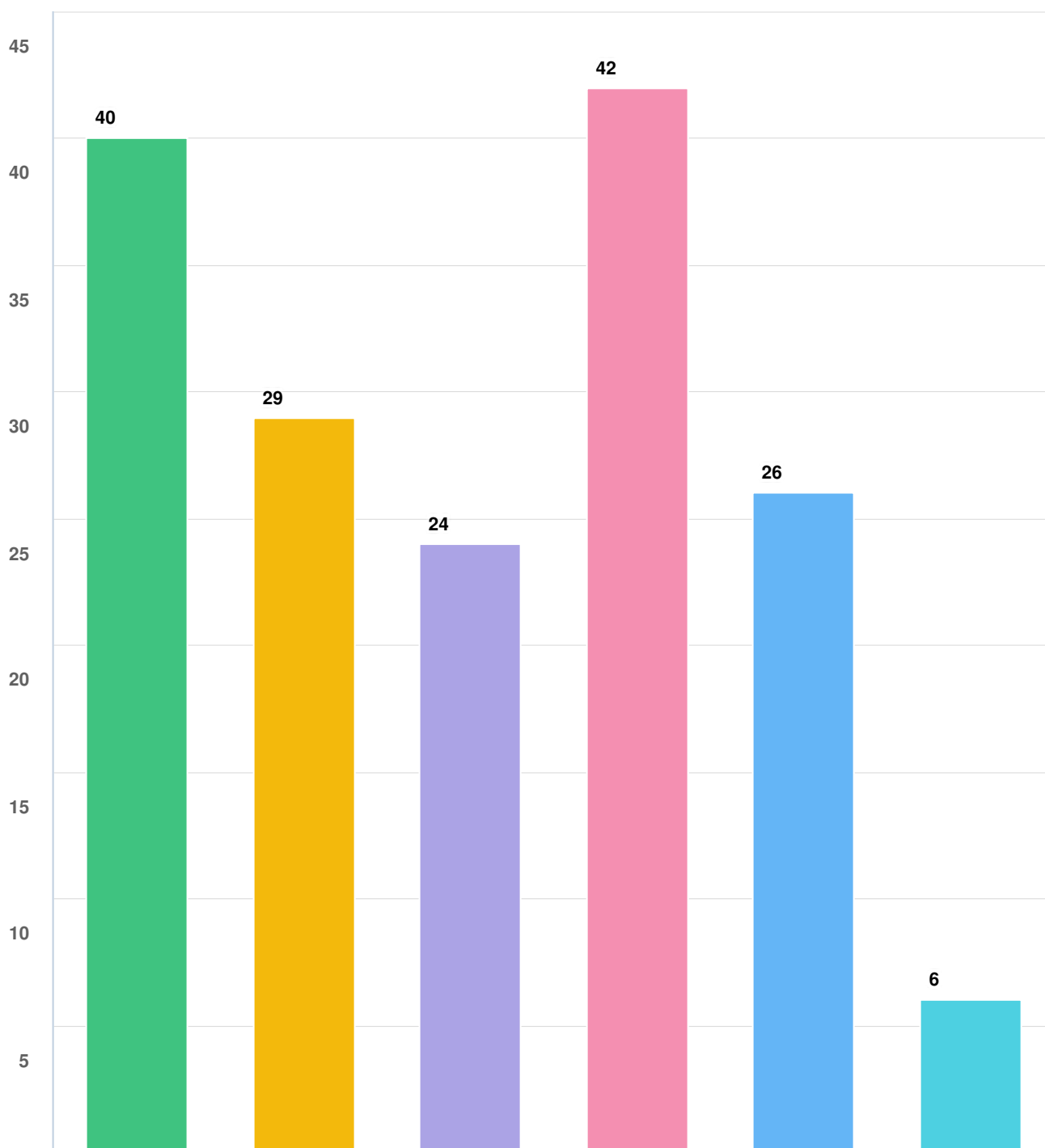
### **PROJECT NAME:**

Procedural By-law Review



# SURVEY QUESTIONS

**Q1** When promoting meetings, what methods are best to provide public notice? (Select all that apply)



**Question options**

- ☒ City Website   ☒ Local newspaper   ☒ Other local media   ☒ Social media   ☒ Secure email distribution list  
☒ Other (please specify)

Optional question (48 response(s), 0 skipped)  
Question type: Checkbox Question

**Q2 | Other than the information provided in subsection C (date, time, location, method of participation, etc.) what other information should be required in providing public notice, if any?**

Anonymous 1/04/2021 12:16 PM	length of time allowed
Anonymous 1/04/2021 12:53 PM	Topics covered
Anonymous 1/04/2021 01:11 PM	Reason for the meeting, not legal requirement, but what the meeting is in response to - why is it something I should be concerned about, what's the impact on people.
Anonymous 1/04/2021 01:31 PM	Critical Documents and Information should be posted for everyone to see and not on day of Meeting.
Anonymous 1/04/2021 02:24 PM	Key topics
Anonymous 1/04/2021 03:07 PM	The notification should identify major elements of public participation that formed part of the process of developing a proposal to alert members of the public with past participation
Anonymous 1/04/2021 04:54 PM	None
Anonymous 1/05/2021 02:17 PM	Purpose and process
Anonymous 1/06/2021 09:31 AM	general overview of the subject matter or proposal.
Anonymous 1/06/2021 05:44 PM	Topic of discussion, opportunities left to participate (ie this is the second out of three meetings for you to discuss x issue)
Anonymous 1/08/2021 09:55 AM	Meeting agenda
Anonymous 1/08/2021 10:08 AM	brief content synopsis
Anonymous 1/08/2021 10:54 AM	If there is a maximum capacity, that might be good to list.

Anonymous

1/08/2021 12:03 PM

nature of participation allowed at a given meeting and time allocation on agenda

Anonymous

1/08/2021 12:39 PM

Why public should be involved and how public have opportunities to change outcome

Anonymous

1/08/2021 05:03 PM

Do you include the focus of the meeting

Anonymous

1/09/2021 11:26 AM

Agenda

Anonymous

1/09/2021 01:33 PM

A clear link to an easily accessible, legible, and downloadable agenda should be provided in all notices of council meetings.

[REDACTED]

1/09/2021 05:25 PM

Agenda should be posted in layman's terms.

Anonymous

1/09/2021 06:29 PM

Explanation of what is being proposed or voted on

Anonymous

1/10/2021 04:08 PM

full agenda

Anonymous

1/11/2021 11:24 AM

A briefing note on the topic with links to archived and relevant files on the topic - I.e. past staff reports, by laws. Citizens cannot find background on the city site on their own

Anonymous

1/11/2021 02:09 PM

I have no idea what subsection C is. I reviewed the procedural bylaw and it's quite unclear what this is.

Anonymous

1/11/2021 02:19 PM

Broad agenda (with topics/issues to be discussed) is critical so citizens can decide whether or not they wish to participate. Without that, the meeting notice is like an invite to a movie when you don't know what movie is showing.

Anonymous

1/18/2021 01:48 PM

Any predetermined end time.

Anonymous

1/19/2021 12:13 AM

How to provide comment. Where to watch the meeting via webstream.

Anonymous

1/20/2021 06:40 PM

These meetings seem to have a huge failure rate in the eyes of the community. I suggest a less systemic sexist and racist structured government and policy. Many more Indigenous groups (not band counsel, thats federal interference and illegal) but actually connect with the indigenous communities

and find a way to include other cultural beliefs and practices in the community meeting and decision making process. We might just learn something. You can even invite women and black people, theres an idea. Try something that isnt designed for white men to be the leaders (usually rich white men)

Anonymous

1/21/2021 10:31 AM

A place to look up previously discussed details or background.

Anonymous

1/21/2021 10:47 AM

Brief of content to be covered.

Anonymous

1/25/2021 07:44 AM

Agenda items that would have public delegations; deadline to register as delegate

**Optional question** (30 response(s), 18 skipped)

**Question type:** Essay Question

**Q3 | Do you have any recommendations to improve Section 4.1 Public Notice of Meetings? (please provide details below)**

Anonymous

1/04/2021 12:53 PM

Develop machine learning tools to correlate topics and delegates from past meetings and use this as a guide for providing targeted notices to members of the community (including organizations) that are most likely to be interested in the topics appearing on a given meeting agenda. This could be developed in collaboration with the University of Guelph computer science department and the Community-Engaged Scholarship Institute.

Anonymous

1/04/2021 01:31 PM

Making sure the public knows, means repeating over and over again at all hours so a majority of citizens see or hear about it. One tweet is never enough.

Anonymous

1/04/2021 02:24 PM

N/A

Anonymous

1/04/2021 03:07 PM

If a proposal forms part of the implementation of a specific policy area of the City this general policy area should be mentioned in the public notice



1/04/2021 04:22 PM

have the information available a week in advance... 72 hours is not enough time

Anonymous

1/04/2021 04:54 PM

No

Anonymous

Links to guidance to prepare delegate responses.

1/04/2021 05:41 PM

Anonymous

1/04/2021 07:31 PM

Buy advertising in independent media like Guelph Back-grounder and Guelph Politico.

Anonymous

1/06/2021 09:31 AM

I realize some notices may be statutory, however, using plain language would be helpful

Anonymous

1/08/2021 10:08 AM

Add some indication of what topics will be on the agenda.

Anonymous

1/08/2021 12:03 PM

Longer advance notice for meetings that allow delegations and more accessible information about the process for obtaining space on a meeting agenda

Anonymous

1/08/2021 12:39 PM

Should be a priority to involve and connect with residents

Anonymous

1/08/2021 05:03 PM

72hrs is too short a time. There should be three notices, the last one being the 72hr one.

Anonymous

1/11/2021 11:24 AM

Extend 72 hours notice by another 24 hours

Anonymous

1/11/2021 02:19 PM

for meaningful consultation with the public, far more notice than 72 hours is needed. The longer the prep materials take to read, the more notice should be given.

Anonymous

1/20/2021 06:40 PM

Hold it in a space that everyone who needs to be there can be there. Round table or in a field, seriously. Anything other than a panel of white men above everyone else.

