

1. 2010-2014 MID-TERM GOVERNANCE REVIEW

L'EXAMEN DE MI-MANDAT SUR LA GOUVERNANCE DE 2010-2014

**COMMITTEE RECOMMENDATIONS AS AMENDED**

That Council approve the following:

**PART I – COMMITTEES OF COUNCIL AND RELATED MATTERS**

- 1) The revised Committee/Board/Other memberships as outlined in Document 1.
- 2) The Chairs and Vice-Chairs of each Standing Committee, the Transit Commission and Sub-Committees as outlined in Document 2.
- 3) The extension of the appointments of Blair Crew, Justin Ferrabee and Emily Rahn to the Transit Commission until the end of this term of Council.
- 4) That the recruitment process for the vacant citizen Transit Commission position begin as soon as possible.
- 5) That the *Petition Policy* be amended to provide that petitions related specifically to matters within the mandate of the Transit Commission be sent directly to the Commission as outlined in this report.
- 6) That the Terms of Reference for the Transit Commission and the reporting protocols for the Auditor General and any related policies and procedures be amended such that the Transit Commission receives any audits within their mandate and delegated authority for consideration, as described in this report.
- 7) That the reporting protocols for the Auditor General and any related policies and procedures be amended such that, with the exception of transit-related audits, audits are tabled with the Audit Sub-Committee and referred to the Finance and Economic Development Committee and Council, as described in this report.

**PART II – OTHER GOVERNANCE-RELATED MATTERS**

- 8) That the governance for the Cumberland Heritage Village Museum and the Nepean Museum be amended as follows:
- a. The Cumberland Heritage Village Museum Board be dissolved, its by-law repealed and that it be recreated as a Departmental Consultative Group as described in this report.
  - b. That the Parks, Recreations and Cultural Services Department assume operations of the Nepean Museum and Fairfield historic site including, as amended by motion vii below:
    - i. The authorization of 5.38 FTEs;
    - ii. The transfer of \$408,923 in existing operating funding;
    - iii. That the Board issue working notice to existing museum employees in accordance with the *Employment Standards Act*;
    - iv. An effective date of transfer to take effect following completion of working notice; (as per Service Agreement, 60 days must be provided)
    - v. That all contracts be ceased by the effective transfer date; and
    - vi. That a Departmental Consultative Group for the Nepean Museum be established as described in this report.
    - vii. That June 30, 2013, be set as the final date of transfer of operations for the Nepean Museum and Fairfields Historic Site and that any corresponding agreements and funding advancements be adjusted accordingly to support this transition period.
- 9) That staff be directed to report back on the impact of the results of the National Capital Commission's Request for Proposal process for the Nepean Equestrian Park on the Ottawa Municipal Campground, as outlined in this report.
- 10) That staff be directed to undertake a review of the Pine View Municipal Golf Course's relationship to the City as part of the Department of Parks, Recreation and Cultural Services' review of the overall direction of City recreation services and mandate, and to report back to the Community and Protective Services Committee and Council.
- 11) The status report on the compliance of the City's agencies, boards and commissioners with respect to their *Municipal Act, 2001* policy requirements.
- 12) That Section 3 of By-law 199-81 (a by-law of the Corporation of the City of Ottawa to establish a Board of Management for the Rideau Area

Improvement Area) be amended to require one Member of Council as outlined in this report.

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

- 13) That the *Accountability and Transparency Policy* be amended as described in this report, including the process for the disclosure of executed contracts.
- 14) That the Office of Protocol produce an annual public disclosure of all events and gifts presented, as outlined in this report
- 15) That staff be directed to develop a Routine and Pro-active Disclosure Policy by the end of Q2, 2013.
- 16) The amendments to the *Commemorative Naming Policy* as described in this report.
- 17) The establishment of a Roadside Memorial Sign Program as described in this report.
- 18) The amendments to the *Delegation of Authority By-law* as outlined in this report.
- 19) That the *Delegation of Powers Policy* be amended as described in this report.
- 20) That the *Election-Related Resources Policy* be amended as described in this report.
- 21) The amendments to the *Procedure By-law* outlined in this report related to the following:
  - a) Advisory Committees; and
  - b) The Court of Revision/Committee of Revision.
- 22) That the litigation exclusion amendment be adopted as a permanent provision of the *Purchasing By-law* as described in this report.
- 23) That the *Procedure By-law*, the *Delegation of Authority By-law* and any other related By-laws, as amended by this report, be included in the by-law listing of a subsequent Council meeting.

**PART IV – OTHER MATTERS**

- 24) The appointment of Councillor Hobbs and Councillor Chiarelli to serve on the Creative Industries Working Group of Invest Ottawa’s Film Office.**
- 25) That the Property Standards and License Committee be renamed the Property Standards and License Appeals Committee.**
- 26) That the process for tracking formal Inquiries and Motions be amended to provide for a review and recommendation for closure of Outstanding Motions and Directions from the previous Term of Council early in each new Term of Council, following the adoption of the new Term’s Priorities, as described in this report.**
- 27) The guidelines for the selection of City of Ottawa representatives for, and Member participation in, the committees and/or working groups of the federal and provincial municipal associations as described in this report.**
- 28) That a temporary FTE be provided to support the role of the Deputy Mayors, to be funded from the Council Administrative Services budget, as described in this report.**
- 29) That the current policies for Council remuneration be amended as described in this report and as follows:**
  - a) That an annual cost-of-living increase for Members of Council be established at the same rate as for Management and Professional Exempt staff;**
  - b) That Members over the age of 65 receive benefits as described in this report; and**
  - c) That eligibility for the Transition Assistance Allowance include Members who retire.**
- 30) That all City policies and procedures be amended to be consistent with the recommendations in this report.**

## **RECOMMANDATIONS MODIFIÉES DU COMITÉ**

Que le Conseil approuve ce qui suit :

