

Staff Report



To	Committee of the Whole
Service Area	Corporate Services
Date	Tuesday, March 4, 2025
Subject	2025 Governance Review

Recommendation

1. That the Procedure By-law, included as Attachment-1 to report 2025-44, be approved.
2. That the Review of Code of Conduct for Members of Council and Local Boards and Use of Corporate Resources During an Election Policy regarding Members' Use of Social Media, included as Attachment-2 to report 2025-44, be received.
3. That the Code of Conduct for Council and Local Boards, included as Attachment-3 to report 2025-44, be approved.
4. That the Pregnancy and Parental Leave Policy, included as Attachment-4 to report 2025-44, be approved.
5. That the Public Notice Provisions Policy be updated as outlined in report 2025-44, to amend the definition of newspaper to include electronic publications.
6. That the Delegation of Authority By-law amendments, included in Attachment-5 to report 2025-44, be approved.

Executive Summary

Purpose of Report

The purpose of the 2025 Governance Review is to update the following governance related policies and by-laws:

1. Procedure By-law
2. Code of Conduct for Council and Local Boards
3. Public Notice Provisions Policy
4. 2025, 2026 and 2027 City Council Meeting Schedule
5. Delegation of Authority By-law

The purpose of the 2025 Governance Review is to approve the following governance related policy:

6. Pregnancy and Parental Leave Policy for Members of City Council

Key Findings

The practice of conducting governance reviews twice-per-term of City Council continues to be an effective method for ensuring that Guelph's governance-related policies, procedures and by-laws remain up-to-date and relevant.

The 2025 Governance Review updates several governance-related policies and by-laws to enhance the effectiveness, transparency, and accountability of Guelph's governance framework. Key updates include changes to the Procedure By-law, Code of Conduct for Council and Local Boards, Public Notice Provisions Policy, Delegation of Authority By-law and the introduction of a Pregnancy and Parental Leave Policy for Members of City Council.

Strategic Plan Alignment

This report aligns with the Foundations: Lead with Accountability objective of the Future Guelph Strategic Plan and the review continued effectiveness of Council processes sub-objective specifically.

Future Guelph Theme

Foundations

Future Guelph Objectives

Foundations: Lead with accountability

Financial Implications

None.

Report

The 2025 Governance Review is the fifth governance review completed by the City Clerk's Office since adopting the biennial governance review model in 2018. This process has proven effective in ensuring the continuous improvement of Guelph's governance framework. The 2025 review focuses on updates to governance-related policies and by-laws:

- That were requested by City Council or a member of City Council
- In response to changes in the broader municipal sector
- In response to legislative changes/requirements

Procedure By-law Review and Updates

Additional Content from Members of City Council Related to Pulled Information Reports, Items Added by the Chair and Notices of Motion

The proposed Procedure By-law formalizes the practice of allowing members to submit materials alongside items added by the chair, notices of motion, and pulled information items. These materials are reviewed to the same standards as public correspondence to ensure no obscene or defamatory content is published.

Revised Procedures for the Removal of a Member of City Council from a Meeting Due to Inappropriate Conduct

Across the province, many municipalities are experiencing an increase in disruptive behavior, bullying, and poor decorum from elected officials. Fortunately, Guelph has not faced these issues and City Council should be commended for its spirit of collaboration, respect, and decency toward all meeting participants.

Although this is not currently a problem, City staff recommend a proactive change in procedures to better equip City Council and meeting chairs to handle disruptive behavior from elected officials, should it occur. These procedures are designed to be used only in the most extreme cases where an individual's behavior prevents the holding of an efficient meeting and violates everyone's right to be treated with respect and courtesy. The removal of an elected official from a City Council or committee meeting is a last resort.

The revised procedures allow a chair to remove a member from a meeting if that member continues to violate the rules of procedure after being called to order by the chair twice. If the member does not comply after two warnings, the chair may order the member to leave for the remainder of the meeting. This order is effective immediately, and the removed member loses their right to participate in the meeting; including debate, discussion, and voting. If a member of City Council disagrees with the chair's decision, they may challenge it as a regular point of order. A simple majority in favor would allow the member to return to the meeting.

This sequence of events is important. If a disruptive member refuses to cease inappropriate behavior, such as yelling, insulting, or intimidating meeting participants, holding a vote of City Council to remove them (as the Procedure By-law currently requires), with that member participating, would be extremely difficult. Therefore, chairs need the authority to remove members themselves, subject to review by City Council through a point of order. This ensures a check on the chair's authority while still providing the tools they need to effectively manage meetings.

No Recommended Financial Disclosure Requirement for Delegations

City Council members requested that staff review the desirability of requiring delegates to disclose if they are paid to present to City Council or have a financial interest in the item being discussed. The intention behind this financial disclosure is to provide transparency to City Council members and the public when a delegate has a personal financial interest (including being paid to present) in the outcome of a specific agenda item. In that fashion, this request mirrors to some degree the desired outcome of the Lobbyist Registry. However, unlike the Lobbyist Registry, there is no accountability mechanism available to the City Clerk to ensure that delegates provide this information or to verify its accuracy.

Staff found no comparable requirements in other municipalities and do not recommend changes to the Procedure By-law related to financial disclosure for delegates.

If City Council wishes to include a financial interest disclosure for delegations, an amendment to the Lobbyist Registry By-law could be made to remove the exemption for public delegations. This change would mean that delegates with a financial interest, or who are being paid, in the outcome of a specific agenda item would be identified as lobbyists and would have to meet the requirements of the Lobbyist Registry By-law. While no other municipal lobbyist registries in Ontario require registration and filing for comments made in public and captured as part of the public record, it is legislatively permissible.