Anonymous

1/25/2021 07:44 AM

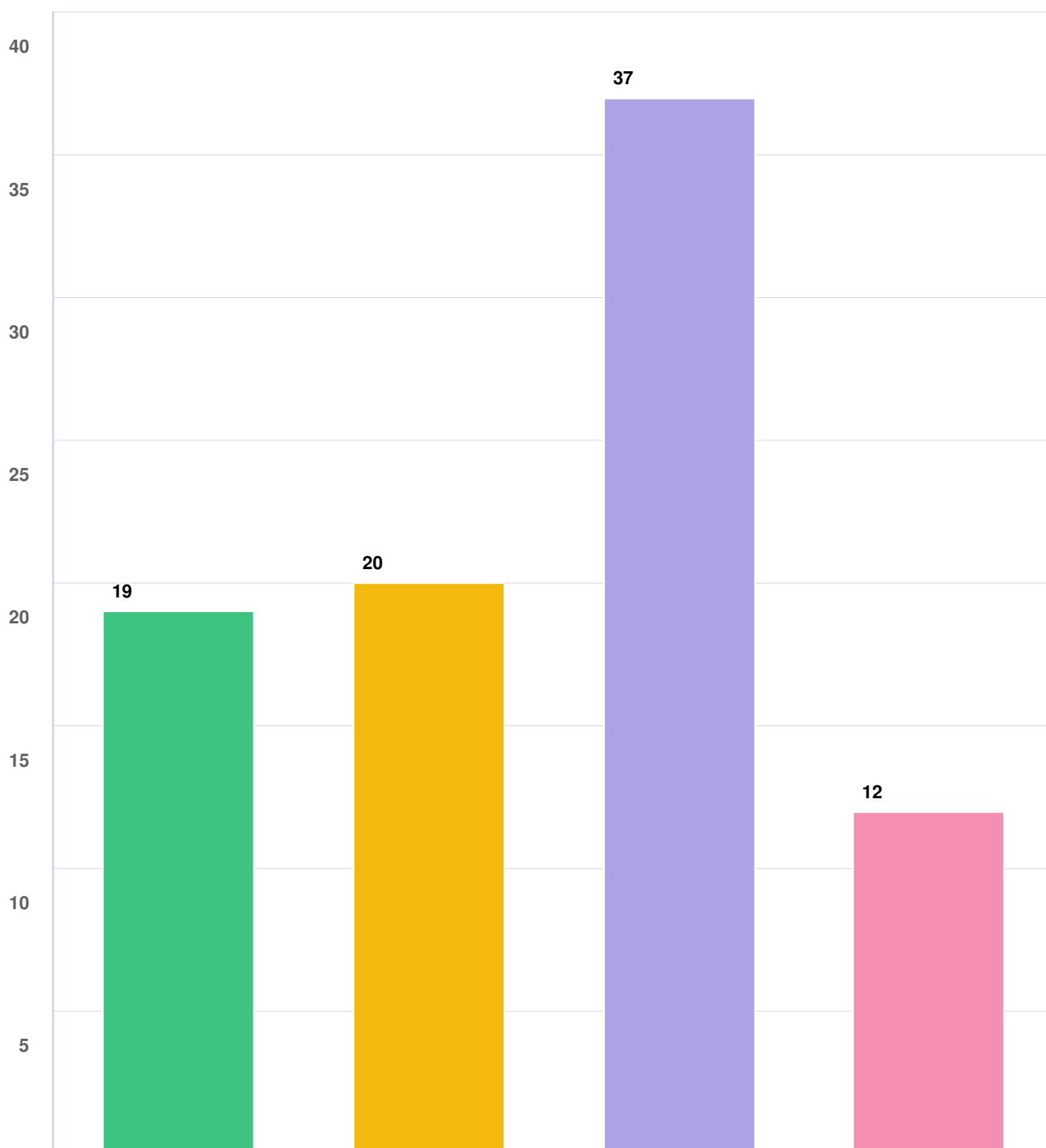
I don't think an e-mail list would provide a good return on investment. Post emergency meetings on FB and Mayor's twitter account.

**Optional question** (17 response(s), 31 skipped)

**Question type:** Essay Question



**Q4** What types of public presentations by outside organizations or individuals are most appropriate to present at Council or committee? (Select all that apply)

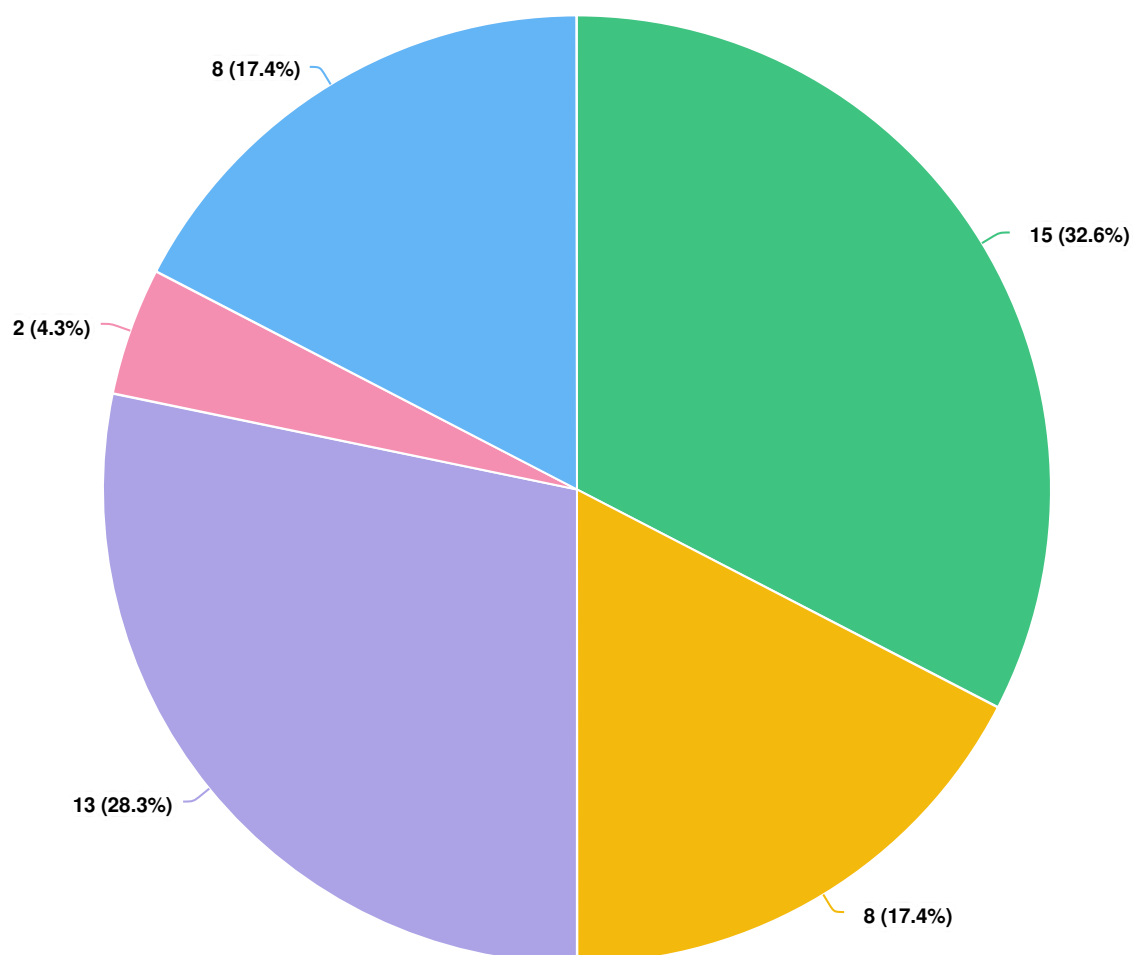


**Question options**

- Celebration of a milestone
- Dates/months of significance (e.g.: Breast cancer awareness month)
- Not-for-profit community support or initiative profile
- Other (please specify)

Optional question (43 response(s), 5 skipped)  
Question type: Checkbox Question

**Q5** What is an appropriate time limit for public presentations?



**Question options**

5 minutes 8 minutes 10 minutes 12 minutes 15 minutes

*Optional question (46 response(s), 2 skipped)*  
*Question type: Radio Button Question*

**Q6 | Do you have any recommendations to improve Section 4.7.1 Public Presentations?**  
**(please provide details below)**

Anonymous

1/04/2021 12:16 PM

we were allowed only 5 mins due to number of presentations

Anonymous

1/04/2021 01:31 PM

Depending on the topic, there should be flexible times so a max of 15 minutes.

Anonymous

1/04/2021 02:24 PM

N/A

Anonymous

1/04/2021 03:07 PM

The justification for a five minute limit of presentations at COW and regular Council meetings was that all items coming to Council had included ample opportunity for presentation of opinions and information by the public during the development phase of a proposal. There have been recent items coming to COW and Council with little or no public participation during proposal development. There should be flexibility in granting extra time (10 minutes) when a topic has not been previously open for discussion by the public.

Anonymous

1/04/2021 04:54 PM

No

Anonymous

1/04/2021 05:41 PM

Tight scheduling is much appreciated, speaking as a previous delegate. This enables one to be actively engaged at the requisite time.

Anonymous

1/04/2021 07:31 PM

Provide opportunities for community members to "caucus" ahead of time and pool their time with the most articulate people talking on an issue. If a lot of people want to speak, divide an allotted amount of time between the total number of delegates---but let people give their time to people that they trust to speak for them. This way the council will know how long their meetings will be, the most articulate people who know the most and represent more than just themselves will have do most of the speaking, and, the 'flakes' will still be able to speak---but only for a short time, and the clerk won't be who is limiting the person's time.

Anonymous

1/05/2021 02:17 PM

Have the ability to respond to comments from the councilors ( possibly once the councilors have all finished speaking and before the mayor wraps things up). 5 minutes to present and 3 minutes to respond to councils comments.

Anonymous

1/06/2021 09:31 AM

establish an open forum for citizens to appear before council or committee

Anonymous

1/08/2021 12:03 PM

Make information about the process for getting on the agenda with a public presentation more readily available. Make the guidelines for approval of such a presentation clear and apply them consistently.

Anonymous

1/08/2021 05:03 PM

It should be clear that whatever organization presents, that the organization is inclusive. An example of where one is not inclusive is Hope House. It is tied to Lakeside Church who would allow no temporary signage on the walls for the UGDSB Equity conference. An organization such as Hope House does a lot of good but they are committed to mission work and the word of Jesus which, by definition, is NOT inclusive.

Anonymous

1/09/2021 11:26 AM

I don't think Council meetings are an appropriate space for public presentations unless the purpose of the presentation is to encourage or request specific actions by Council.

Anonymous

1/09/2021 04:41 PM

Land acknowledgement and direct notification, and invitation Local Indigenous and Black Organizations how are leaders in our community

Anonymous

1/09/2021 06:29 PM

Keep to a minimum; takes up too much time at the present

Anonymous

1/10/2021 04:08 PM

Limit the number of times/meetings one group/one person can delegate at in a calendar year.

Anonymous

1/19/2021 12:13 AM

Ability to show media - PowerPoint, video, etc.

Anonymous

1/20/2021 06:40 PM

Depends on the topic and who is talking how much time someone gets

Anonymous

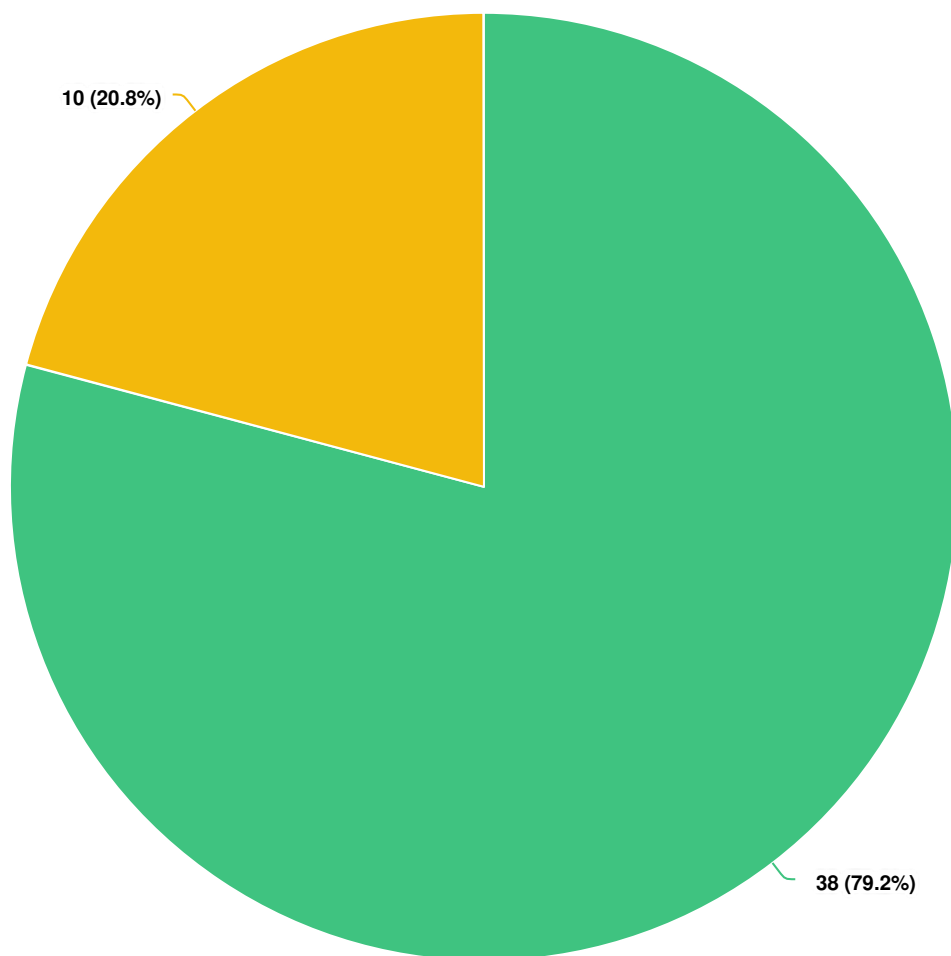
1/21/2021 10:47 AM

All formats should be permitted for presentation purposes, thus no limitations with language barriers or financial constraints. These choices should be listed clearly on the page.