### **PARTIE I - COMITÉS DU CONSEIL ET AFFAIRES CONNEXES**

- 1) **Modification de la composition des comités/conseils/autres selon la description qui en est faite dans le Document 1.**
- 2) **Les présidents et vice-présidents de chaque comité permanent, de la Commission du transport en commun et des sous-comités comme il est décrit dans le Document 2.**
- 3) **La prolongation des nominations de Blair Crew, Justin Ferrabee et Emily Rahn à la Commission du transport en commun jusqu'à la fin du mandat de ce Conseil.**
- 4) **Que le processus de recrutement pour pourvoir le poste vacant de citoyen à la Commission du transport en commun soit lancé le plus tôt possible.**
- 5) **Que la Politique sur les pétitions soit modifiée afin que les pétitions portant sur des sujets bien précis directement liés au mandat de la Commission du transport en commun soient transmises directement à la Commission, tel que décrit dans le présent rapport.**
- 6) **Que le mandat de la Commission du transport en commun et les protocoles de présentation des rapports du vérificateur général et toutes les politiques et procédures connexes soient modifiés de sorte que la Commission du transport en commun recevra toutes les vérifications relevant de son mandat et que les pouvoirs nécessaires lui seront délégués pour l'examen desdites vérifications, tel que décrit dans le présent rapport.**
- 7) **Que les protocoles de présentation de rapport du vérificateur général et toutes les politiques et procédures connexes soient modifiés de sorte que, à l'exception des vérifications portant sur le transport en commun, les vérifications soient présentées au sous-comité de la vérification et référées au Comité des finances et du développement économique et au Conseil, tel que décrit dans le présent rapport.**

## **PARTIE II - AUTRES QUESTIONS LIÉES À LA GOUVERNANCE**

- 8) Que la gouvernance pour le Musée-village du patrimoine de Cumberland et le Musée de Nepean soit modifiée comme suit :
- a. Que le Conseil d'administration du Musée-village du patrimoine de Cumberland soit dissout, son règlement abrogé, et recréé sous forme de groupe consultatif interne, comme décrit dans le présent rapport.
  - b. Que le Service des parcs, des loisirs et de la culture assume le fonctionnement opérationnel du Musée de Nepean et du site historique de Fairfield, tel que modifié par la recommandation vii ci-dessous, y compris :
    - i. l'autorisation de 5,38 ÉTP;
    - ii. le transfert de 408 923 dollars dans le fonds d'administration générale;
    - iii. que le conseil d'administration du Musée de Nepean délivrera un préavis de licenciement aux employés actuels du musée conformément à la *Loi sur les normes d'emploi*;
    - iv. une date de transfert prenant effet après la fin du préavis de mise en disponibilité; (conformément à l'entente de service, une période de 60 jours doit être prévue);
    - v. l'annulation de tous les contrats à la date d'entrée en vigueur du transfert; et
    - vi. la mise sur pied d'un groupe consultatif interne pour le Musée de Nepean, comme décrit dans le présent rapport.
    - vii. que le 30 juin 2013 soit établi comme date finale du transfert des opérations du musée Nepean et du site historique Fairfields et que toute entente et toute avance de fonds correspondantes doivent être ajustées pour tenir compte de cette période de transition.
- 9) Que le personnel fasse rapport sur l'incidence sur le Terrain de camping municipal des résultats du processus de demande de proposition de la Commission de la capitale nationale pour le Parc équestre de Nepean, tel que décrit dans le présent rapport.
- 10) Que le personnel soit chargé d'entreprendre un examen de la relation du terrain de golf Pine View avec la Ville dans le cadre de l'examen de l'orientation générale des services et du mandat récréatifs de la Ville par le Service des parcs, des loisirs et de la culture et fasse part de ses conclusions au Comité des services de protection et au Conseil municipal.

- 11) Le rapport d'état sur la conformité des agences, des conseils et des commissaires de la Ville relativement à la *Loi de 2001 sur les municipalités*.
- 12) Que l'article 3 du Règlement 199-81 (un règlement de la « personne morale » de la Ville d'Ottawa afin de créer le Conseil de gestion de la zone d'amélioration commerciale Rideau) soit modifié afin d'exiger qu'un membre du Conseil y participe, comme il est décrit dans le présent rapport.

### **PARTIE III - MODIFICATIONS À DIVERS RÈGLEMENTS, POLITIQUES ET AFFAIRES CONNEXES**

- 13) Que la politique sur la reddition des comptes et la transparence soit modifiée comme le décrit ce rapport, y compris le processus de divulgation des contrats exécutés.
- 14) Que le Bureau du protocole produise un rapport de divulgation public de tous les événements et cadeaux présentés, tel que décrit dans le présent rapport.
- 15) Que le personnel soit mandaté pour élaborer une politique systématique et proactive de divulgation d'ici la fin du 2<sup>e</sup> trimestre de 2013.
- 16) Les modifications apportées à la politique sur les noms commémoratifs comme décrites dans ce rapport.
- 17) L'établissement d'un programme de panneaux commémoratifs en bordure de routes comme décrit dans ce rapport.
- 18) Les modifications au *Règlement sur la délégation de pouvoirs*, telles que présentées dans le rapport.
- 19) Que la Politique sur la délégation de pouvoirs soit modifiée, tel qu'énoncé dans le présent rapport.
- 20) Que la Politique sur les ressources liées aux élections soit modifiée, comme décrit dans le présent rapport.
- 21) Les modifications au *Règlement de procédure* énoncées dans le présent rapport concernant :

- (a) les comités consultatifs;
  - (b) la commission/le comité de révision.
- 22) Que la modification visant l'exclusion pour cause de litige soit intégrée de façon permanente au *Règlement sur les achats*, comme décrit dans le présent rapport.
- 23) Que le *Règlement sur les procédures*, le *Règlement sur la délégation de pouvoirs* et les autres règlements connexes, tels que modifiés dans le présent rapport, fassent partie de la liste des règlements à l'ordre du jour de la prochaine réunion du Conseil.