City staff do not recommend this change. However, should City Council wish to consider it, the following motion could be passed:

That the Lobbyist Registrar and the City Clerk be directed to consider removing the delegate exemption from the Lobbyist Registry By-law as part of the one-year Lobbyist Registry Review in early 2026.

No Changes Recommended to Delegation and Correspondence Submission Timelines

City Council asked staff to review the delegation registration and correspondence submission timelines to make them easier and more flexible for residents. At this time, City staff do not recommend any changes to these timelines. The existing deadline (10 a.m. on the Friday before the meeting, or a day earlier if Friday is a holiday) allows the City Clerk's Office to review, compile, and publish agendas on time. It also gives City Council members and staff adequate time to review correspondence prior to a meeting and ensures that the chair can organize the agenda to accommodate all delegations. Additionally, this deadline is consistent and simple for the public to understand, as it remains the same each week for all meeting dates and types.

Moving the deadline closer to the meeting date would make it difficult for staff to reliably publish agendas on time, especially for meetings that generate a significant volume of public correspondence. Changing the deadline to reflect the specific meeting date (e.g., 10 a.m. two business days prior to the meeting date) would add complexity and create confusion for residents, as the deadline would vary for each meeting. Such a change would also mean that revised agendas would not be published on a consistent date (currently the Friday prior to the meeting, or a day earlier if Friday is a holiday).

The volume of public correspondence and delegations is growing every year, which is a good indicator of the health of Guelph's local democracy. For example, during the 2025 budget process, more than 350 pieces of correspondence were received. Reviewing and processing this correspondence takes a significant amount of staff time. The current deadlines ensure that staff can continue to receive, review, and publish all public correspondence on a consistent schedule.

Should City Council wish to make it easier for residents to delegate, the Procedure By-law could be amended to remove the requirement for delegates to register in advance of the meeting. This change would reduce the time staff spend registering delegations and make it easier for residents to delegate. However, it would also make it more difficult for City Council members and staff to forecast meeting length

and could increase the number of meetings that extend into the late evening. City staff do not recommend this change, but should City Council wish to remove the delegate registration requirement, the following amendment to recommendation one could be passed:

That the Procedure By-law be amended to remove the requirement that in-person delegates register to speak in advance of the meeting.

Delegation and Correspondence Submission and Deadlines for Special City Council Budget Meetings

The proposed Procedure By-law formalizes the current practice of allowing public correspondence on all Special City Council Budget meeting agendas. Delegations continue to be limited to the designated Special City Council Budget delegation meeting only.

O Canada, Silent Reflection and Indigenous Territorial Acknowledgement to be Included at City Council, Council Planning, Special City Council and Committee of the Whole Meetings

As part of the [2023 Governance Review](#), City Council directed staff to include O Canada, Silent Reflection, and the Indigenous Territorial Acknowledgement on all meeting agendas. This has led to these elements being repeated multiple times in a single day during back-to-back meetings, including at smaller meetings like the Chief Administrative Officer Recruitment, Selection, and Performance Subcommittee, which typically have little to no public participation.

To address this, City staff recommend including these elements only on Regular City Council, Council Planning, Special City Council, and Committee of the Whole meetings. For back-to-back meetings, these elements would be included only in the first meeting of the day or the one with the most public participation, as determined by the City Clerk in consultation with the chair. This approach aligns with practices in comparator municipalities and is consistent with the City's ongoing commitment to reconciliation.

Formalize the Appointment of Presiding Officer/Chair at City Council Meetings in the Absence of the Mayor

When the Mayor is absent from a City Council meeting, or steps down as the chair to move a motion, a temporary presiding officer/chair is needed. The current Procedure By-law indicates that, in the absence of the Mayor, City Council is to select a chair from amongst the members present. In practice, however, this process is handled in an ad hoc fashion based on availability and City Council does not formally vote to select a temporary presiding officer. While this has caused no issues in the past, the gap in procedures is problematic should a member ever challenge the role of a temporary presiding officer at a City Council meeting.

To remedy this gap, City staff are recommending that, in the absence of the Mayor, a service area chair shall preside at meetings of Council. Service area chairs will act as the presiding officer at City Council meetings, in the absence of the Mayor, on an annual rotating basis as follows:

- a) January – March: Audit
- b) April – June: Public Services
- c) July – September: Infrastructure, Development and Environment
- d) October – December: Corporate Services

Should all of the service area chairs not be available, the vice-chairs would be next, in the same order noted above.

This change creates consistency and ensures that those called upon to chair a City Council meeting have experience chairing meetings and can quickly fill in as needed.

Remove the Requirement that all Motions be Submitted in Writing and Delegate Authority to the City Clerk When They Are Not

The current Procedure By-law requires City Council members to submit all motions (except those already listed on an agenda) to the City Clerk in writing. However, in practice, many motions are not received in writing but are still voted on and recorded in the minutes. This discrepancy is problematic because it does not align with the Procedure By-law, and the City Clerk lacks formal authority to write, read, author, display, or record motions that have not been submitted in writing.

To better facilitate and support City Council, City staff recommend granting delegated authority to the City Clerk to write, read, author, display, and record any motions not submitted in writing. This change ensures that all written motions will be noted in the minutes as submitted and/or displayed on screen during the meeting, while verbal motions and amendments not submitted in writing can be managed by the City Clerk.

This approach balances the role of members as elected legislators with the need for efficient meetings.