**Optional question** (18 response(s), 30 skipped)

**Question type:** Essay Question

**Q7** | **Section 4.8.b) For the purpose of Council and committee meeting agendas, delegates have until 10:00 a.m. on the Friday of the week prior to the meeting to notify the Clerk that they wish to delegate or to submit written submissions on items on the ...**



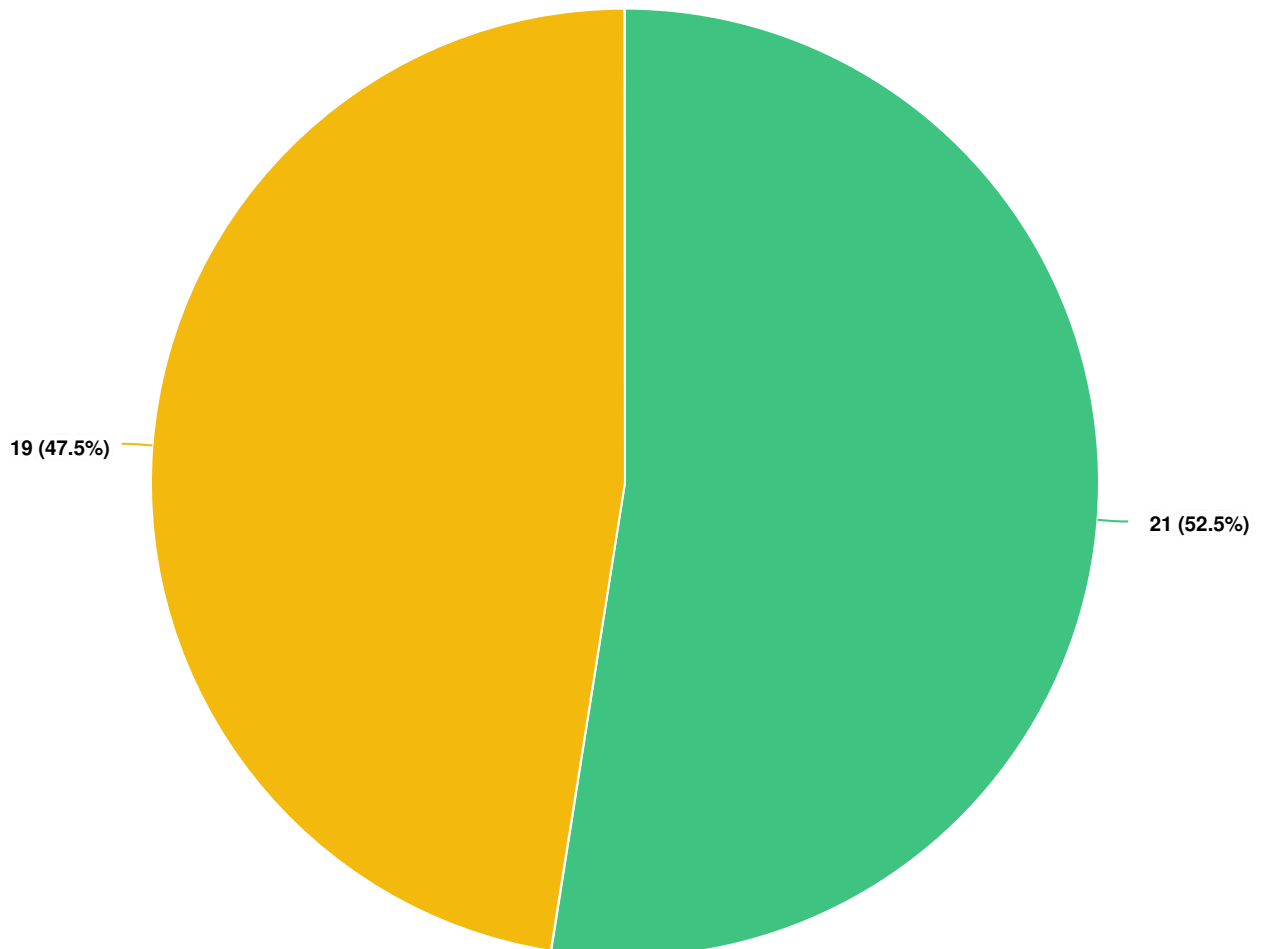
**Question options**

☒ Yes ☐ No (Please explain why)

*Optional question (48 response(s), 0 skipped)  
Question type: Radio Button Question*



**Q8** | Section 4.8.j) No delegations shall be made at workshops. Are there times when it may be necessary or appropriate to delegate at a workshop?

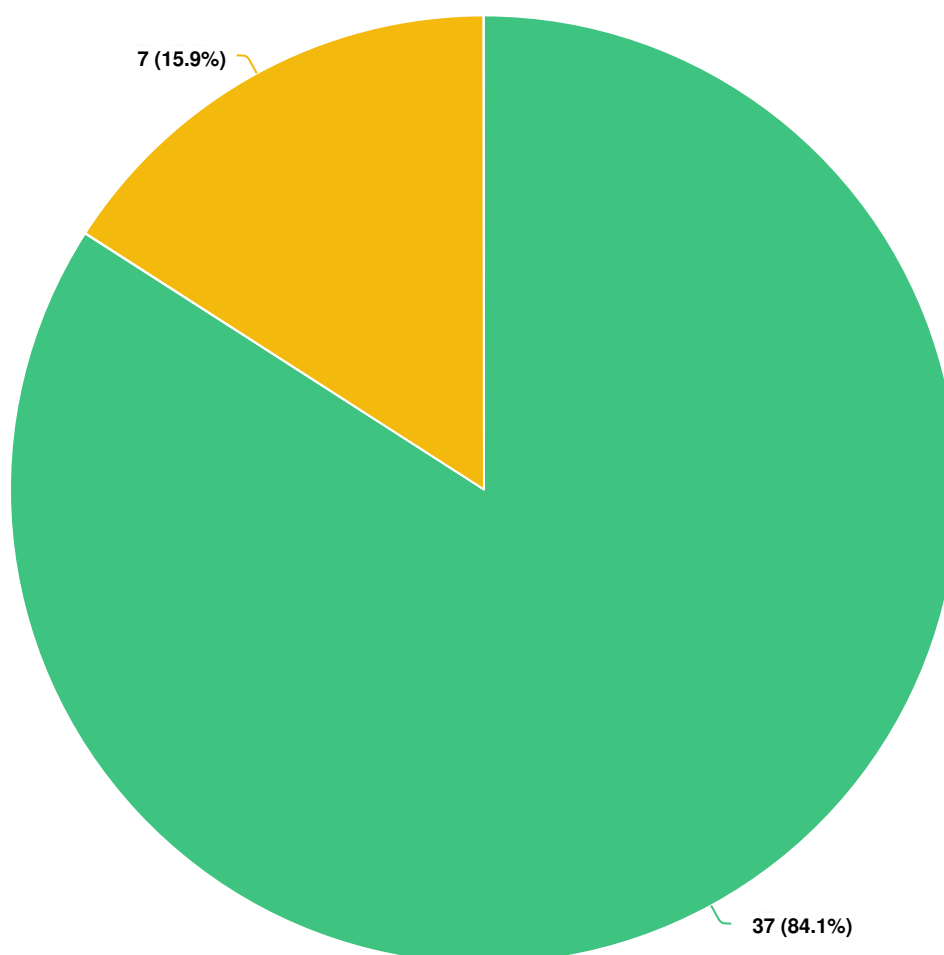


**Question options**

☐ No ☐ Yes (please provide context)

*Optional question (40 response(s), 8 skipped)*  
*Question type: Radio Button Question*

**Q9** | Is the process for delegations clear and easy to navigate?



**Question options**

- ☒ Yes ☐ No (Please provide details and suggestions for improvement)

*Optional question (44 response(s), 4 skipped)*

*Question type: Radio Button Question*



**Q10 | Do you have any recommendations to improve Section 4.8 Delegations? (please provide details below)**

Anonymous

1/04/2021 12:28 PM

Boards or Committees appointed by Council should not be held to the same time limits for delegations as regular citizens. These bodies are working on issues for Council and through Council and should be recognized as having status as such.

Anonymous

1/04/2021 12:53 PM

No. Keep up the excellent work!

Anonymous

1/04/2021 01:11 PM

Answer to 9 is yes, but I should note that most people don't know it and it is therefore confusing.

Anonymous

1/04/2021 01:31 PM

Make cut off 12:00 p.m. for all correspondence and signing up to delegate.

Anonymous

1/04/2021 02:24 PM

N/A

Anonymous

1/04/2021 03:07 PM

See earlier comment on extending time for delegations on topics that are presented to Council without previously being open for public comment.

Anonymous

1/05/2021 12:32 PM

Only one time be allowed to delegate to a matter. Not twice.

Anonymous

1/08/2021 12:03 PM

It's not clear how a presentation and a delegation differ. Is the process the same for both?

Anonymous

1/08/2021 12:39 PM

Delegations are not well supported nor encouraged by the City. Seems the delegates time is not recognized as important. Delegates can wait for hours and until midnight to present, and I have. Many of the audience who came to support delegates, leave as they have waited too long and have to work the next day. It seems delegates have very little influence in the City's decision and that is sad as Council is there to represent the citizens of Guelph.

Anonymous

1/09/2021 06:29 PM

I believe the chair of the meeting (mayor) should refrain from pontificating after asking questions of delegates. Question asked, answered, move on. The person with the mute button should not continue to debate after the question has been answered whether or not he agrees with the answer.

Anonymous

1/10/2021 04:08 PM

See previous section. Limiting the number of times a particular group or person can delegate would be helpful.

Anonymous

Allow voicemail delegation requests received by 10:00 am on the relevant

1/18/2021 01:48 PM

Friday to be accepted. The Clerk's phone line is often engaged Friday mornings.