#### **PARTIE IV – AUTRES POINTS**

- 24) La nomination de la conseillère Hobbs et du conseiller Chiarelli au groupe de travail sur les industries créatives du bureau du cinéma d'Investir Ottawa.
- 25) Que le Comité sur les permis et les normes de bien-fonds soit renommé Comité d'appel en matière de permis et de normes de bien-fonds
- 26) Que le processus de suivi des demandes de renseignements et des motions officielles soit modifié pour prévoir un examen et une recommandation de clore les motions et les instructions en suspens du précédent mandat du Conseil au début de chaque nouveau mandat, à la suite de l'adoption des nouvelles priorités du mandat, comme le décrit le présent rapport.
- 27) Les lignes directrices pour la sélection de représentants de la Ville d'Ottawa et la participation des membres aux comités et (ou) aux groupes de travail d'associations fédérales et provinciales telles que décrites dans le présent rapport.
- 28) Qu'un ÉTP temporaire soit fourni pour appuyer le rôle des maires adjoints, qui sera financé à même le budget des Services administratifs du Conseil, comme le décrit le présent rapport.
- 29) Que les politiques actuelles en matière de rémunération des membres du Conseil soient modifiées comme le décrit le présent rapport et comme suit :
- a) Qu'une augmentation du coût de la vie annuelle pour les membres du Conseil soit établie au même taux que celui du



- personnel du groupe exclu – Direction et professionnels;
- b) Que les membres âgés de plus de 65 ans reçoivent des avantages comme le décrit le présent rapport;
  - c) Que l’admissibilité à l’allocation d’aide à la transition inclut les membres qui prennent leur retraite.
- 30) Que toutes les politiques et procédures de la Ville soient modifiées pour être compatible avec les recommandations dans le présent rapport.

DOCUMENTATION / DOCUMENTATION

1. Rick, O'Connor, City Clerk and Solicitor report dated 29 January 2013 (ACS2013-CMR-CCB-0011) / Rapport du Greffier municipal et chef du contentieux daté du 29 janvier 2013 (ACS2013-CMR-CCB-0011).
2. Extract of Draft Minutes 29, Finance and Economic Development Committee meeting of 5 February 2013. (immediately follows the French version of the report / immédiatement après la version française du rapport)

Report to/Rapport au :

Finance and Economic Development Committee  
Comité des finances et du développement économique

and Council / et au Conseil

January 29, 2013  
29 janvier 2013

Submitted by/Soumis par : M. Rick O'Connor, City Clerk and Solicitor / Greffier  
municipal et chef du contentieux

*Contact Person / Personne ressource: Leslie Donnelly,  
Deputy City Clerk/Greffier adjoint  
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CITY WIDE / À L'ÉCHELLE DE LA VILLE

Ref N°: ACS2013-CMR-CCB-0011

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**SUBJECT: 2010-2014 MID-TERM GOVERNANCE REVIEW**

**OBJET : L'EXAMEN DE MI-MANDAT SUR LA GOUVERNANCE DE 2010-2014**

**REPORT RECOMMENDATIONS**

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

**PART I – COMMITTEES OF COUNCIL AND RELATED MATTERS**

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- 10) That staff be directed to undertake a review of the Pine View Municipal Golf Course's relationship to the City as part of the Department of Parks, Recreation and Cultural Services' review of the overall direction of City recreation services and mandate, and to report back to the Community and Protective Services Committee and Council.

- 11) The status report on the compliance of the City's agencies, boards and commissioners with respect to their *Municipal Act, 2001* policy requirements.
- 12) That Section 3 of By-law 199-81 (a by-law of the Corporation of the City of Ottawa to establish a Board of Management for the Rideau Area Improvement Area) be amended to require one Member of Council as outlined in this report.

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#### **PART IV – OTHER MATTERS**

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- 27) The guidelines for the selection of City of Ottawa representatives for, and Member participation in, the committees and/or working groups of the federal and provincial municipal associations as described in this report.**
- 28) That a temporary FTE be provided to support the role of the Deputy Mayors, to be funded from the Council Administrative Services budget, as described in this report.**
- 29) That the current policies for Council remuneration be amended as described in this report and as follows:**
  - a. That an annual cost-of-living increase for Members of Council be established at the same rate as for Management and Professional Exempt staff;**
  - b. That Members over the age of 65 receive benefits as described in this report; and**
  - c. That eligibility for the Transition Assistance Allowance include Members who retire.**
- 30) That all City policies and procedures be amended to be consistent with the recommendations in this report.**

### **RECOMMANDATIONS DU RAPPORT**

Le Comité des finances et du développement économique recommande au Conseil d'approuver ce qui suit :

### **PARTIE I - COMITÉS DU CONSEIL ET AFFAIRES CONNEXES**

- 1) **Modification de la composition des comités/conseils/autres selon la description qui en est faite dans le Document 1.**
- 2) **Les présidents et vice-présidents de chaque comité permanent, de la Commission du transport en commun et des sous-comités comme il est décrit dans le Document 2.**
- 3) **La prolongation des nominations de Blair Crew, Justin Ferrabee et Emily Rahn à la Commission du transport en commun jusqu'à la fin du mandat de ce Conseil.**
- 4) **Que le processus de recrutement pour pourvoir le poste vacant de citoyen à la Commission du transport en commun soit lancé le plus tôt possible.**
- 5) **Que la Politique sur les pétitions soit modifiée afin que les pétitions portant sur des sujets bien précis directement liés au mandat de la Commission du transport en commun soient transmises directement à la Commission, tel que décrit dans le présent rapport.**
- 6) **Que le mandat de la Commission du transport en commun et les protocoles de présentation des rapports du vérificateur général et toutes les politiques et procédures connexes soient modifiés de sorte que la Commission du transport en commun recevra toutes les vérifications relevant de son mandat et que les pouvoirs nécessaires lui seront délégués pour l'examen desdites vérifications, tel que décrit dans le présent rapport.**
- 7) **Que les protocoles de présentation de rapport du vérificateur général et toutes les politiques et procédures connexes soient modifiés de sorte que, à l'exception des vérifications portant sur le transport en commun, les vérifications soient présentées au sous-comité de la vérification et référées au Comité des finances et du développement économique et au Conseil, tel que décrit dans le présent rapport.**