Clarification that Deferrals and Referrals Do Not Require City Council Approval

City Council, through the [Committee of the Whole Terms of Reference](#), has delegated authority to Committee of the Whole to pass referrals and deferrals without subsequent Council approval. While this delegation is already present, it was not previously captured in the Procedure By-law. The updated Procedure By-law explicitly notes that referrals or deferrals made by the Committee of the Whole are final and do not require City Council approval at the end of the month.

Clarification that Broadcasting/Livestreaming Availability Does Not Impact Public Notice or the Ability to Hold a Meeting

The current Procedure By-law does not specify whether broadcasting a meeting on the City's website is required for a duly constituted open meeting. Currently, if the broadcasting system malfunctions, the meeting is immediately recessed until a solution is found. If no solution is found within a reasonable timeframe, the meeting is adjourned and rescheduled. In 2025, there were two instances of broadcasting system malfunctions affecting City Council meetings. In both cases, a solution was found, and the meetings resumed after a recess. However, if a solution had not

been found, both meetings would have been adjourned and new dates and times set.

The proposed Procedure By-law explicitly states that broadcasting on the City's website is not a requirement for a duly constituted open meeting, provided the following criteria are met:

1. The hybrid meeting system continues to allow members of City Council, staff, and registered delegates to participate electronically.
2. There is no immediate solution to the issue affecting the broadcasting system.
3. The publicly posted agenda indicates that the meeting will continue in the event that the live broadcast fails or is interrupted.

This change is necessary because delaying a meeting due to a broadcasting issue is costly and inefficient. For example, a broadcasting system malfunction briefly delayed the presentation of the 2025 budget. Under the current rules, if the issue had not been resolved, the meeting would have been adjourned, and the entire 2025 budget approval process and calendar would have needed to be amended to meet the prescribed budget approval timelines. The same would apply to a Council Planning meeting, where changes in meeting dates require public notice and could push specific land use planning applications beyond the statutory decision timeframe.

This change only applies to the broadcasting of a meeting on the City's website and not to hybrid meeting functionality. If there were a malfunction with the hybrid meeting system preventing members of City Council, City staff, or registered delegates from participating, the meeting would be recessed until a solution could be found. If a solution could not be found, the meeting would be adjourned and rescheduled.

This proposed change has been reviewed by the City's Closed Meeting Investigator and is consistent with the Municipal Act's open meeting requirements.

No Changes Recommended to City Council Speaking Limits

Members of City Council requested that City staff consider revising procedures related to the five-minute speaking limit for City Council members. The purpose of the five-minute speaking limit is not to restrict elected officials' ability to participate fully in meetings, but to prevent filibustering. This provision has been effective, as no cases of filibustering have occurred in Guelph since its implementation.

Other municipalities in Ontario, particularly larger ones like Toronto and Ottawa, have stricter speaking limits with additional requirements. For example, in Toronto, members are allocated separate time allotments for questions to City staff and for debate, with no questions of staff permitted during debate. Additionally, only one round of speaking is allowed at Toronto City Council, regardless of how much time an individual member takes. In Ottawa, staff response time is excluded when tracking member speaking times, which requires a system of microphone and time tracking that Guelph currently lacks without additional investment in Council Chambers technology.

The chair's use of speaking limits is always subject to review by City Council through a point of order. This check on the chair's authority ensures that speaking limits are not used as a political tool but rather to uphold members' right to an efficient meeting, as codified in the Procedure By-law.

City staff are not recommending any changes to the current procedures related to City Council speaking limits.

Members Should be Called Upon by the Chair to Speak on a First-Come-First Served Basis

Members of City Council requested that staff consider recommending amendments to the Procedure By-law to ensure that members who have not yet spoken on a particular issue are given the opportunity to speak before those who have already spoken. The proposed Procedure By-law includes a requirement that the chair call upon speakers in the order they indicated a desire to speak, to the extent possible.

This change ensures that the chair cannot use the speakers list as a political tool and balances it against the need to maintain an efficient meeting. It avoids delays that would be caused by needing to check item-by-item speakers lists to determine which member is entitled to speak.

Given that all of Guelph's City Council and committee meetings are hybrid, and in the absence of an electronic speakers list, it is acknowledged that chairs may occasionally have difficulty determining which members raised their hands first, as some are in person and others are remote. Therefore, the proposed change indicates that chairs should always attempt to call on speakers in the order indicated. An honest mistake in interrupting the speaking order is not a violation of the proposed Procedure By-law.

As a Best Practice, Cameras Should be Left on When Attending Meetings Electronically

The City Clerk's Office has received comments from the public and media regarding City Council members attending meetings with their cameras turned off. These concerns arise because, when viewing a meeting on the City's website or in Council Chambers, any member with their camera off is not displayed on screen, making it difficult for the public to know who is present at any given time. This lack of visibility reduces the transparency of City Council meetings and makes it difficult to determine who was present for a vote and whether quorum was maintained throughout the meeting.

City staff recommend updating the Procedure By-law to indicate that keeping cameras on while participating in a meeting is the best practice. The choice to turn a camera on or off during a meeting, however, remains at the discretion of individual members.

Closed Meeting Confidentiality

The Code of Conduct for Council and Local Boards requires that all members maintain the confidentiality of closed meetings and closed meeting materials. To reflect this requirement in the Procedure By-law, City staff are recommending the

inclusion of a clause which explicitly requires that members attending closed meetings do so in a manner that ensures confidentiality. This applies to members attending closed meetings virtually or in-person.