Anonymous

Not at this time

1/20/2021 06:40 PM

Anonymous

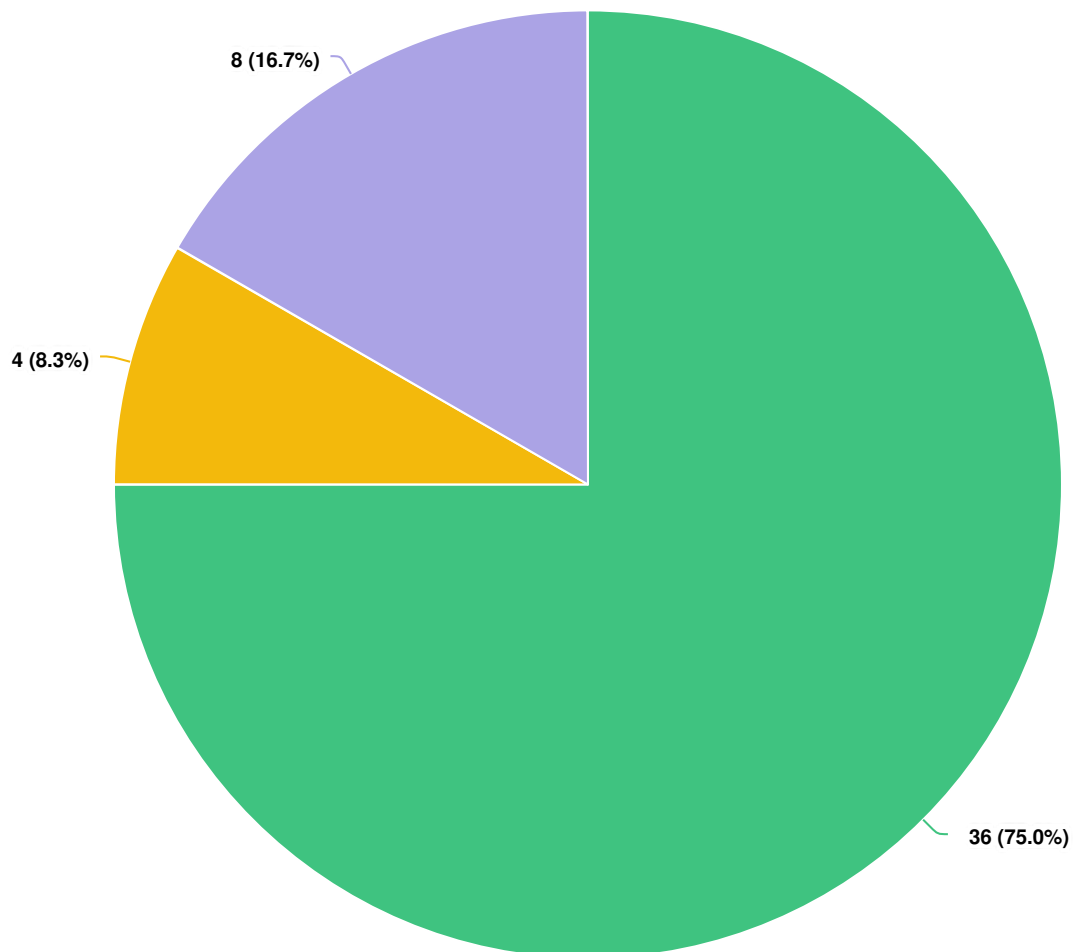
Clearly state all formats which can be used for delegation, including a video example of a successful delegation, for those of us who can not read, or do not speak/read english.

1/21/2021 10:47 AM

**Optional question** (14 response(s), 34 skipped)

**Question type:** Essay Question

**Q11** Should electronic petitions be accepted?



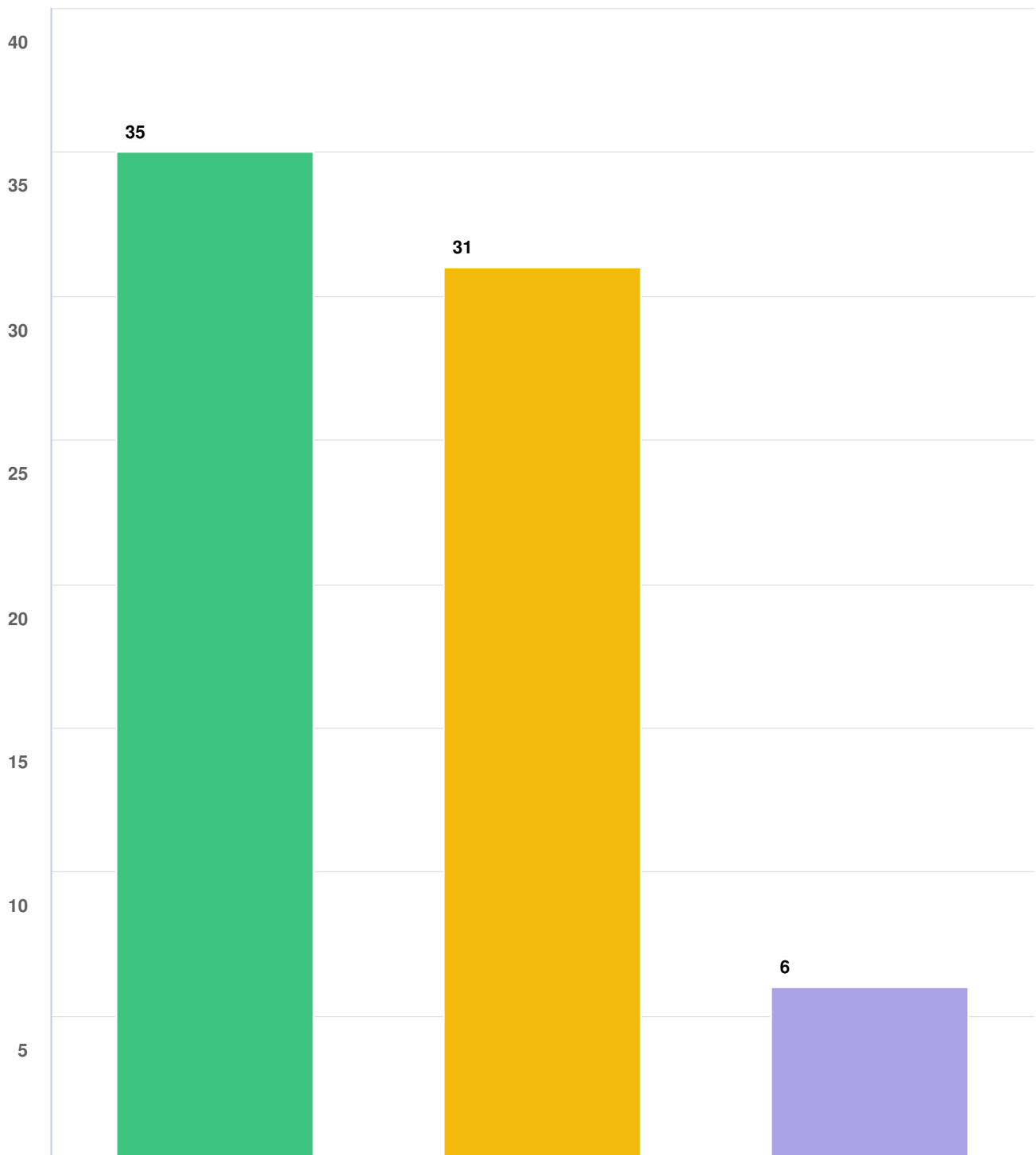
**Question options**

☒ Yes ☐ No ☐ Under some circumstances (please explain)

*Optional question (48 response(s), 0 skipped)*

*Question type: Radio Button Question*

**Q12** If electronic petitions are permitted, what methods should be acceptable?



**Question options**

● Scanned PDF of written information ● External electronic petition websites (e.g. change.org) ● Other (please specify)

*Optional question (45 response(s), 3 skipped)*

*Question type: Checkbox Question*

**Q13 | If electronic petitions are permitted, what rules or criteria should be established to govern the process?**

Anonymous 1/04/2021 12:31 PM	Only those signed by citizens of Guelph exclusively. Not public at random
Anonymous 1/04/2021 12:53 PM	Provide email address as a means to avoid duplicate submissions (including process to verify that the email address is legitimate and belongs to the appropriate person).
Anonymous 1/04/2021 01:11 PM	The creator must make significant effort to verify local participation.
Anonymous 1/04/2021 01:31 PM	I recommend that the City look at how Sudbury does theirs.
Anonymous 1/04/2021 02:24 PM	Minimum threshold of signatures
Anonymous 1/04/2021 03:07 PM	See above comments. Petitions should be limited to actions within the scope of City Council and must be specific and concise in the description of what actions are requested.
Anonymous 1/04/2021 05:41 PM	Simple format that enables broad sharing possibilities, like (universal) .pdf formats. There should be a file size limit and a required "executive summary", especially for files of extreme size.
Anonymous 1/05/2021 12:32 PM	Must have verified Guelph residents and must have way of assuring no more than one signature per person.
Anonymous 1/05/2021 08:03 PM	criteria to meet deadlines for inclusion on agenda are maintained. tally of those submitted and evidence that individuals are aware that petition would be submitted to council.
Anonymous 1/06/2021 09:31 AM	name address signature, purpose of the petition should be clear, accurate and phrased appropriately
Anonymous 1/08/2021 10:37 AM	local people only
Anonymous 1/08/2021 12:03 PM	There should be some built method for ensuring that individuals can't sign multiple times (i.e. clear identification of individuals is required).
Anonymous 1/08/2021 05:03 PM	It is important to allow for multiple petitions from one household. This allows for differences in the household to be expressed

Anonymous

1/09/2021 10:29 AM

Various info, names, phone number, ways to verify validity

Anonymous

1/09/2021 11:26 AM

You could write a thesis paper on this topic...but a suggestion: - no petition can call on the council to take actions that are beyond it's legal authority - a petition should require at least two sponsors (who are residents of Guelph) and a sponsoring councillor OR a minimum of 1% of the city population with no sponsoring councillor (a petition to start a petition...I know) to become an official, publicly available petition on the city website - once official, the petition must stay live for some minimum period of time (TBD) and must be widely publicized to encourage participation - if the petition does not get some minimum number of signatories (1% of city pop?) then it is disregarded - if the petition does not garner majority support council has no obligation to do anything but members are of course free to comment as they see fit - if the petition does garner majority support then council can choose to either: a) implement the specific call to action of the petition OR b) hold a minimum of one special meeting of council (open to the public of course) to discuss the petition and how to proceed



1/09/2021 05:25 PM

Only members of the Guelph community would be considered in the petition.

Anonymous

1/09/2021 06:29 PM

Only in the case where council meetings are not in person

Anonymous

1/10/2021 04:08 PM

Need to make sure they are validated somehow

Anonymous

1/11/2021 06:51 AM

People signing petition must provide all personal information (name, address, phone, email).

Anonymous

1/11/2021 11:24 AM

Transparency - must not be anonymous

Anonymous

1/11/2021 02:09 PM

Each person on the petition should be independently verified.

Anonymous

1/11/2021 02:19 PM

transparency on methods, results

Anonymous

1/18/2021 01:48 PM

<https://petitions.ourcommons.ca/en/Home/AboutContent?guide=PIElectronicGuide>

Anonymous

1/19/2021 12:13 AM

Same rules as written and if signatures are electronic they must be from a trusted source e.g. Docusign

Anonymous

1/21/2021 10:31 AM

Should agree on some reputable online petition sites as secure.

Anonymous

1/21/2021 10:47 AM

Same as written

**Optional question** (26 response(s), 22 skipped)

**Question type:** Essay Question

**Q14 | Other than names and signatures, should other information be required by signatories on a petition? Please describe below.**

Anonymous

1/04/2021 12:16 PM

addresses so location to a disputed zoning area may be taken into account

Anonymous

1/04/2021 12:28 PM

Addresses. Council should see input from Guelphites first; they should be able to filter local and external opinions on an issue

Anonymous

1/04/2021 12:53 PM

The personal information in item #13 should only be used for validation purposes and not be made public.