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- a. Que le Conseil d'administration du Musée-village du patrimoine de Cumberland soit dissout, soit règlement abrogé, et recréé sous forme de groupe consultatif interne, comme décrit dans le présent rapport.
  - b. Que le Service des parcs, des loisirs et de la culture assume le fonctionnement opérationnel du Musée de Nepean et du site historique de Fairfield, y compris :
    - i. l'autorisation de 5,38 ÉTP;
    - ii. le transfert de 408 923 dollars dans le fonds d'administration générale;
    - iii. que le conseil d'administration du Musée de Nepean délivrera un préavis de licenciement aux employés actuels du musée conformément à la *Loi sur les normes d'emploi*;
    - iv. une date de transfert prenant effet après la fin du préavis de mise en disponibilité; (conformément à l'entente de service, une période de 60 jours doit être prévue);
    - v. l'annulation de tous les contrats à la date d'entrée en vigueur du transfert; et
    - vi. la mise sur pied d'un groupe consultatif interne pour le Musée de Nepean, comme décrit dans le présent rapport.
- 9) Que le personnel fasse rapport sur l'incidence sur le Terrain de camping municipal des résultats du processus de demande de proposition de la Commission de la capitale nationale pour le Parc équestre de Nepean, tel que décrit dans le présent rapport.
- 10) Que le personnel soit chargé d'entreprendre un examen de la relation du terrain de golf Pine View avec la Ville dans le cadre de l'examen de l'orientation générale des services et du mandat récréatifs de la Ville par le Service des parcs, des loisirs et de la culture et fasse part de ses conclusions au Comité des services de protection et au Conseil municipal.
- 11) Le rapport d'état sur la conformité des agences, des conseils et des commissaires de la Ville relativement à la *Loi de 2001 sur les municipalités*.
- 12) Que l'article 3 du Règlement 199-81 (un règlement de la « personne morale » de la Ville d'Ottawa afin de créer le Conseil de gestion de la zone d'amélioration commerciale Rideau) soit modifié afin d'exiger qu'un membre du Conseil y participe, comme il est décrit dans le présent rapport.

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- 13) Que la politique sur la reddition des comptes et la transparence soit modifiée comme le décrit ce rapport, y compris le processus de divulgation des

contrats exécutés.

- 14) Que le Bureau du protocole produise un rapport de divulgation public de tous les événements et cadeaux présentés, tel que décrit dans le présent rapport.
- 15) Que le personnel soit mandaté pour élaborer une politique systématique et proactive de divulgation d'ici la fin du 2<sup>e</sup> trimestre de 2013.
- 16) Les modifications apportées à la politique sur les noms commémoratifs comme décrites dans ce rapport.
- 17) L'établissement d'un programme de panneaux commémoratifs en bordure de routes comme décrit dans ce rapport.
- 18) Les modifications au *Règlement sur la délégation de pouvoirs*, telles que présentées dans le rapport.
- 19) Que la Politique sur la délégation de pouvoirs soit modifiée, tel qu'énoncé dans le présent rapport.
- 20) Que la Politique sur les ressources liées aux élections soit modifiée, comme décrit dans le présent rapport.
- 21) Les modifications au *Règlement de procédure* énoncées dans le présent rapport concernant :
  - a. les comités consultatifs;
  - b. la commission/le comité de révision.
- 22) Que la modification visant l'exclusion pour cause de litige soit intégrée de façon permanente au *Règlement sur les achats*, comme décrit dans le présent rapport.
- 23) Que le *Règlement sur les procédures*, le *Règlement sur la délégation de pouvoirs* et les autres règlements connexes, tels que modifiés dans le présent rapport, fassent partie de la liste des règlements à l'ordre du jour de la prochaine réunion du Conseil.

#### **PARTIE IV – AUTRES POINTS**

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- 26) Que le processus de suivi des demandes de renseignements et des motions officielles soit modifié pour prévoir un examen et une recommandation de clore les motions et les instructions en suspens du précédent mandat du Conseil au début de chaque nouveau mandat, à la suite de l'adoption des nouvelles priorités du mandat, comme le décrit le présent rapport.
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  - b. Que les membres âgés de plus de 65 ans reçoivent des avantages comme le décrit le présent rapport;
  - c. Que l'admissibilité à l'allocation d'aide à la transition inclut les membres qui prennent leur retraite.
- 30) Que toutes les politiques et procédures de la Ville soient modifiées pour être compatible avec les recommandations dans le présent rapport.

#### EXECUTIVE SUMMARY

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

Since amalgamation, the City of Ottawa has undertaken governance reviews twice over each Term of Council. The first review takes place at the beginning of a Term of Council and, traditionally, this is when major changes are made to the City's governance structure.

The Mid-term Governance Review traditionally 'tweaks' the governance structure to address any issues that have arisen in the interim. Should any major changes be identified, they are generally recommended with the full Governance Review considered at the beginning of the next Term of Council.

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

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

This report contains a series of inter-connected recommendations and proposals for an improved governance structure and provide for the associated procedures and policies required for Council, Committees of Council and other related bodies.

In addition, there are a number of 'housekeeping' amendments (changes where existing processes need to be 'cleaned up', or where new direction or updates are suggested) being recommended, as is normal practice.

Recommendations can be brought forward in a number of ways: through consultation with individual Members of Council, by way of referral or direction from a Committee or Council, or by staff.

As part of the preparation for this report, the City Clerk and Solicitor and the Deputy City Clerk consulted with the Mayor and all Councillors, senior staff, as well as staff in the City Clerk's Branch, Legal Services and the City Manager's Office who work most closely with the legislative process.

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

Highlights of the recommendations are provided below:

*Committees of Council and Related Matters:*

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

In accordance with this practice, Members of Council were surveyed for any requests for changes to current membership. Overall, requests for changes were largely minimal and could be accommodated with offsetting requests from other Members. Similarly, recommended appointments for Chairs and Vice-Chairs of Standing Committees and Sub-Committees are included for confirmation.

In addition, the Mid-term Governance Report provides the opportunity to re-confirm the appointments of the three Citizen Transit Commission Members who are able to continue until the end of this Term of Council. In order to avoid delay, the recruitment for the vacant position will begin immediately following Council's approval of this report with the intent of making an appointment no later than April 2013.

As a result of the recent release of the Auditor General's Annual Report, this report includes recommendations regarding the Auditor General's reporting protocol, including routing transit-related audits to the Transit Commission and routing all other audits from the Audit Sub-Committee through the Finance and Economic Development Committee to Council.

*Other Governance-Related Matters:*

The 2010-2014 Mid-term Governance Review also addresses issues related to the governance of specific local boards, including the Ottawa Municipal Campground, Pine View Municipal Golf Course, Cumberland Heritage Village Museum and Nepean Museum.

In recent years, a number of issues at both the Cumberland Heritage Village Museum and the Nepean Museum have resulted in their inclusion in this Review, where staff is recommending that the governance and operations of both the Cumberland Museum and the Nepean Museum be aligned with that of the City's other local history museums.