Remove Robert's Rules of Order

The reference to Robert's Rules of Order (Robert's Rules) in the Procedure By-law has the potential to cause confusion and should be removed. Over the past decade, Robert's Rules have not been referenced in a chair's decision or substantively by the City Clerk when providing advice during meetings. Consequently, City Clerk's Office staff do not have expertise in interpreting or applying Robert's Rules to City Council meetings.

City staff recommend replacing the reference to Robert's Rules, which only applies when situations arise that are not covered in the Procedure By-law, with reference to the principles outlined in Section 2.2 of the Procedure By-law. This change would grant meeting chairs the ability to rule on unusual or novel situations based on straightforward principles that are easily understood and referenced.

Code of Conduct for Council and Local Boards

Expected Impact and Changes from the Municipal Accountability Act

In December 2024, the [Province of Ontario announced Bill 241 the Municipal Accountability Act](#). If approved by the Provincial Legislature, this act would establish standardized codes of conduct and integrity commissioner investigation procedures for all Ontario municipalities. Additionally, it would create a process for removing locally elected officials from office if they are found by an integrity commissioner to have seriously violated the code of conduct and harmed the safety and well-being of others. Such removal would require a concurring opinion from the Integrity Commissioner of Ontario and a unanimous vote of City Council. These changes are expected to be implemented for the 2026-2030 term of Council.

City staff had been collaborating with the Integrity Commissioner to review the entirety of Guelph's Code of Conduct for Council and Local Boards. However, this work was paused following the Province's announcement, as a comprehensive review of the Code of Conduct would be an inefficient use of resources if it is likely to be superseded by the provincially mandated code of conduct in 2026.

Despite this, City staff and the Integrity Commissioner believe that the current Code of Conduct should be updated in response to City Council resolutions regarding social media. These changes are important to have in place during the 2026 election cycle, before the provincially mandated code of conduct takes effect.

On April 16th, 2024 City Council passed the following resolutions:

1. That the City Clerk be directed, in collaboration with the Integrity Commissioner, to review the Code of Conduct for Council as it relates to the use of personal versus corporate social media accounts and administered groups and report back as part of the 2025 Governance Review.
2. That the City Clerk be directed, in collaboration with the Integrity Commissioner, to review the Use of Corporate Resources During an Election Policy as it relates

to the use of corporate social media accounts and administered groups and report back as part of the 2025 Governance Review.

Aird and Berlis LLP, the Integrity Commissioner for the City of Guelph, has reviewed these resolutions and recommends adding a new section to the Code of Conduct regarding the use of social media. City staff support these recommendations. The Integrity Commissioner's full report and opinion is included as Attachment-2.

Personal Versus Corporate Social Media Accounts

The proposed changes clarify that the Code of Conduct applies to all City Council members whenever they are reasonably perceived as acting in their official capacity or where their conduct is unbecoming of a locally elected representative. This means that the Code of Conduct governs all member behavior on social media, regardless of whether the account is considered 'personal' or 'private'.

Use of Social Media During an Election

City staff and the Integrity Commissioner recommend updating the Code of Conduct to ensure that sitting members do not have an unfair advantage over other candidates during municipal elections due to their position as elected officials.

The proposed changes would require City Council members to either maintain separate and distinct social media accounts for re-election purposes or use a single account with restricted use. If opting for a single account, the member must:

- Remove any references to the City of Guelph, including logos, titles, email addresses, etc., from the social media account.
- Notify followers/friends on the social media platform that the account will be used for re-election purposes and provide an alternative source of information for those interested in constituency services.

A full description of the proposed Code of Conduct changes, and the rationale behind those changes, is included in Attachment-2.

The Permissibility of Members of City Council Blocking Members of the Public on Social Media

Members of City Council asked staff to clarify with the Integrity Commissioner the permissibility of blocking members of the public on social media. In Canada, there is no explicit legal authority addressing whether public representatives can block users on social media. However, if an official's social media is considered a public forum, blocking users could violate their freedom of expression under section [2 \(b\) of the Canadian Charter of Rights and Freedoms](#). Members should exercise restraint in blocking users, but it may be justified to protect against harassment, abuse, or to maintain the utility of the social media platform. Members should seek guidance from the Integrity Commissioner on a case-by-case basis when contemplating blocking a member of the public.

Members should avoid blocking users from official/public social media accounts except in serious cases involving bullying, harassment, or hate propagation. These accounts should remain open to ensure public engagement and information dissemination. Personal social media accounts can be managed at the member's

discretion, provided they are for private content only. If a personal account is used for municipal affairs, it becomes a public platform, raising transparency and accountability concerns. Muting users is suggested as a less restrictive alternative to blocking, allowing members to maintain a respectful online environment while preserving public trust.

Pregnancy and Parental Leave Policy for Members of City Council

[Section 259 \(1.1\) of the Act](#) grants City Council members the right to take a 20-week consecutive leave for pregnancy, the birth of a child, or adoption. This provision ensures that qualifying members are protected from the automatic forfeiture of office which would otherwise occur if they miss three successive months of City Council meetings, as outlined in [Section 259 \(1\) C of the Act](#).

The City of Guelph has included a Parental and Pregnancy Leave Policy for Members of City Council as Attachment-4. This policy details how the City will administratively support parental and/or pregnancy leaves for its members, ensuring compliance with the Act's requirements.

During their leave, members of City Council are allowed to attend and fully participate in all City Council, committee, and local board meetings. They continue to exercise all the rights and privileges of their office. Consequently, a member on leave receives their full salary and benefits.

Public Notice Provisions Policy

The current [Public Notice Provisions Policy](#) defines newspaper as a 'printed publication'. As there are no longer any print newspapers available in Guelph, the definition of newspaper needs to be amended to include digital publications.