Anonymous

1/04/2021 01:11 PM

No

Anonymous

1/04/2021 01:31 PM

I would suggest the City look at how Sudbury accepts theirs.

Anonymous

1/04/2021 02:04 PM

Contact number.

Anonymous

1/04/2021 02:24 PM

Postal code

Anonymous

1/04/2021 03:07 PM

Location of residence or business

Anonymous

1/04/2021 05:41 PM

Identification of group, organization, or entity being represented by the signatory, where appropriate. This would enable distinction between civilian representation and corporate or lobby-centred representation.

Anonymous

1/05/2021 11:32 AM

Petition sponsor should provide proof all signatories are guelph residents

Anonymous

Phone or email or postal code

1/05/2021 12:32 PM

Anonymous

Guelph resident.

1/05/2021 08:03 PM

Anonymous

consent to publish personal information

1/06/2021 09:31 AM

Anonymous

Postal code for verification

1/06/2021 05:44 PM

Anonymous

email address for electronic petitions

1/08/2021 10:08 AM

Anonymous

address (could be just postal code) or some other means to ensure that they are local

1/08/2021 10:37 AM

Anonymous

email address/social media account

1/08/2021 10:54 AM

Anonymous

Place of residence to ensure participation is local

1/08/2021 12:03 PM

Anonymous

Address can be important

1/08/2021 12:39 PM

Anonymous

Address

1/08/2021 05:03 PM

Anonymous

Address

1/08/2021 06:10 PM

Anonymous

Name, phone numbers, signature

1/09/2021 10:29 AM

Anonymous

postal code of residence

1/09/2021 11:26 AM



Potentially an address or point of contact to establish communication and if the person lives within Guelph.

1/09/2021 05:25 PM

Anonymous

Address

1/09/2021 06:29 PM

Anonymous

Tax roll number, cell phone, address



1/10/2021 04:08 PM

Anonymous

See above.

1/11/2021 06:51 AM

Anonymous

Capacity to confirm residency

1/11/2021 11:24 AM

Anonymous

Address, Ward, City

1/11/2021 02:09 PM

Anonymous

postal code

1/11/2021 02:19 PM

Anonymous

proof of Guelph residency

1/14/2021 07:34 AM

Anonymous

full name; city; country; province or territory, and postal code (if currently residing in Canada); and telephone number; and/or valid email address.

1/18/2021 01:48 PM

Anonymous

Residence, # years resided in Guelph

1/19/2021 12:13 AM

Anonymous

no

1/21/2021 10:31 AM

Anonymous

e-mail address – so that there is some way to verify that the signatory is a real person. At the same time, I don't sign petitions because I don't WANT to give out my e-mail address. In that case, I think one should be able to send an e-mail to the city clerk to indicate one's support for a petition.

1/25/2021 07:44 AM

**Optional question** (35 response(s), 13 skipped)

**Question type:** Essay Question

**Q15 | Do you have any recommendations to improve Section 4.9 Written Submissions and Petitions? (please provide details below)**

Anonymous 1/04/2021 01:31 PM	I would highly suggest the City look at how other Cities manage this type of petition. I would recommend the Sudbury model <a href="https://www.greatersudbury.ca/city-hall/mayor-and-council/civic-petitions/">https://www.greatersudbury.ca/city-hall/mayor-and-council/civic-petitions/</a>
Anonymous 1/04/2021 02:24 PM	N/A
Anonymous 1/04/2021 07:31 PM	No
Anonymous 1/05/2021 08:03 PM	Should provide information as to whether petition was commenced by a interest group or association.
Anonymous 1/08/2021 10:54 AM	Officially ban all submissions and petitions from designated hate groups, or those groups being targets for the list of hate groups.
Anonymous 1/08/2021 05:03 PM	No
Anonymous 1/18/2021 01:48 PM	No.
Anonymous 1/21/2021 10:47 AM	I can not find anything on the city site about submitting petitions
Anonymous 1/25/2021 07:44 AM	See above re e-mailing the city clerk in lieu of signing a petition.

**Optional question** (9 response(s), 39 skipped)

**Question type:** Essay Question

**Q16 | Section 8.3. e) Delegations may participate in an electronic meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the City Clerk's Office, and in accordance with the rules set out in Section 4.8. Currently, all delegations are heard via telephone for electronic Council and committee meetings. Do you have any recommendations to improve this process?**

Anonymous	Let people join via video. It replicates the in person meetings better. All
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1/04/2021 12:28 PM

controls are in place for that to happen without being "zoom bombed" so to speak.

Anonymous

1/04/2021 12:53 PM

No. It has been very easy to use and well administered for the meetings in which I have participated.

Anonymous

1/04/2021 01:11 PM

Allow the public to make presentations, share their screen.

Anonymous

1/04/2021 01:31 PM

There is a broadcast delay for some, so there should be a heads up about that to delegates. There should be a video version available for presentations. There should also be an easier way to call in that doesn't require non local numbers.

Anonymous

1/04/2021 02:24 PM

Allow videoconferencing

[REDACTED]

1/04/2021 04:22 PM

delegations should be allowed to participate via videoconferencing software (zoom, webex)

Anonymous

1/04/2021 04:54 PM

No

Anonymous

1/04/2021 05:41 PM

I found that the approach(es) used were reasonably successful. It would be beneficial to have some sort of indicator of progress relative to the timetable or agenda, again so that one can delegate at the appropriate time.

Anonymous

1/04/2021 07:31 PM

No

Anonymous

1/05/2021 12:32 PM

If material is sent from a presenter ahead of time, clerk can move through the presentation slides as presenter speaks.

Anonymous

1/05/2021 08:03 PM

delegates should have option if either telephone or video. Delegate Presentation materials should be displayed during meeting so as to provide context to delegation.

Anonymous

1/06/2021 09:31 AM

A more personal approach is necessary, reading faces and body language is important .....a voice over the telephone is not adequate moving forward.

Anonymous

1/08/2021 10:08 AM

video with delegate 's video turned off

Anonymous

1/08/2021 10:37 AM

Zoom, MS Teams or other similar tools

Anonymous

1/08/2021 12:03 PM

allowing Zoom or similar technology would be helpful, especially now when in person delegations are problematic. It can put people at a disadvantage

	when they can't see who they are talking to (or be seen).
Anonymous 1/08/2021 12:39 PM	Be better for the participants to be visible in a confidential format, similar to a Zoom meeting
Anonymous 1/08/2021 05:03 PM	To use a program such as Zoom.
Anonymous 1/08/2021 06:10 PM	Via videoconferencing software
Anonymous 1/09/2021 01:33 PM	If there were a way of simply inviting delegates into the council's "Zoom room" during the meeting in order to speak, that may be easier to conduct. Additionally, delegates should be sent the order of delegates in order to have some understanding of when, during the meeting, they will be able to speak. This is of particular importance when there are many delegations in one meeting.
Anonymous 1/09/2021 06:29 PM	The system works okay but council votes should be registered by speaking, not hands as it is too difficult to follow.
Anonymous 1/10/2021 04:08 PM	Use video, the technology exists
Anonymous 1/11/2021 11:24 AM	Expand the technology to include an app like Zoom
Anonymous 1/11/2021 02:09 PM	I think that the city needs to improve the management of the online electronic meetings. It would be ideal if the software that was used had better features or enabled the features that the current system has. For example, the timing for delegations should not be managed by the mayor's cellphone timer, but rather something built into the system so that he is not interrupting delegates when they are speaking. It would be good to see a tally of votes on the screen when something has been voted on. I think that if they were a little better managed they'd be easier to follow along at home and that in the future, more people would want to review.
Anonymous 1/11/2021 02:19 PM	delegates should have option to be called immediately before it's their turn to speak. Videoconference would be great instead of just phone.
Anonymous 1/18/2021 01:48 PM	No.
Anonymous 1/19/2021 12:13 AM	Use Zoom Webinar like many other cities.
Anonymous	Video might be easier for some people as some need to see faces for

1/21/2021 10:31 AM

context. It should be up to the delegate if they prefer just voice over video.

Anonymous

1/21/2021 10:47 AM

Youtube, Power Point, Pages, Facetime, Zoom, Skype, any other visual formats for those who can not read or understand language.

Anonymous

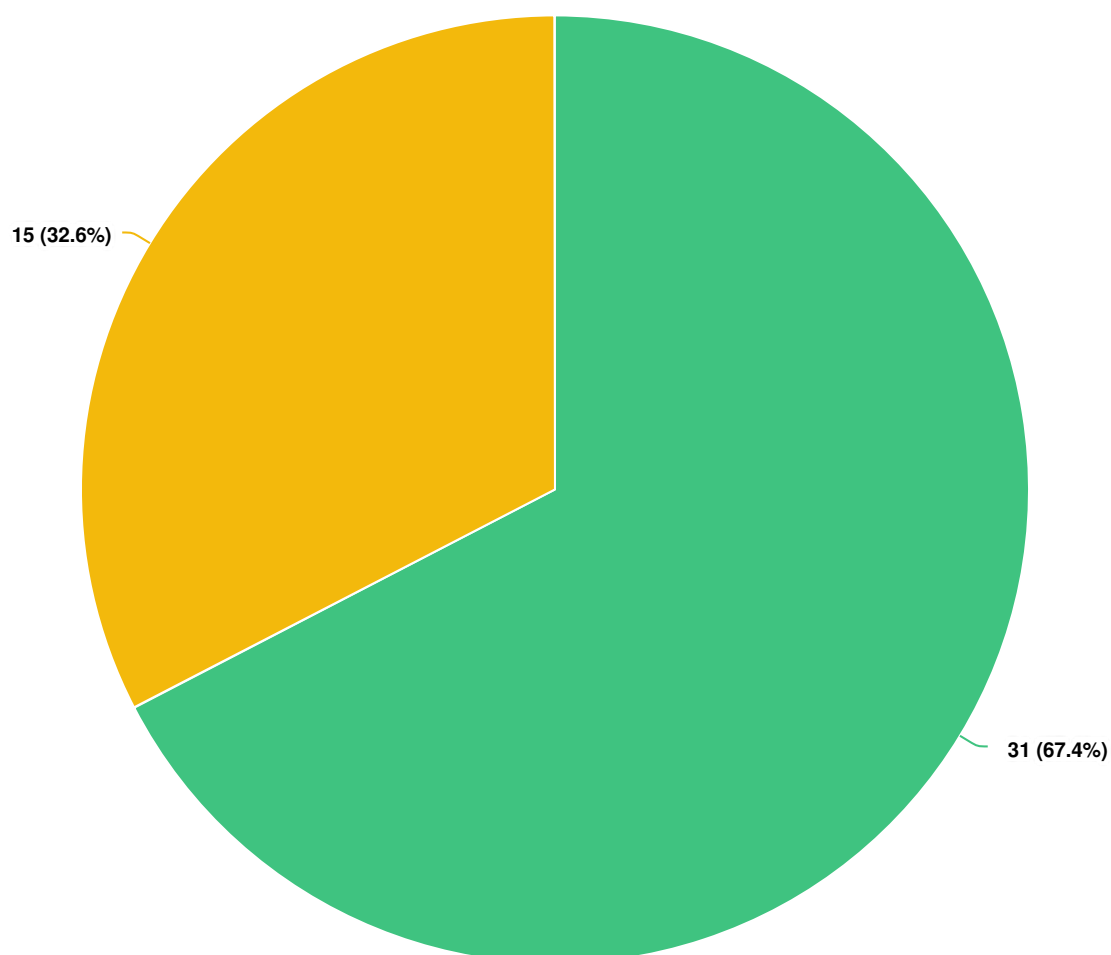
1/25/2021 07:44 AM

Is it possible for delegations to include a power-point presentation? That might help the delegate to get the point across.