Specifically, it is recommended that the Cumberland Heritage Village Museum, which is currently governed by a Board that is supported by the City Clerk and Solicitor's office, adopt a Departmental Consultative Group model, which will retain the collaborative mechanism for consultation between the City and the community for the strategic direction of the museum, while providing clarity with respect to accountability, liability and operational responsibility and management of the site.

Staff further recommends that the City take over the management and operation of the Nepean Museum and Fairfields historic site through the Shared Museum Resources Unit, and adopt a Departmental Consultative Group model for retaining community involvement in the development of strategic direction of the museum. This model would ensure that community priorities are respected in the preservation and accessibility of the history of the former City of Nepean, that the care and management of the artefact collections are appropriate, and that uninterrupted service continues.

The governance of the Ottawa Municipal Campground and the Pine View Municipal Golf Course were referred to this Review by the Auditor General in his 2010 Annual Report.

As the site for the Ottawa Municipal Campground was included in the National Capital Commission's Request for Proposals (RFP) for the former Nepean Equestrian Park, staff is providing recommendations based on what is known about the results of the RFP as of the print date for this report. Specifically, given that the National Capital Commission is the landowner, the report recommends that governance for the Campground be addressed after (and only if necessary) Committee and Council is provided with an understanding of the impact of the results of the National Capital Commission's RFP process on the Campground lands.

With respect to the Pine View Municipal Golf Course, consultations with Members of Council revealed there was no consensus among Members of Council regarding the preferred governance model for Pine View or with respect to the future role of Pine View as a City service. Further, there was a general consensus that there was a lack of clarity with respect to the relationship between Pine View and the City's recreation mandate and services. Staff is of the opinion that there be no change in governance for Pine View until such time as operational staff reviews the City's relationship with Pine View as it relates to the overall direction of the City's recreational services and mandate, and reports the results of that review to Committee and Council.

*Amendments to Various By-laws, Policies and Related Matters:*

There are a number of recommendations related to updating general Council Policies, including the *Accountability and Transparency Policy*, the *Commemorative Naming Policy* as well as developing a Routine Disclosure Policy.

It is recommended that the *Accountability and Transparency Policy* be amended to reflect Council's adoption of an Accountability Framework and Council's direction to proactively disclose contract awards that have a value of \$100,000 or more that were not a result of public procurement as well as contracts resulting from a public procurement exercise that are of significant public interest. In addition, it is recommended that the Office of Protocol produce an annual public disclosure of all events and gifts presented, consistent with Council's commitment to accountability and transparency through public disclosure and in line with the principles of routine disclosure. This practice would allow

the City to provide information to the public in a pro-active and co-ordinated manner.

Staff recommends the approval, in principle, of a Routine Disclosure Policy that would establish guidelines for the disclosure and dissemination of records that can and should be released to the public directly by the department holding the record, with no need for residents to be referred to the Access to Information and Privacy Office (ATIP). The policy would assist departmental staff in understanding what information can be routinely disclosed to the public and what information requires formal access procedures and would be referred to the ATIP Office.

Changes to the *Commemorative Naming Policy* are recommended in order to formalize certain existing conventions and streamline administrative aspects for the benefit of residents. Proposals receiving no objections will be brought forward directly to Standing Committee and Council, without the need for a second Commemorative Naming Committee meeting. It is also recommended that Members of Council be able to submit names that recognize and celebrate the City's distinct, unique cultural histories, places and events directly to the Commemorative Naming Process, rather than by way of motion or Councillor's report. Members of Council will also be able to submit commemorative naming applications for any type of City infrastructure to the commemorative naming process.

This report contains the traditional review of the *Delegation of Authority By-law* and recommends mostly minor amendments to the By-law which reflect organizational changes, provide clarification of existing delegations or seek to streamline administrative processes. In addition to amending the By-law, two practices are recommended with respect to the delegated authority for planning applications. Firstly, changes to the routing of some specific Planning Committee and Agriculture and Rural Affairs Committee reports are being recommended such that planning applications for urban lands within rural areas are routed to the Planning Committee in consultation with the Ward Councillor and Chairs of the Planning Committee and the Agriculture and Rural Affairs Committee. This change is being recommended as an interim practice to be reviewed as part of the 2014-2018 Governance Report to determine its appropriateness as a formal practice. Secondly, for those planning applications with sites that cross a ward boundary, it is recommended that the concurrence of all affected Ward Councillors is needed for staff approval to be given. In the absence of such concurrence, the matter would proceed to Committee (and Council) as specified in the *Delegation of Authority By-law*.

Proposed amendments to the *Election-Related Resource Policy* include modifying the "blackout period" (the period within which corporate resources and Members' budgets are not to be used to sponsor any advertisements, flyers, newsletters or householders) such that the ban will coincide with the City's regulations for election signs (60 days prior to, and including Voting Day). Thus, the "blackout period" for the 2014 municipal election would begin on August 27, 2014 and all communications would need to be

delivered by this date. Additional recommended amendments to the Policy reflect changes to the *Employee Code of Conduct* and provide greater clarity regarding Members' abilities to use their budgets to address non-emergency related matters in the ward, to host annual events during the blackout period in consultation with the City Clerk and Solicitor and to specify that partisan participation in provincial and federal elections are also included under the Policy.

Other Matters:

Included in this report is a recommendation to amend the process for tracking formal Inquiries and Motions to provide for a review and recommendation for closure of Outstanding Motions and Directions from the previous Term of Council early in each new Term of Council, following the adoption of the new Term's Priorities.

Rather than being done on an *ad-hoc* basis, it is recommended that the selection of City Council representatives to municipal associations and participation on municipal association committees will be dealt with as part of the first conference report in a new Term. As well, only committee and working group participation by formally approved Council delegates will be funded by the Administrative Services budget in any given year.

In recognition of the additional workload that the formalization of the Deputy Mayor role has placed on the scheduling staff and the two Members of Council, staff recommends additional funding equivalent of one Full-time Equivalent (FTE) to assist with the Deputy Mayors' scheduling, similar to the manner in which Council has recognized the additional legislative workload placed on Standing Committee Chairs. This additional FTE would be funded from the Council Administration Budget as the Deputy Mayor role is tied to the governance model.