Adjustments to 2025-2027 Meeting Schedule to Accommodate Wellington-Dufferin-Guelph Public Health Board Meetings

The Wellington-Dufferin-Guelph Public Health (WDGPH) Board meets on the first Wednesday of every month at 2pm. Guelph Committee of the Whole meetings are scheduled on the first Tuesday of every one month at 2pm but shift to Wednesday when the first Monday of the month is a holiday – thereby creating a conflict between Council and WDGPH meetings. To resolve this issue, staff are recommending that Committee of the Whole meetings always be held on the first Tuesday of the month, regardless of whether Monday is a holiday.

In 2025, the only change to previously scheduled meetings is to move the September 3 Committee of Management for the Elliott and Committee of the Whole meeting to September 2.

Request from Wellington-Dufferin-Guelph Public Health for Resident Appointments

In discussions with the Chief Medical Officer of Health regarding the scheduling of City Council and WDGPH meetings, a request was made for the City to appoint at least one resident to the WDGPH board. Currently, City Council appoints three of its members to the board. This request aims to ensure that the City of Guelph always

has representation at WDGPH board meetings, even if a conflict arises with a City Council meeting. City Council has the legislated authority to appoint any combination of residents and councillors to the WDGPH board and has, in the past, appointed a mix of both.

Members of Guelph City Council serve on many different local boards. The City Clerk's Office carefully manages the City Council meeting schedule to avoid conflicts with these local boards whenever possible. However, conflicts do occasionally occur. The current appointments of Councillors Busuttill, Caton, and Goller are effective until November 15, 2026.

City Council will meet in December 2026, following the municipal and school board election, to make appointments to local boards. At that time, City staff will include the request from WDGPH for City Council's consideration.

Accessibility Advisory Committee Governance Related Motions

On October 17th, 2024 the Accessibility Advisory Committee (AAC) passed five resolutions as part of item [3.1 AAC Processes – Public Space Use By-law Example](#). City Clerk's Office staff followed-up with the AAC regarding these resolutions on December 10th, 2024 through a report titled [October 17th, 2024 Accessibility Advisory Committee Resolution Follow-up](#). Each of the resolutions passed by the AAC and a staff response is included below:

1. The AAC requests that staff review the engagement process to add measures that ensure that when completion of promised engagement is not possible, staff will communicate that to the AAC as soon as it is known, and that staff be available to answer questions about the situation at a subsequent AAC meeting.
2. In the event that completion of promised engagement is not possible, the AAC requests that staff make efforts to contact AAC members via email or alternate means to provide opportunity for alternate forms of engagement.

City staff are committed to fostering an environment of honesty and transparency in our communications with the AAC. This includes communication between staff and AAC members as well as City Council. [Commitment 6 of the City Council approved Advisory Committee of Council \(ACOC\) Governance Framework](#) says ACOC members must know how and when their advice has been received by City Council. At the same time, City Council must clearly understand what ACOCs think about the issues and decisions they are considering.

Although the City regularly consults the AAC on topics beyond the prescribed legislative requirements, City Council, when considering topics on which the advice of the AAC is not legislatively required, retains the right to make decisions without consultation.

As a commitment to clear communication is already included in City policy, staff do not recommend that any further action be taken but remain committed to communicating openly and honestly with the AAC.

3. In order to address a current gap, the AAC wishes to be involved in reworking the AAC orientation documents and manual to include information that reflect

the roles, responsibilities, and rights of members as laid out by the province and not just the City. This information should include the AAC's right to have final say over our own agenda and meeting content even when staff disagree, as well as information about City mandates not being allowed to guide members in contravention of provincial mandates. This will ensure that AAC members can be as effective as possible.

Orientation materials for all ACOCs are being redeveloped as part of the on-going Redesigning ACOCs project. Those materials will include descriptions of the statutory role of ACOCs (where applicable) as well as the non-statutory components established in City policy. Typically, the statutory components of ACOC mandates include specific topics and items which must appear before an ACOC while City policies establish administrative processes, such as who can approve agendas or schedule meetings, when and where agendas are posted, etc.

City staff will review orientation materials with this advice from the AAC in mind and we look forward to bringing those revised materials back to the AAC for feedback to ensure they meet the needs of members while remaining aligned with relevant policies, legislation and the ACOC Governance Framework. This work will be completed following City Council's approval of the Redesigning ACOCs project in March 2025.

4. The AAC requests that the City change the process of scheduling AAC meetings to include authority and approval of the AAC in those decisions. Since contents of meetings and agendas fall under the authority of the AAC through the chair, having decisions about cancelling and rescheduling meetings fall under the authority of the City provides opportunities for unnecessary conflict if staff do not approve of the contents of a meeting agenda.

The ACOC Meeting Procedures, as approved by City Council, give City staff the authority to cancel or reschedule meetings. The role of staff in scheduling meetings is important because ACOCs do not have the authority to direct City staff. As an example, if an ACOC was to schedule a meeting without staff approval, it would constitute direction to staff to support and attend that meeting at a specific date and time, with or without consideration for staff availability or the time needed to draft meeting materials (reports, presentations, agendas, minutes, etc.) and provide public notice. The role of ACOCs is to provide advice to City Council and City staff and the authority to schedule meetings would extend beyond that role.