**Optional question** (29 response(s), 19 skipped)

**Question type:** Essay Question

**Q17** Should the City of Guelph allow proxy voting as outlined by the Ministry?



**Question options**

☒ Yes ☐ No

*Optional question (46 response(s), 2 skipped)  
Question type: Radio Button Question*

**Q18 | Do you have any comments or feedback about proxy voting that can help to develop our strategy moving forward?**

Anonymous

1/04/2021 12:28 PM

On assumes that you have meetings so Council can hear from one another and from Staff, Boards and Committees, and citizens. Voting in the absence of listening to those who may hold a different viewpoint is not healthy for our local democracy. No matter how close the proxy holder's views may align with the absent Councilor.

Anonymous

1/04/2021 01:31 PM

Follow the recommendations as outlined by the Ministry. Educate the Public on this!!!

Anonymous

1/04/2021 02:04 PM

If you are a Councillor, you should be present. Period.

Anonymous

1/04/2021 02:24 PM

N/A

Anonymous

1/04/2021 03:07 PM

Proxy voting if allowed is in direct contradiction with the principle that members of council make their decisions after taking account of all the information and opinions expressed by other council members and the public. Allowing a proxy vote from a council member not present at the meeting who has not taken into account all the information and opinion expressed diminishes public trust in the decisions of Council. I am strongly opposed to proxy voting at City Council meetings.

Anonymous

1/04/2021 05:41 PM

Where in-person representation is preferred, we should enable something as reasonable as this. However, as these are matters of public record, the proxy request should be accompanied by documentation that describes why the originator is not able to be present.

Anonymous

1/05/2021 12:32 PM

It will not allow the public voice to be considered at a meeting when a vote is to be taken as the proxy vote is like a council member has already made up their mind.

Anonymous

1/05/2021 08:03 PM

votes by proxy should be shown in recorded vote counts. Council should be aware at the beginning of meeting as to whether absent members have provided proxy votes for agenda items.

Anonymous

1/08/2021 10:37 AM

with online tools now available unless the member is totally incapacitated they should be able to attend

Anonymous

1/08/2021 12:03 PM

In the current electronic world, meetings can be attended from anywhere. If proxy voting is allowed, it should be in defined emergency situations only.

Anonymous

1/08/2021 12:39 PM

Back up to voting in person in case of illness, pandemic or other serious situation where vote can not be taken in person. Not routine

Anonymous

1/08/2021 05:03 PM

I get concerned with proxy voting as it can be a method to tip the scales

Anonymous

1/09/2021 11:26 AM

Should only be allowed if the member is unable to communicate their vote directly to the City Clerk...which should nearly always be possible either by telecommunications or by "advance voting" prior to the live vote.

Anonymous

1/09/2021 06:29 PM

I think it's important to appear in person at council; proxies might lead to more absenteeism

Anonymous

1/10/2021 04:08 PM

limit the number of proxy votes one member of council can represent, i.e. Gordon & Gibson are both away, they cant both make Caron their proxy...

Anonymous

1/11/2021 02:09 PM

I think that it should be mandatory for the absent councillor to watch the council meeting and ensure that they are well-briefed to ensure that they are considering all delegations and information.

Anonymous

1/11/2021 02:19 PM

Two points: 1) It's 2021 and councillors currently join meetings from home. When covid is over, we should allow councillors to continue calling in from anywhere. 2) Proxy votes should not be allowed as they could disincentivize councillors from attending meetings. They also focus on the vote, whereas there should be more focus on the dialogue, which should actually result in changed opinions (and therefore votes). Proxy voting would nullify meaning and impact of citizen delegates or discussion at meetings.

Anonymous

1/18/2021 01:48 PM

No.

Anonymous

1/21/2021 10:47 AM

There should be a thorough study done before a proxy is chosen on behalf of someone, to ensure no conflict of interest, and an explanation provided to support the proxy viability, to take the place effectively of the person who is absent

Anonymous

1/25/2021 07:44 AM

Limit proxy voting to instances when councillors know that they will not be able to attend a meeting electronically. For example, if they are going to attend a wedding or their child's piano recital or what have you.

**Optional question** (20 response(s), 28 skipped)

**Question type:** Essay Question

**Q19** | The questions in this survey have focused on specific sections and subsections of the By-law, however the entire By-law is up for review and is open for your feedback. Do you have any other feedback or comments for revisions to the Procedure By-law?

Anonymous

1/04/2021 12:28 PM

One of the most frustrating things for delegates is to present and answer questions without being able to answer further questions or clarify positions



once they have moved away from the podium. This is especially true of Boards and Committees appointed by Council. Often we are in the audience and asked to nod because we aren't allowed to simply say "yes" or "no" or quickly clarify some point that may be raised long after we've sat down. Again, the status of Council appointed Boards and Committees as delegates should be examined in light of the work they do on Council's behalf.

Anonymous

1/04/2021 01:31 PM

No restrictions on delegating twice a month - CoW and Council Meetings. Remove the 'new information' line - sometimes there is/isn't but the point must/can be made. Additional speaking time at Budget for delegations (10 minutes) since now less meetings and a lot more information combined. For those who did not sign up and want to speak, similar to the Planning Meetings, the Chair should allow them if there is time and/or if available slots.

Anonymous

1/04/2021 02:24 PM

N/A

Anonymous

1/04/2021 04:54 PM

It just shouldnt be so intimidating to delegate at council meetings.

Anonymous

1/05/2021 12:32 PM

Limit questions or times of councillors speaking.

Anonymous

1/05/2021 08:03 PM

Earlier start times for meeting with 10 to 12 or more registered delegates on an item. or moved item to a special meeting date. Delegates should be aware with a visual as to time remaining for their delegation when they are presenting. Verbal notification or chime is not working well. For consistency All delegations should be 6 min in length.

Anonymous

1/08/2021 05:03 PM

Sometimes the notices and wordings ate so dry the is little to motivate engaging. Is there a way to headline the meetings in a more interesting manner.

Anonymous

1/09/2021 01:33 PM

Thanks for all the work you folks do!

Anonymous

1/09/2021 06:29 PM

I haven't read the entire bylaw but feel it important to clarify the role of the chair. How much commentary is the chair allowed?

Anonymous

1/11/2021 11:24 AM

Despite many ways that community members can be involved in local government, many are reluctant to participate due to the formalities. So... break with tradition and allow for a quarterly (?) session of City Council that has no agenda except to actively listen to community delegations on issues the public want to bring to the attention of the city. Time limit 3 minutes. Questions of clarity only. Vetted for respectful discourse. Maximum # per session.

Anonymous

1/18/2021 01:48 PM

No.

Anonymous

1/21/2021 10:31 AM

The meetings are very long currently and should be broken into multiple day legs of one and a half hours maximum. It is not productive or accessible to people who cannot sit for those lengths of time. Often meetings are scheduled during dinner time which is difficult for participants with kids.

Anonymous

1/21/2021 10:47 AM

I'd like to see more cultural and socio-economical considerations taken into account when our city by-laws are revised. Many Guelph residents can not read or speak english, and are not highly educated. This does not mean they shouldn't have a voice. Please consult your cultural demographic, and your marginalized groups to get good feedback on how to improve!

Anonymous

1/25/2021 07:44 AM

Please make agendas such that meetings don't go beyond 10:30 pm.

**Optional question** (14 response(s), 34 skipped)

**Question type:** Essay Question

# Corporate Policy and Procedure

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Policy	<b>Committee of the Whole Terms of Reference</b>
Category	Departmental
Authority	City Clerk's Office
Related Policies	Procedural By-law Code of Conduct for City Council and Local Boards
Approved By	City Council
Effective Date	September 26, 2016
Revision Date	March 22, 2021

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## Policy Statement

The Committee of the Whole is the primary forum for policy debate and public input on issues within City Council's area of responsibility.

The Committee of the Whole provides an opportunity for all members of City Council to participate in discussion and debate that results in final recommendations to City Council.

## Mandate

The Committee of the Whole provides recommendations to City Council and direction to City staff on all matters affecting the City of Guelph.

## Composition and Term

1. The Committee of the Whole is comprised of all members of City Council.
2. The term of the Committee of the Whole is four years, to coincide with the term of City Council.
3. City Council shall appoint chairs and vice-chairs for the following Committee of the Whole sections which align with the City's Service Areas and organizational structure:
  - a. Infrastructure, Development and Enterprise Services
  - b. Public Services
  - c. Corporate Services
  - d. Audit
4. The Mayor shall act as the chair for Governance section.

## **General Responsibilities**

The Committee of the Whole shall be responsible directly to City Council for all reports coming from Public Services, Corporate Services, Infrastructure, Development and Enterprise Services and the Office of the Chief Administrative Officer.

Committee of the Whole meetings will be divided into five sections:

1. Infrastructure, Development and Enterprise Services
2. Public Services
3. Corporate Services
4. Audit
5. Governance

All items appearing before the Committee of the Whole will be added to one section of the agenda by the Chief Administrative Officer (CAO)/Deputy CAO in coordination with the City Clerk and in consultation with the chair.

Specific responsibilities of the Governance and Audit sections of the Committee of the Whole are included in appendix one and two.

## **Delegated Authority**

The CAO, Deputy CAOs and other staff members may be called upon by City Council to conduct work and report back to the Committee of the Whole.

The Committee of the Whole may, without City Council approval, refer items back to staff or defer items to another time. Staff direction which requires significant adjustments to existing workplans, however, may not proceed without City Council approval. The chair, in consultation with the CAO/Deputy CAO and City Clerk, is responsible for determining when staff direction requires City Council approval.

In closed meetings the Committee the Whole may, without City Council approval, approve procedural matters and give direction to staff, officers, or agents of the City of Guelph. Any such approvals or direction shall be in accordance with the Municipal Act, as amended, and the City's [Closed Meeting Protocol](#).

## **Operating Procedures**

### **Reporting to City Council**

The Committee of the Whole will report to City Council with recommendations for approval.

### **Procedural Rules**

The Procedural By-law shall govern the proceedings of Committee of the Whole meetings.

## **Appendix One - Audit Committee**

The Audit scope of responsibilities includes:

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

### **Specific Committee Responsibilities**

#### **External Audit**

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

#### **Risk Management and Internal Control**

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

**Other**

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

**Compliance**

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

**Adequacy of the City's Resources**

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

**Reporting Responsibilities**

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

**Financial Statements**

22. Review significant accounting and reporting issues, including complex or unusual transactions, highly judgmental areas and recent professional and regulatory pronouncements, and understand their impact on the financial statements.
23. Review the representation letter provided by management to the external auditor.
24. Prior to the presentation of the annual financial statements to Council, review the financial statements and consider whether they are complete,

consistent with information known to Committee and reflect appropriate accounting principles.

25. Recommend to Council the approval and distribution of the annual financial statements.

### **Auditor Performance and Review**

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

### **Financial Literacy**

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

### **Internal Audit Activities**

32. Review and approve the risk-based annual internal audit work plan recommended by the Internal Auditor.
33. Review and approve the Internal Audit Charter at least every four (4) years or sooner if needed.
34. Review and receive internal audit reports identifying key issues and management action plans.
35. Review adequacy of the management responses to audit concerns in relation to the risks and costs involved.
36. Ensure the internal audit recommendations are implemented in a timely fashion by reviewing internal audit's follow-up reports.
37. Communicate and meet independently with the Internal Auditor as appropriate.