Amendments to the current policies for council remuneration are being recommended to address three of the Task Force on Remuneration provisions adopted in 2005 that have, in staff's opinion, created some unintended inequities. Specifically, staff recommends that both life insurance coverage and accidental death and dismemberment coverage for Members of Council be extended from the current age 70 to the end of the Member's term of office. In addition, staff recommends that the severance provisions for Members of Council be amended to apply in those situations where the Member does not seek re-election or steps down and that the annual cost-of-living increases for Members' be the same as that for the Management Professional Exempt group.

SOMMAIRE

La structure de gouvernance de la Ville d'Ottawa, comme celles d'autres villes d'Ontario, facilite le processus législatif. Elle est en effet composée de plusieurs

organes de délibération différents, quoique liés, soit le Conseil municipal, les comités permanents, les comités consultatifs et les agences, les conseils et les commissions indépendants, ainsi que des outils de réglementation qui régissent ces divers organes, dont le *Règlement de procédure*, le *Règlement municipal sur la délégation de pouvoir* et le *Règlement sur l'affichage public*. Comme une municipalité est le palier de gouvernement le plus rapproché des citoyens, la structure de gouvernance de la Ville est conçue pour permettre à la collectivité de participer de manière directe et officielle au processus décisionnel par l'intermédiaire des comités consultatifs auxquels siègent des citoyens et des présentations que font les citoyens aux comités permanents devant les élus. Elle favorise aussi le travail législatif et gouvernemental des élus qui eux participent aux réunions des comités permanents et du Conseil municipal.

Depuis la fusion, la Ville d'Ottawa a entrepris deux examens sur la gouvernance par mandat du Conseil. Le premier a lieu au début d'un nouveau mandat; c'est habituellement à ce moment qu'on apporte des changements majeurs à la structure de gouvernance municipale.

L'examen de mi-mandat sur la gouvernance sert traditionnellement à apporter de légères modifications à la structure de gouvernance afin de remédier aux problèmes survenus en cours de mandat. Si des modifications majeures devaient être apportées, elles sont habituellement recommandées au moment de l'examen de la gouvernance complet qui est réalisé au début de chaque nouveau mandat.

Le présent examen de mi-mandat sur la gouvernance, comme tous les examens antérieurs, a été réalisé en suivant le principe selon lequel tout changement proposé doit s'assurer :

- que la structure de gouvernance et les processus afférents demeurent transparents et que les élus soient responsables face au public en général;
- que les modifications apportées contribuent à rendre le processus de prise de décisions plus efficace et efficient;
- que la structure et le processus de gouvernance soient centrés et alignés sur les priorités de la Ville.

Le présent rapport contient une série de recommandations et de propositions inter-reliées axées sur l'amélioration de la structure de gouvernance et établit les procédures et politiques associées, nécessaires au Conseil, aux comités du Conseil et à d'autres organismes associés.

De plus, un certain nombre de recommandations concernent des modifications « d'ordre administratif » (modifications où les processus existants ont besoin d'être « revus », ou encore là où de nouvelles orientations ou mises à jour sont suggérées).

Les recommandations peuvent être formulées et présentées au Conseil de diverses manières : dans le cadre de consultations individuelles avec les membres du Conseil,

par renvoi ou conformément à une directive d'un comité ou du Conseil ou par le personnel.

Dans le cadre de la préparation du présent rapport, le greffier municipal et chef du contentieux et la greffière adjointe ont consulté le maire et tous les conseillers, certains cadres supérieurs ainsi que le personnel à la direction du greffe, des services juridiques et au bureau du directeur municipal qui travaillent dans la proximité immédiate du processus législatif.

Conformément aux pratiques usuelles, lorsque le consensus est établi parmi les membres du Conseil en faveur d'un changement, le rapport l'indique et une recommandation est formulée. Le rapport indique également la provenance des recommandations présentées par le personnel. Dans certains cas, le personnel présente des recommandations qui ont été formulées suite aux consultations avec les membres du Conseil. Dans tous les cas, le personnel considère que les recommandations concordent avec les principes énoncés ci-dessus.

Les points saillants des recommandations sont présentés ci-dessous.

*Comités du Conseil et affaires connexes :*

En conséquence et à titre de pratique générale, le rapport de l'examen de gouvernance de mi-mandat de 2009 recommandait que cet examen soit aussi l'occasion pour les membres du Conseil d'examiner leur participation aux comités permanents et à d'autres instances du Conseil et d'apporter à ce moment les changements nécessaires.

Conformément à cette pratique, les membres du Conseil ont été interrogés pour savoir s'il y avait des demandes de changements à leur participation actuelle. En général, les demandes de changements étaient minimales et pouvaient être réglées compte tenu des autres demandes faites par d'autres membres. Dans le même ordre d'idées, les propositions de nomination pour la présidence et la vice-présidence des comités permanents et des sous-comités sont incluses pour confirmation.

De plus, le rapport de gouvernance de mi-mandat fournit l'occasion de reconfirmer la nomination des trois citoyens membres de la Commission du transport en commun qui ont été en mesure de poursuivre leurs tâches jusqu'à la fin du mandat du Conseil. Afin d'éviter tout retard, le processus de recrutement pour pourvoir le poste vacant de citoyen à la Commission du transport en commun sera amorcé dès que le Conseil aura approuvé le présent rapport dans le but que la nomination soit effectuée au plus tard en avril 2013.

Le vérificateur général a récemment rendu public son rapport annuel de vérification, et le présent rapport inclut des recommandations concernant le protocole de présentation des rapports du vérificateur général, notamment les vérifications concernant le transport



en commun et l'acheminement de tous les autres rapports, du sous-comité de vérification au Comité des finances et du développement économique, pour arriver au Conseil.

*Autres questions liées à la gouvernance*

L'Examen de mi-mandat sur la gouvernance de 2010-2014 aborde également les questions concernant la gouvernance de divers conseils locaux, notamment le Terrain de camping municipal, terrain de golf municipal Pine View, et le Musée-village du patrimoine de Cumberland et du musée de Nepean.

Au cours des dernières années, les problèmes éprouvés au Musée-village du patrimoine de Cumberland et du musée de Nepean ont incité le personnel à les inclure dans cet examen. Le personnel recommande que la gouvernance et la gestion du Musée-village du patrimoine de Cumberland et du musée de Nepean soient alignées à celles des autres musées historiques de la Ville.