ACOCs do, however, have a significant role to play when it comes to scheduling and calling meetings. It is the responsibility of the ACOC to set an annual meeting schedule, in practice for the AAC this has been the implicit approval of the existing meeting schedule and frequency, and any changes to that annual meeting schedule require consultation with the chair. Staff will never use the ability to schedule or reschedule meetings to change previously scheduled meetings in bad faith or in any way that prevents the AAC, or any ACOC, from exercising its statutory or discretionary duties.

For greater clarity, here are some common situations where City staff would exercise authority to cancel or reschedule a meeting:

- An agenda has not been published in accordance with the required public notice timelines
- Quorum of the ACOC is not available

When exercising this authority, City staff will always work closely with the chair and ACOC members. For the reasons noted above, City staff are not recommending any changes to related to ACOC meeting scheduling.

5. The AAC requests that council revisit the processes through which AAC members are appointed to include transparency for and involvement of AAC members in the decision. AAC members would like to have the opportunity to make recommendations to council about membership the same way staff do, and to be made aware of the recommendations of staff. This would protect members' abilities to do our work unrestricted by fear of repercussions in the event of disagreement from staff and will also ensure that membership best reflects the diversity of the disabled community.

The appointment process for members of the public to Advisory Committees of Council (ACOCs) is managed by the City Clerk's Office. Public applications can be submitted online, in-person, or over the phone. These applications are reviewed by the staff liaison(s) for the respective ACOC. Based on these reviews, staff liaisons select recommended appointees, and the City Clerk's Office prepares a confidential report for City Council that includes all of the submitted applications, and the names of recommended appointees. During a closed session, City Council reviews the recommended appointees and can approve, amend, or reject them. The final decision on who to appoint is made in an open session following the closed discussion.

City Council, ACOCs, and City staff each play a crucial role in Guelph's policy-making process. City Council acts as the decision maker. ACOCs provide independent advice to City Council to inform its decision making. City staff provide advice to, and take direction from, City Council. This system maintains a balance by granting ACOCs a degree of independence not afforded to City staff (as City Council does not direct the work of an ACOC beyond approving a terms of reference) while ensuring that the technical expertise of staff is integrated into the policy making process.

Staff are concerned that the AACs proposed changes would lengthen the appointment cycle, increase workload for volunteer ACOC members, lead to a less welcoming ACOC environment, and significantly expand the number of individuals with access to confidential information contained in ACOC applications.

Increasing the Length of the Appointment Cycle

The primary complaint from ACOC applicants to the City Clerk's Office is the lengthy application-to-appointment process. Staff have successfully reduced this timeframe from three months to two months where feasible. If each ACOC were to make recommendations to City Council on who to appoint, however, the process would likely extend to four or five months to accommodate the necessary ACOCs meetings required for reviewing and considering applications. These meetings would also

need to be held in closed session, which is uncommon for ACOCs, and would require additional training and support from the City Clerk's Office.

Volunteer Workload on ACOCs

The workload of ACOC members is going to increase when the final recommendations of the Redesigning ACOCs project are approved by City Council at the end of March 2025. Where several ACOCs currently meet only 2-4 times per year, the revised ACOC structure expands the mandates of ACOCs so they can meet monthly ([as recommended in the ACOC Governance Framework](#)). Monthly meetings require significant time commitment from ACOC volunteers, and adding the review of applications would further increase it.

Recommended ACOC Appointments are Merit Based but Final Decisions are Political

City staff recommend individuals to serve on ACOCs based on merit and the criteria outlined in the relevant terms of reference and the Public Appointment Policy. However, the final appointments are political in nature, as they are made by City Council – an inherently political body. The current process insulates ACOC members from these political decisions. If recommendations on appointments came from each ACOC, all sitting ACOC members would know whether City Council appointed their recommended candidates.

Imagine a scenario where an ACOC recommends candidate A for appointment, but City Council, meeting in closed session, decides to appoint candidate B instead. All sitting members of that ACOC would know that candidate B was not their preferred choice. When candidate B joins their first ACOC meeting, they would be the only member unaware that the committee did not recommend their appointment. This situation is likely to create a less welcoming and open environment for the newly appointed member.

In the current process, only City staff and City Council members know whether appointed individuals were recommended by staff or not. This is not new for City staff, who do not have the same independence from City Council as ACOCs. Staff are accustomed to taking direction from City Council, regardless of whether it aligns with their recommendations or not. This role would be new for ACOCs and particularly challenging because City Council discussions regarding appointments occur in closed session. As a result, ACOC members would not understand how a City Council appointment decision was reached. Staff believe this dynamic would increase tension between ACOCs, City Council, and City staff, and would not lead to stronger policy outcomes or advice from ACOCs.

Confidential Information

ACOC applications contain confidential information about applicants, including sensitive demographic details such as gender, race, and disability. Members of City Council and City staff routinely handle this type of information using secure systems like eScribe, which ensure the security of the data and allow for auditing. However, ACOC volunteers do not have access to these systems. To enable ACOC members to review applications, this information would need to be shared via personal

emails. This increases the risk that the information may not be stored, shared, or destroyed in accordance with the City's Records Retention By-law. Additionally, it would significantly increase the number of individuals with access to confidential information.

City Staff Do Not Recommend Any Changes to the Appointment Process for Advisory Committees of Council

For the reasons noted above, City staff believe that the existing application and appointment process should be maintained. The current process balances the decision-making authority of City Council, the independence of ACOCs and the expertise of City staff.

City staff remain committed to working collaboratively with the AAC and will continue to consult above and beyond the requirements of the Accessibility for Ontarians with Disabilities Act. Additionally, staff continue to support existing City policies that require all ACOC chairs to review and approve agendas prior to publication; further ensuring the independence of all ACOCs.