## **Appendix 2 - Governance Committee**

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

- effective corporate governance
- accountability and transparency
- strategic planning
- committee and City Council effectiveness
- oversight of governance policies

- City Council compensation
- Council performance reporting

## **Specific Governance Responsibilities:**

### **Strategic Planning**

1. Review and recommend governance principles, policies and guidelines with respect to strategic planning for City Council approval.
2. Ensure effective strategic planning and advise on necessary improvements.
3. Receive regular update reports on the status of priority initiatives to ensure appropriate progress.
4. Receive regular updates on key performance indicators related to the strategic plan.

### **Enterprise Risk Management**

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

### **Accountability and Transparency**

9. Receive and review recommendations for the development of policies and procedures with strengthen the accountability and transparency of the municipality.
10. Assess the need for discretionary positions as defined by the Municipal Act and make appropriate recommendations to City Council (e.g. Auditor General, Lobbyist Registrar and Ombudsman).

### **Committee Performance Reporting**

11. Regularly evaluate meeting effectiveness and incorporate improvements as appropriate in coordination with the City Clerk's Office.

### **Effective Corporate Governance**

12. Regularly review City Council's governance principles, policies and procedures and make recommendations for improvements.
13. Receive an annual report from the Integrity Commissioner.



**City Council Compensation**

14. Regularly review and assess ongoing work requirements of City Council.
15. Direct the development of recommendations regarding principles of compensation for City Council approval.
16. Recommend an appropriate compensation review process involving residents and stakeholders.
17. Review and recommend required updates to existing compensation policies.

**Committee and City Council Effectiveness**

18. Regularly assess City Council effectiveness and solicit input on governance concerns to be addressed.
19. Recommend core elements of an orientation program for the following term of City Council to address learning and knowledge requirements in a timely manner.
20. Periodically review the Procedural By-law and recommend any changes to City Council.
21. Review and recommend changes to committee terms of reference as needed.

# Corporate Policy and Procedure

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Policy	<b>City Council Vacancy Policy</b>
Category	Departmental
Authority	City Clerk's Office
Related Policies	N/A
Approved By	City Council
Effective Date	Monday, October 23, 2017
Revision Date	Monday, March 22, 2021

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## Policy Statement

The City of Guelph is committed to open, accountable and transparent government.

## Purpose

In accordance with the Municipal Act, S.O. 2001, c.25, when the seat of a member of Council becomes vacant during the term of office, Council may fill a vacancy by appointing a person who has consented to accept the office if appointed, or requiring that a By-election be held to fill a vacancy in accordance with the Municipal Elections Act, S.O., 1996, c.32

The purpose of this policy is to provide for an accountable and transparent process for the filling of Council vacancies which occur during a term of office.

## Scope

This procedure applies to any Council office declared vacant on City Council during the term of Council.

## Definitions

"Act" means the Municipal Act, S.O. 2001, c. 25 as amended.

"Appointment" means the appointment of a qualified individual, by majority vote of Council, to fill a vacancy on Council for the remainder of the current Council term.

"By-Election" means an election, other than a regular election, held to fill a vacancy on Council and that is conducted in accordance with the Municipal Elections Act, 1996, as amended.

"Candidate" means an individual seeking to be appointed to fill a vacancy in the office of the Councillor, having met the eligibility requirements and who has completed the requisite documentation as required by this policy.

“Clerk” means the Clerk or his/her designate of the City of Guelph as appointed by Council.

“Council” means the Council of the City of Guelph.

“Eligible Elector” has the same meaning as defined by the Act, namely a person:

- a. Who is a resident of the City of Guelph, or an owner or tenant of land in the City or a spouse of such owner or tenant;
- b. Who is Canadian Citizen;
- c. Who is at least 18 years old; and
- d. Who is not prohibited from voting under any other Act or from holding municipal office.

“Lot” means a method of determination by placing the names of the nominees/candidates on equal size pieces of paper and placed in a container with one name being drawn by the Clerk, or his/her designate.

“Municipal Elections Act” means the Municipal Elections Act, S.O. 1996, c.32, as amended.

“Nominee” means those individuals seeking to fill a vacancy on Council who meet the eligibility requirements and who have completed the requisite documentation as outlined in this policy.

“Regular Election Year” means the year established for a regular municipal election in accordance with the Municipal Elections Act, 1996, as amended.

“Term of Office” means the period of time a Member is elected to hold office for which he/she is elected in accordance with the Municipal Elections Act, 1996, as amended.

“Vacancy” means when a seat on Council has become vacant in a manner described by the Act.

## **General**

2. Council is required to declare a seat vacant in accordance with Section 262(1) of the Act.
3. Council shall determine whether to fill the vacancy, within 60 days after the day a declaration of vacancy, in accordance with Section 263 of the Act, by either:
  - a. appointing a person who has consented to accept the office if appointed; or
  - b. passing a by-law requiring a by-election be held to fill the vacancy.

Exceptions to Section 263 include:

Section 65 (2) of the Municipal Elections Act that no by-election shall be held to fill an office if the vacancy occurs after March 31 in the year of a regular election; and

Section 263(5)(b) if a vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill the vacancy.

4. The vote to appoint a member to the vacancy shall occur at an open Special Meeting of Council.
5. In making its determination, Council will consider the costs and timelines associated with filling a vacancy by appointment or by by-election.
6. Council may waive the Policy to Fill Council Vacancies at any time, requiring a two-thirds majority vote to carry.
7. Appointment procedures with respect to this Policy are contained as:

**Schedules 1** - Appointment Procedure to Fill Council Vacancy Office of the Mayor; and

**Schedule 2** - Appointment Procedure to Fill Council Vacancy Office of Councillor.

## **Eligibility Requirements**

1. Any individual filling a vacancy must meet the eligibility requirements of office as outlined in the Act and the Municipal Elections Act as an eligible elector.
2. If an employee of the City of Guelph seeks appointment or by-election to Council, the employee shall give written notice, in advance, of his or her intention to take unpaid leave. If the employee is appointed to office, they will be deemed to have resigned from their position with the City immediately before making the declaration of office.

## **Policy**

### **Filling a Vacancy by Appointment**

#### **1. Office of the Mayor**

If a vacancy in the Office of the Mayor is to be filled by appointment, Council may choose to fill the vacancy by appointing:

- a. A current member of Council in accordance with the Act; or
- b. The Candidate who ran for the position that is vacant from the previous election who received the next greatest amount of votes but was not elected; or
- c. Any qualified individual as outlined by the Act.

#### **2. Office of Councillor**

If a vacancy in the Office of Councillor is to be filled by appointment, Council may choose to fill the vacancy by either:

- a. The Candidate who ran for the position that is vacant from the previous election who received the next greatest amount of votes but was not elected; or
- b. An open call for individuals for consideration by Council through a public appointment process.

## **Filling a Vacancy of By-election**

If a vacancy for either Office of Mayor or Councillor is to be filled by by-election:

- c. Council shall first consider filling the vacancy by the appointment options outlined in Section A of this Policy.
- d. If the vacancy cannot be filled by an appointment Council shall then:
  - i. within 60 days of declaring the seat vacant, pass a By-law to fill the vacancy by By-election;
  - ii. a By-election shall be held in accordance with the Municipal Elections Act; and
  - iii. the Clerk or designate shall be responsible for conducting any By-election in accordance with the Municipal Elections Act and all applicable policies and procedures.

## **Responsibilities**

### **Members of Council**

Council is responsible for the adoption and application of this policy.

### **Clerk**

The City Clerk or his/her designate shall be responsible for the administration and interpretation of this policy and where appropriate administering the Council Vacancies Procedures.

The City Clerk or his/her designate shall be responsible for conducting any by-election in accordance with the Municipal Elections Act and all applicable policy and procedure.

# **Schedule 1**

## **Appointment Procedure to Fill Council Vacancy in the Office of the Mayor**

The City Clerk, or designate, shall be responsible for interpreting and where appropriate, facilitating the appointment application process. For the purposes of this procedure, "lot" means a method of determination by placing the names of the candidates on equal size pieces of paper and placed in a container with one name being drawn by the City Clerk or designate. The City Clerk has the authority to make minor technical amendments to this procedure as may be required from time to time.

### **Office of the Mayor**

1. Council shall declare the seat of the Mayor to be vacant in accordance with the Municipal Act.
2. The vote to appoint a member to the position of Mayor shall occur at an open Special Council meeting.
3. Only written delegation correspondence will be accepted at the Special Meeting to appoint.
4. Any member of Council wishing to be considered for appointment to the vacancy shall advise the Clerk in writing by 12:00 noon, five business days prior to the Special Council meeting.
5. If there are no members of Council who advise that they wished to be considered for appointment to the vacancy, Council may fill the vacancy by appointment from Previous Election Candidates as set out in Schedule 2 of the Council Vacancy Policy.
6. At the meeting, the following shall take place:
  - a. The Chair shall make a short statement of the purpose of the meeting and the general order of proceedings to be followed.
  - b. The Clerk will provide to the Chair a list of the names of those Members of Council who have indicated in writing their interest in being appointed to the vacancy and the Chair will call for a motion from Council in the following form:
  - c. That the following candidates, who have signified in writing their interest in being appointed to the office of Mayor, be considered for appointment to fill such vacancy.
  - d. Each of the candidates shall be afforded the opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot.
  - e. Each Member of Council not being considered for the appointment will be allowed no more than one question to each candidate.
  - f. Upon hearing all the submissions of the candidates, Council will proceed to vote as follows:

- i. Members of Council will vote by way of public vote;
- ii. If the candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all voting Members of Council, the candidate or candidates who received the fewest number of votes shall be excluded from consideration. The vote will be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes. This shall be repeated until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting Members of Council;
- iii. Where the votes cast are equal for all the candidates:
  - 1. If there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting;
  - 2. If only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot, as conducted by the Clerk.
- g. If there is only one person placing their name forward to fill the vacancy or upon conclusion of the voting and drawing of lots, the Clerk will declare the successful candidate.
- h. A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.

## **Schedule 2**

### **Appointment Procedure to Fill Council Vacancy in the Office of Councillor**

The City Clerk, or designate, shall be responsible for interpreting and where appropriate, facilitating the appointment application process. For the purposes of this procedure, "lot" means a method of determination by placing the names of the candidates on equal size pieces of paper and placed in a container with one name being drawn by the City Clerk or designate. The City Clerk has the authority to make minor technical amendments to this procedure as may be required from time to time.

#### **Appointment from Previous Election Candidates**

1. Council shall declare the seat of the Member of Council to be vacant in accordance with the Municipal Act.
2. The City Clerk shall provide Council with a report including:
  - a. The details regarding the results of the most recent election for the office of the vacancy.
  - b. Information regarding whether the candidate who received the next greatest amount of votes to those who were elected would be agreeable and able to fill the vacancy.
  - c. If the candidate who received the next greatest amount of votes to those who were elected is able and agreeable to filling the vacancy Council will pass a resolution that that person shall be appointed to fill the vacancy;
  - d. A by-law confirming the appointment shall be enacted by Council appointing the successful nominee to the office for the remainder of the term of the present Council.
3. The vote to appoint a member to the position of Councillor from previous election candidates shall be held within 60 days from the declaration of the vacancy and shall occur at a Council meeting.

#### **Appointment by Call for Nominees**

1. Within 60 days of declaring a seat vacant, Council shall appoint a new member by By-Law.

#### **Notice:**

2. The Clerk shall post a Council Vacancy Notice on the City's website, social media and in the local newspaper. The notice shall indicate Council's intention to appoint an individual to fill a vacancy, the requirements to be considered for an appointment and the application process.