Plus précisément, il est recommandé que le Musée-village du patrimoine de Cumberland, actuellement régi par un conseil d'administration appuyé par le Bureau du greffier municipal et chef du contentieux, adopte le modèle de groupe consultatif interne, qui privilégie un mécanisme collaboratif de consultation entre la Ville et la collectivité pour déterminer l'orientation stratégique du musée, tout en établissant clairement les lignes directrices relatives à la reddition de compte, aux obligations légales et à la responsabilité opérationnelle ainsi qu'à la gestion du site.

Le personnel recommande par ailleurs que la Ville assume le fonctionnement opérationnel du Musée de Nepean et du site historique de Fairfields, par l'intermédiaire de l'Unité des ressources muséales partagées et que le modèle de groupe de consultation interne soit adopté afin de conserver la participation communautaire à l'élaboration de l'orientation stratégique du musée. Ce modèle contribuera à ce que les priorités communautaires soient prises en compte dans les mesures établies pour conserver l'histoire de l'ancienne ville de Nepean, et y donner accès, que les soins et la gestion des collections d'artéfacts soient appropriés, et que le service soit assuré sans interruption.

La gouvernance au Terrain de camping municipal d'Ottawa et au terrain de golf municipal Pine View ont été signalés par le vérificateur général dans son rapport annuel de 2010 et référés à cet examen.

Comme le Terrain de camping municipal était inclus dans les demandes de propositions de la Commission de la capitale nationale pour l'ancien Parc équestre de Nepean, le personnel formule des recommandations fondées sur les résultats de la DP, à la date d'impression du présent rapport. Plus précisément, puisque la Commission de la capitale nationale est propriétaire du terrain, le rapport recommande que la question de la gouvernance du terrain de camping ne soit abordée (au besoin) qu'après qu'une

analyse des conséquences des résultats du processus de DP de la Commission de la capitale nationale sur le terrain de camping aura été présentée au Comité et au Conseil.

En ce qui concerne le terrain de golf municipal Pine View, après consultation avec les membres du Conseil, force est de constater qu'il n'y a pas consensus parmi les membres concernant le modèle de gouvernance privilégié pour Pine View ou concernant le rôle futur de Pine View en tant que service municipal. Cependant, les conseillers s'entendent généralement pour dire qu'il y a un manque de clarté relativement à la relation entre Pine View et le mandat du service des loisirs de la Ville. Le personnel est d'avis qu'il n'y aura pas de changement à la gouvernance de Pine View tant que les membres du personnel n'auront pas évalué la relation de la Ville avec Pine View, en ce qui a trait à l'orientation générale du mandat et des services de loisirs de la Ville, et qu'ils auront remis les résultats de cet examen au Comité et au Conseil.

*Modifications à divers règlements, politiques et affaires connexes :*

Plusieurs recommandations portent sur la mise à jour des politiques générales du Conseil, notamment la politique sur la transparence et la reddition de comptes, la politique sur les noms commémoratifs et le développement d'une politique sur la divulgation périodique.

Il est recommandé que la politique sur la transparence et la reddition de comptes soit modifiée afin de tenir compte du fait que le Conseil a adopté un cadre de responsabilisation. De plus, le Conseil a émis une directive relativement à la divulgation proactive des contrats de 100 000 dollars ou plus octroyés hors de toute procédure d'approvisionnement public, ainsi que des contrats résultant d'un exercice d'approvisionnement public qui ont un intérêt public important. De plus, il est recommandé que le Bureau du protocole produise un rapport de divulgation public de tous les événements et cadeaux présentés, conformément à l'engagement du Conseil envers la reddition de compte et la transparence et aux principes de divulgation périodique. Cette pratique permettra à la Ville de fournir de l'information au public de manière proactive et coordonnée.

Le personnel recommande l'approbation en principe d'une politique sur la divulgation sur une base régulière qui établirait des lignes directrices portant sur la divulgation et la distribution des dossiers qui peuvent et doivent être rendus publics par le service responsable dudit dossier, sans que les résidents aient recours au Bureau de l'accès à l'information et protection des renseignements personnels. La politique permettra d'aider le personnel du service à comprendre quel type d'information peut être divulgué au public sur une base régulière et quel type d'information exige des procédures d'accès officielles et serait alors renvoyée au Bureau de l'accès à l'information et protection des renseignements personnels.

Des modifications à la politique sur les noms commémoratifs sont recommandées afin d'officialiser certaines conventions actuelles et de simplifier les aspects administratifs au profit des résidents. Les propositions qui ne font pas l'objet d'objections seront soumises directement au comité permanent pertinent et au Conseil sans que le comité sur les dénominations commémoratives ait à se rencontrer une deuxième fois. On recommande également que les membres du Conseil soient en mesure de soumettre les endroits et les événements à une procédure de dénomination commémorative des noms qui reconnaissent et célèbrent les histoires et les identités culturelles distinctes et uniques, plutôt qu'au moyen d'une motion ou d'un rapport de Conseiller. Les membres du Conseil seront également en mesure de soumettre à la procédure de dénomination commémorative des demandes de dénomination commémorative relative à tous les éléments d'infrastructure.

Le présent rapport comprend l'examen traditionnel du *Règlement sur la délégation de pouvoirs* et recommande que des modifications mineures soient apportées au règlement qui tiennent compte des changements organisationnels, fournissent des éclaircissements sur les délégations actuelles ou tentent de simplifier les processus administratifs. En plus de modifications au Règlement, deux autres recommandations visent la délégation de pouvoirs relative aux demandes d'aménagement. D'abord, il est également proposé d'apporter des modifications à l'acheminement de certains rapports du Comité de l'urbanisme et du Comité de l'agriculture et des affaires rurales, afin que les demandes d'aménagement liées aux terres d'urbanisation dans des quartiers ruraux soient acheminées au Comité de l'urbanisme en consultation avec le conseiller de quartier et les présidents du Comité de l'urbanisme et du Comité de l'agriculture et des affaires rurales. Cette modification est recommandée à titre de pratique intérimaire qui sera examinée avec le rapport de gouvernance 2014-2018 afin de déterminer sa pertinence en tant que pratique officielle. Deuxièmement, il est recommandé que l'approbation de toute demande d'aménagement visant un site dépassant les limites d'un quartier soit assujettie à l'accord de tous les conseillers des quartiers affectés. À défaut de quoi, l'affaire devra être transmise au Comité (et au Conseil), comme le prévoit le *Règlement sur la délégation de pouvoir*.