Delegation of Authority By-law Amendments

Administration

Proposed Delegation Amendment:

Instead of listing specific document types that do not require a Document Execution Record, the proposed by-law amendment would exempt all routine and high-volume documents, at the discretion of the City Clerk. This amendment also provides clarity on how and when actions taken with delegated authority are reported.

Rationale for Change:

The purpose of this change is to provide clarity on the administrative elements of the by-law and to streamline duplicative document sharing between departments.

Corporate-Wide Delegations

Proposed Delegation Amendment:

Concerning Schedule A, Delegation of Duties Number 1.1.

The proposed update to this delegation clarifies that the Delegation of Authority By-law and affiliated operational activities do not apply to documents that are subject to the Purchasing By-law. As the Purchasing By-law itself constitutes delegated authority to staff, there is little value in cross-referencing with the Delegation of Authority By-law for authority to sign agreements that went through the procurement process. The delegation will remain in place for third-party agreements that have no monetary value, such as memorandums of understanding.

Rationale for Change:

The purpose of this revision is to provide clarity in the application of the Delegation of Authority By-law and the Purchasing By-law with respect to contracts which bind the corporation.

Office of the Chief Administrative Officer

Proposed Delegation Amendment:

Concerning Schedule A, Delegation of Duties Number 2.2 (to 2.4).

The proposed update to this delegation is designed to accommodate the changing requirements and variety of needs for third party grant applications and the associated award processes. Specifically, the proposed change expands staff's authority to include investment plans as part of grant applications, alongside the existing authority for grants, subsidies, and other financial transfers.

Furthermore, this update separates out the signing authority for grant applications, from agreement signing, amendments, and terminations. This allows staff more broadly to apply for grants, should relevant opportunities present themselves. This change also specifies the appropriate signing authority where the third party requires the grant application to be signed by an individual with the ability to legally bind the Corporation versus applications that do not specify the need for signing authorities to legally bind the Corporation.

Finally, this update ensures reporting on items delegated under this authority is done through the annual delegation of authority information report.

Rationale for Change:

The objective of these changes is to modernize and streamline the grants administration process in service of strategically applying for grants and entering into grant agreements. These changes are recommended in support of:

- Reducing duplicate efforts: Where there are already processes in place, leveraging those rather than creating a new standalone process. (i.e., using existing reports to update Council rather than adding stand-alone grant reports)
- Closing any gaps in the process by clarifying specifics to understand the scope of how to apply the Delegation of Authority By-law
- Identifying process efficiencies by creating flexibility to apply for grants (i.e., enabling staff to apply for grants relating to projects/initiatives in the 10-year capital budget and forecast) while maintaining City Council oversight at the agreement stage.

Strategic Initiatives and Intergovernmental Services

Proposed New Delegation:

Concerning Schedule A, Delegation of Duties Number 3.4.

Authorizing the General Manager of Strategic Initiatives and Intergovernmental Services (SIIS) to approve the execution of Tourism Funding Program, grant allocations.

Rationale for Change:

Together with [Destination Marketing Guelph](#), Tourism and Destination Development have three funding programs available, designed to support the development and attraction of new tourism initiatives across the City of Guelph. The objectives of the funding streams are to support projects that demonstrate an ability to drive overnight stays at local accommodations and a strong visitor appeal. In order to maintain consistency in the approval process for all similar grants dispersed by the City, it is recommended that the delegated authority be assigned to the General Manager of SIIS, as that role has the current delegated authority for Community Grants and Community Benefit Agreements.

City Clerk's Office

Proposed New Delegation:

Concerning Schedule A, Delegation of Duties Number 6.6 (New Delegation):

New delegation of authority to the City Clerk to approve routine amendments to Schedule 1 of the Records Retention By-law, relating specifically to records retention requirements for different document types, pursuant to sections 254 and 255 of the Municipal Act.

Rationale for Change:

This proposed delegation of authority would facilitate more frequent updates to the Records Retention By-law to reflect the evolving nature of record creation, storage and destruction, while ensuring the City is in compliance with relevant legislation.

Human Resources

Proposed New Delegation:

Concerning Schedule A, Delegation of Duties Number 7.3 (New Delegation):

New delegation for the execution, amendment and termination of employment contract agreements (excluding the CAO and officers appointed by City Council) to the General Manager, Human Resources.

Rationale for Change:

Changes to the delegation of authority to Human Resources (HR) staff are intended to codify existing arrangements, processes and procedures that support a streamlined delivery of HR services to the organization. This includes streamlined arrangements for the handling of routine labour relations processes (mediations, arbitrations, etc.). The proposed changes do not impact the important role that City Council plays in appointing statutory or discretionary officers (such as the CAO, Treasurer, City Clerk, Chief Building Official or Fire Chief) or ratifying collectively bargained agreements.

Legal and Court Services

Proposed Delegation Amendment:

Concerning Schedule A, Delegation of Duties Numbers: 9.2, 9.4, 9.5, 9.6, 9.12

Delegated authority to take steps in legal proceedings, including commencement, defence, claims management and interim steps, counter-claims and cross-claims,

are amended to delete the monetary limitation and specify the requirement for consultation among executive and senior staff.

Rationale for Change:

This edit reflects that procedural decisions are made with regard to the best interest of the corporation, rather than on the basis of monetary threshold. These changes support Legal Services' ability to be responsive and strategic and to act on time sensitive and emergent issues, while maintaining executive oversight and accountability to City Council.