#### **Application:**

3. Any individual wishing to be considered for appointment to fill the Council vacancy will complete and sign the Council Appointment Consent of Nominee Form and a Council Vacancy Declaration of Qualifications Form approved by the City Clerk. Applications for the vacant seat may be filed with the City Clerk



commencing at 8:30 a.m. on the day following City Council's decision to adopt an appointment process. Candidates shall submit forms to the City Clerk in-person by the deadline to be established by the City Clerk.

4. Any individual wishing to be considered for appointment to fill the Council vacancy will be required to provide identification to prove his or her identity and qualifying address to the satisfaction of the City Clerk.
5. Candidates may submit a personal statement of qualifications, to a maximum of 5 pages in length, with the application, for consideration of Council.
6. It is the Candidates sole responsibility to meet any deadline, complete the application or otherwise comply with any requirements of this procedure.
7. The City Clerk will create a list of all eligible Candidates that have complied with the application process. All applications shall be considered public documents and will be made available for public viewing in the same way as a nomination form for a candidate in a municipal election or by-election and shall be available for viewing in the Clerk's Office at City Hall, 1 Carden Street, Guelph, Ontario.
8. Copies of all application documents will be included with the agenda package for the Special City Council meeting and will be made available as part of the public agenda posted on the City's website.
9. A Candidate who wishes to withdraw his/her application may do so in person and in writing to the City Clerk. The deadline for any withdrawal shall be any time up to 10:00 a.m. on the Friday before the date of the special City Council meeting to fill the vacancy.

#### **Council Meeting:**

10. The vote to appoint a Candidate shall occur at an open Council Meeting. The meeting shall be a Special City Council meeting called for that purpose. No verbal delegations are permitted only written delegation correspondence will be accepted. All qualified candidates who have submitted an application for the vacant seat will be notified by the City Clerk of the date and time of the special meeting of Council, at which time they may address Council.
11. At the meeting, the following shall take place:
  - a. The Chair shall make a short statement of the purpose of the meeting and the general order of the proceedings to be followed.
  - b. The City Clerk will provide a list of qualified candidates who have completed the Council Appointment Consent of Nominee and Council Vacancy Declaration of Qualifications Forms;
  - c. Each Candidate will be afforded an opportunity to address Council for a period not to exceed five minutes;
  - d. The order of speaking will be determined by lot, where first drawn will be afforded the opportunity to speak first and so on.
  - e. All candidates shall be asked the same 4 questions which will be pre-determined based on input by Council;

- f. Candidates will be sequestered in an adjacent room until it is their time to answer the questions posed by Council. Once a candidate has answered the questions, they may remain in the Council Chambers.
- g. Upon hearing all candidate submissions, Council will proceed to vote, by way of public ballot vote, in rounds of voting as follows:
  - i. Members of Council will vote by way of ballot.
  - ii. Candidate names will be displayed on the monitors in alphabetical order, in the Council Chamber by the City Clerk;
  - iii. Members of Council will vote for one Candidate only;
  - iv. The City Clerk will provide each member of Council with a ballot, with the Member's name pre-printed on the ballot;
  - v. The City Clerk will ask the Members of Council to cast his or her vote by writing the full name of one (1) Candidate on the ballot. The member of Council shall then sign the ballot.
  - vi. The City Clerk will collect all marked and signed ballots, and will tabulate the results on the tally sheet to be used for this purpose.
- h. The following procedure shall be used for counting the votes:
  - i. The Candidate who receives the votes of more than one half of the number of members of Council present and voting shall fill the vacancy.
  - ii. A spoiled or incomplete ballot will be rejected by the City Clerk and the vote taken on the remaining ballots.
  - iii. If the Candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all voting members of Council, the Candidate or Candidates who received the fewest number of votes will be excluded from further consideration. The name of a Candidate or Candidates excluded shall be removed from the monitors. The vote will be taken again by the City Clerk and, if necessary, more than once, excluding in each successive vote the Candidate or Candidates who receive the fewest number of votes. This process will be repeated until the Candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting members of Council.
  - iv. Where the votes cast are equal for all the Candidates and if:
    - i. There are three or more Candidates remaining, the City Clerk, will by Lot select one such Candidate to be excluded from the subsequent voting;
    - j. If only two (2) Candidates remain, the tie will be broken by selecting a Candidate by Lot to fill the vacancy, as conducted by the City Clerk.
  - k. Upon conclusion of the voting, the City Clerk will declare the Candidate receiving the votes of more than one-half of the number of voting members of Council or the Candidate selected through section (g)(iv)(b).

- l. The appointment of the Candidate will be made by by-law. A by-law confirming the appointment will be enacted by Council.
  - m. The City Clerk will administer the Declaration of Office required by subsection 232(1) of the Municipal Act, at the meeting where the by-law referred to in subsection 11(i) of these procedures is enacted by Council, or as directed by Council.
12. Where a situation occurs that is not otherwise accounted for in these proceedings, the City Clerk shall recommend an alternate process to Council, which Council may adopt with a simple majority vote.

# Corporate Policy and Procedure

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Policy	<b>Recruitment, Appointment and Contract Administration Policy for Municipal Officers</b>
Category	Corporate
Authority	City Clerk's Office
Related Policies	Code of Conduct for City Council and Local Boards Hiring and Employment of Relatives Policy Conflict of Interest in Hiring Policy
Approved By	City Council
Effective Date	March 22, 2021
Revision Date	N/A

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## Policy Statement

The City of Guelph is committed to open and transparent practices for recruiting, appointing and administering the contracts of municipal officers that report directly to City Council. All employment related matters regarding municipal officers will be undertaken in accordance with the Code of Conduct for City Council and Local Boards, Hiring and Employment of Relatives Policy, Conflict of Interest in Hiring Policy, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Municipal Conflict of Interest Act.

## Purpose

This policy is designed to ensure that qualified individuals are appointed in a fair and equitable manner to roles as municipal officers who report directly to City Council.

## Definitions

'Interview panel' means the individuals appointed, in accordance with this policy and any other relevant procedures or policies, to interview candidates for the position of Chief Administrative Officer or Integrity Commissioner.

'Municipal officer' means officers appointed under the Municipal Act, who report directly to City Council, including the Chief Administrative Officer and Integrity Commissioner.

## **Policy Requirements**

There shall be no acts of favouritism, bias, undue influence or discrimination in the municipal officer recruitment process. Individuals participating in the recruitment and appointment process shall not attempt to influence the hiring of any applicant in a manner that is inconsistent with this policy. Participants shall not engage in any behaviour that provides an unfair advantage to a candidate during the municipal officer recruitment process. This includes assisting any candidate by providing inside information including, but not limited to, interview questions and suggested answers, presentation materials, information about other candidates, and/or any information gathered in meetings, conversations, email or any other form of communication or discussion.

All City staff and members of City Council involved in the recruitment and appointment process are required to hold in strict confidence all confidential information concerning matters dealt with by City Council and/or the interview panel. All City staff and members of City Council are subject to MFIPPA and members of City Council are also subject to the confidentiality clause in section six of the Code of Conduct for Council and Local Boards.

The following City staff, or their designates, may be involved in the recruitment, appointment and administration of contracts for municipal officers:

- Chief Administrative Officer
- Deputy Chief Administrative Officer, Corporate Services
- General Manager, City Clerk's Office/City Clerk
- General Manager, Legal, Realty and Court Services/City Solicitor
- General Manager, Human Resources
- Other staff or contracted individuals as approved by the interview panel or City Council

Any member of City staff who is a candidate for appointment into the role of a municipal officer is not permitted to participate in or influence the recruitment or appointment process.

## **Responsibilities**

### **City Council**

- Approve the appointment of municipal officers and related contracts as noted in this policy.
- Oversee and ensure that this policy is applied to and fulfilled with regards to the recruitment, appointment and administration of contracts for municipal officers.

### **Mayor**

- Serve as the Chair for the Chief Administrative Officer Recruitment, Selection and Performance Sub-committee.
- Oversee and ensure that this policy is adhered to and fulfilled with regards to the recruitment, appointment and administration of contracts for municipal officers.

## **Interview Panel Members**

- Ensure compliance with this policy and any related policies or procedures regarding the recruitment, appointment and administration of contracts for municipal officers.

## **City Staff**

- Assist City Council, the Mayor and the interview panel in the recruitment, appointment and administration of contracts for municipal officers in accordance with this policy and any related policies of procedures.

## **External Search Firms/Contracted Individuals**

- Assist City Council, the Mayor and the interview panel in the recruitment, appointment and administration of contracts for municipal officers in accordance with this policy and any related policies of procedures.

## **Policy Monitoring**

The General Manager, City Clerk's Office/City Clerk will review and monitor this policy as it relates to the hiring of the Chief Administrative Officer and Integrity Commissioner. The City Solicitor shall review and monitor this policy as it relates to contract administration for the Chief Administrative Officer and Integrity Commissioner.

Failure to comply with this policy on the part of a City staff member may result in discipline up to and including dismissal.

Any complaints related to members of City Council and this policy shall be made to the Integrity Commissioner.

# Corporate Policy and Procedure

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Policy	<b>Recruitment Procedures for Municipal Officers</b>
Category	Corporate
Authority	City Clerk's Office
Related Policies	Recruitment, Appointment and Contract Administration for Municipal Officers; Chief Administrative Officer Recruitment, Selection and Performance Sub-Committee Terms of Reference
Approved By	City Council
Effective Date	March 22, 2021
Revision Date	N/A

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## Policy Statement

The City of Guelph is committed to open and transparent practices for the recruitment of municipal officers that report directly to City Council.

## Purpose

These procedures are designed to guide the recruitment and hiring of the Integrity Commissioner and Chief Administrative Officer.

## Definitions

'Municipal officer' means officers appointed under the Municipal Act, who report directly to City Council, including the Chief Administrative Officer and Integrity Commissioner.

## Recruitment and Hiring Procedures

### Chief Administrative Officer

1. The Chief Administrative Officer (CAO) recruitment shall be undertaken as follows:
  - a. The CAO Recruitment, Selection and Performance Sub-committee (the CAO Sub-committee) may be asked by the Mayor for input into the desired qualifications and job description of the Chief Administrative Officer (CAO).
  - b. The CAO Sub-committee may engage an external search firm or direct Human Resources staff to assist in the recruitment of the CAO.

- c. The CAO Sub-committee, as well as a representative of an external search firm or Human Resources staff, shall form the interview panel for CAO recruitment.
- d. The CAO Sub-committee shall report to City Council, through a confidential resolution, with a recommended CAO candidate for City Council's approval.
- e. City Council may meet to discuss the CAO Sub-committee's recommended candidate in a closed session, however, an open resolution of City Council is required to appoint the CAO.

### **Integrity Commissioner**

- 2. The Integrity Commissioner Recruitment shall be undertaken as follows:
  - a. The CAO, having been granted delegated authority by City Council, will undertake the recruitment of an Integrity Commissioner whenever a vacancy in the position arises.
  - b. The CAO will conduct the recruitment of an Integrity Commissioner through a request for proposal which includes an interview component.
  - c. The CAO and City Clerk shall form the interview panel for Integrity Commissioner recruitment.
  - d. Following the recruitment and appointment of the Integrity Commissioner by the CAO, a formal appointment by-law will be brought forward for City Council approval.
  - e. The CAO shall report on the exercise of their delegated authority via an information report as soon as possible after an agreement with a successful candidate has been finalized.