Proposed Delegation Amendment:

Concerning Schedule A, Delegation of Duties Numbers: 9.10, 9.11, 9.13, 9.20

The monetary limitation on delegated authority for settlement of claims has been increased to \$250,000, excluding interest and costs, with the approval of the applicable Deputy Chief Administrative Officer (DCAO). Matters exceeding \$250,000, excluding interest and costs, require approval of the applicable DCAO and instructions of City Council must be sought as soon as practicable.

Rationale for Change:

This change reflects the reality of increasing value of claims and accurately reflects that the City Solicitor exercises delegated authority on instructions of authorized staff, or direction of City Council when required.

Proposed Delegation Amendment:

Concerning Schedule A, Delegation of Duties Number: 9.7

The monetary limitation on delegated authority to retain experts or other persons in connection with legal actions or proceedings is increased to \$250,000 per retainer with approval of the applicable DCAO. Costs in excess of \$250,000 require approval of the applicable DCAO and instructions of City Council must be sought as soon as practicable.

Rationale for Change:

This increase reflects the reality of increasing costs of external legal counsel and other subject matter experts in connection with claims and proceedings, and the need to retain external services on complex and resource-intensive matters.

Rationale for all Legal and Court Services Changes noted above:

Overall, these changes support Legal Services' ability to be responsive and strategic and to act on time-sensitive and emergent issues, while maintaining executive oversight and accountability to City Council.

Proposed Delegation Amendments:

Concerning Schedule A, Delegation of Duties Number: 15.6 through 15.15

Realty delegations that were moved to the Economic Development schedule are to be moved back to Legal and Court Services. Realty items will be added to the Legal and Court Services Tables as items 9.24 through 9.33.

Rationale for Change:

Appropriate signing authority for Realty related items was always retained with the General Manager of Legal and Court Services/City Solicitor; therefore, it is a more appropriate location for Realty related items.

Infrastructure, Development and Enterprise/Economic Development and Tourism

Proposed Delegation Amendment:

Concerning Schedule A, Delegation of Duties Number 10.2 and 15.3 (Amended and/Removed Delegation):

Extend the current delegation of authority (10.2), which awards grants pursuant to the Brownfield Redevelopment Community Improvement Plan, to be more broadly inclusive of all active Community Improvement Plans (CIPs), where programs have already been approved by City Council.

This change also removes all other references in the Delegation of Authority By-law to community improvement plan specific grants, as they are consolidated into one delegation (15.3).

Rationale for Change:

The revision allows flexibility for any active CIP programs to proceed with grant related activities, without needing updated delegated authority whenever new programs are adopted by City Council.

Proposed New Delegation:

Concerning Schedule A, Delegation of Duties table 15 (Should removal of 15.3 be adopted, new delegation will become 15.3).

New delegation regarding the Seasonal Patio Program to make updates to the program guidelines in the event that changes are made to the Ontario Building Code, the City's Facility Accessibility Design Manual or other legislation/policies where staff then need to update those guidelines and request changes to patios with businesses.

Rationale for Change:

This proposed delegation of authority would ensure the City is in compliance with relevant legislation.

Planning and Building Services

Proposed New Delegation:

Concerning Schedule A, Delegation of Duties Number 14.6 (New Delegation)

New delegation to the General Manager, Planning and Building Services to approve the temporary outdoor extension of liquor licenses, as required by the Alcohol and Gaming Commission of Ontario. This delegation applies only to liquor licenses and does not remove or alter any other requirements for outdoor patios (zoning compliance, fire, building permits, etc.).

Rationale for New Delegation:

The AGCO now requires permission from municipalities for the extension of liquor licenses to temporary patios anywhere from 1 day to 8 months.

Operations

Proposed Delegation Amendment:

Concerning Schedule A, Delegation of Duties Number 16.1

Cancellation of annual blanket exemptions to the Noise Control By-law issued by City Council. These exemptions were issued before the existing delegation of authority for Noise By-law Exemptions was granted to staff. Removing them gives staff more flexibility to review, approve and modify these exemptions.

Rationale for Change:

Prior to the delegation of authority for noise exemptions, City Council had approved two blanket noise exemptions for the University of Guelph orientation and JazzFest. The intent was to avoid having to bring these requests to City Council each year. With the current delegated authority, staff can process these exemptions and make modifications if and when necessary to support neighbourhood concerns.

Financial Implications

None.

Consultations and Engagement

The Integrity Commissioner was consulted on proposed changes to the Code of Conduct for Council and Local Boards.

The Closed Meeting Investigator was consulted on proposed changes to the Procedure By-law in relation to the broadcasting of City Council meetings.

Attachments

Attachment-1 Proposed Procedure By-law

Attachment-2 Review of Code of Conduct for Members of Council and Local Boards and Use of Corporate Resources During an Election Policy regarding Members' Use of Social Media

Attachment-3 Proposed Code of Conduct for Council and Local Boards

Attachment-4 Proposed Pregnancy and Parental Leave Policy for Members of City Council

Attachment-5 Proposed Delegation of Authority By-law Amendments

Departmental Approval

Relevant General Managers approved all requested changes to the Delegation of Authority By-law.

Jodie Sales, General Manager, Strategic Initiatives and Intergovernmental Services

Report Author

Dylan McMahon, Acting General Manager, City Clerk's Office/City Clerk

This report was approved by:

Dylan McMahon
Acting General Manager, City Clerk's Office/City Clerk
Corporate Services
519-822-1260 extension 2811
dylan.mcmahon@guelph.ca

This report was recommended by:

Trevor Lee
Deputy Chief Administrative Officer
Corporate Services
519-822-1260 extension 2281
trevor.lee@guelph.ca