Les modifications à la Politique sur les ressources liées aux élections prévoient un changement à la « période d'interdiction », (période au cours de laquelle les ressources municipales et les budgets des membres ne doivent pas servir à commanditer des communiqués, des circulaires, des bulletins ou des dépliants). On vise ainsi que l'interdiction coïncide avec le calendrier régissant la pose des pancartes électorales (pendant les soixante jours précédant les élections ainsi que le jour même du scrutin). Donc, la « période d'interdiction » pour l'élection municipale de 2014 commencerait le 27 août 2014 et toutes les communications devront avoir été livrées à cette date. Les autres modifications recommandées à la Politique visent à tenir compte des modifications apportées au Code de conduite des employés; à expliquer plus précisément les capacités des membres à utiliser leurs budgets pour régler les questions non urgentes dans le quartier, à organiser des événements annuels pendant

la période d'interdiction en collaboration avec le greffier municipal et chef du contentieux et à préciser que cette politique concerne également la mobilisation partisane durant les élections provinciales et fédérales.

Autres questions :

Le présent rapport comprend une recommandation visant à modifier le processus de suivi des demandes de renseignements et des motions officiels afin d'effectuer, au début de chaque nouveau mandat du Conseil, à la suite de l'adoption des nouvelles priorités du mandat, l'examen des motions et instructions en suspens du précédent mandat du Conseil et de formuler des recommandations concernant leur clôture.

Il est recommandé que la sélection de représentants de la Ville d'Ottawa et la participation des membres aux associations municipales et aux comités des associations municipales soit effectuée dans le cadre du premier rapport sur les conférences présenté au début d'un nouveau mandat. De plus, seule la participation de délégués du Conseil approuvés à un comité et à un groupe de travail sera financée à même le budget des Services administratifs dans une année donnée.

En raison de l'ajout de tâches à la charge de travail des deux membres du Conseil et du personnel responsable de planification du calendrier découlant de l'officialisation du rôle de maire suppléant, le personnel recommande qu'un ÉTP supplémentaire soit fourni pour aider à la planification du calendrier des maires suppléants, un peu de la même manière dont le Conseil a reconnu la charge de travail législatif supplémentaire qui s'est ajoutée à la charge de travail des présidents du Comité permanent. Cet ÉTP supplémentaire sera financé à même le budget des Services administratifs du Conseil, car le rôle de maire suppléant est lié au modèle de gouvernance.

Des modifications aux politiques actuelles sur la rémunération des membres du Conseil sont recommandées afin de s'attaquer à trois des dispositions établies par le groupe de travail de citoyens sur la rémunération des membres du Conseil adoptées en 2005, qui ont, de l'avis du personnel, créé certaines inégalités non souhaitées. Plus précisément, le personnel recommande que la protection d'assurance-vie et d'assurance en cas de décès ou de mutilation par accident pour les conseillers, qui se termine actuellement à 70 ans, soit prolongée jusqu'à la fin de leur mandat. De plus, le personnel recommande que les clauses relatives à l'indemnité de départ pour les membres du Conseil soient modifiées pour qu'elles s'appliquent aux situations où le membre ne se porte pas candidat à l'élection suivante ou qu'il quitte son poste et que l'augmentation du coût de la vie annuelle pour les membres du Conseil reflète celui du personnel du groupe exclu.

BACKGROUND

The City of Ottawa's governance structure, like those of other Ontario cities, facilitates the legislative process. It consists of several different but related deliberative bodies,

namely City Council, Standing Committees, Advisory Committees and arms-length Agencies, Boards and Commissions (“ABCs”), as well as the regulatory tools that govern those bodies, such as the *Procedure By-law*, the *Delegation of Authority By-law* and the *Public Notice By-law*. As the level of government closest to citizens, the City’s governance structure is designed to enable formal, direct community input into decision-making through citizen Advisory Committees and Standing Committee presentations to elected representatives. It also facilitates the legislative and governmental work of the elected officials through Standing Committee and City Council meetings.

Since amalgamation, the City of Ottawa has undertaken governance reviews twice over each Term of Council. The first review takes place at the beginning of a Term of Council and, traditionally, this is when major changes are made to the City’s governance structure.

The Mid-term Governance Review traditionally ‘tweaks’ the governance structure to address any issues that have arisen in the interim. Should any major changes be identified, they are generally recommended with the full Governance Review considered at the beginning of each new Term of Council.

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

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

The City’s authority is determined by its enabling legislation being principally the *Municipal Act, 2001* (the “Act”) as well as the *City of Ottawa Act, 1999*. The *Municipal Act, 2001* was amended by Bill 130, where many of the changes to the Act came into effect by January 2008. The overall intent of the changes in Bill 130 was to provide municipalities with the flexibility and autonomy to respond to local matters and fulfill responsibilities within their jurisdiction. To this end, the Bill provided municipalities with greater powers and autonomy that was balanced with increased accountability and transparency measures. The changes to the statute have influenced the evolution of the City’s governance structure and practices since its enactment.

On July 13, 2011, Council approved the Term of Council Priorities for 2011–2014, which include Standing Committee and Transit Commission oversight for each strategic initiative related to these priorities. City Council approved eight Strategic Priorities developed by staff to be accomplished during this Term of Council.

“Governance, Planning and Decision-Making” is one of the eight strategic priorities endorsed by Council. This strategic priority is intended to encourage Council and staff to “achieve measurable improvement in residents’ level of trust in how the City is governed and managed, apply a sustainability lens to decision-making, and create a governance model that compares well to best-in-class cities around the world.”

Within each strategic priority are strategic objectives which define specifically what outcomes are expected to be achieved. Under the “Governance, Planning and Decision Making” strategic priority, staff has identified the following strategic objective:

GP1: Improve the public’s confidence in and satisfaction with the way Council works:

Put into place business practices that are democratic, engaging and visible by encouraging citizens to participate in decision-making and community life, by informing them in a timely manner of decisions that affect them, and by providing reasons for decisions.

Council’s regular governance reviews have been identified as initiatives directly related to this objective. The Finance and Economic Development Committee has oversight responsibility for this strategic objective.

The Mid-term Governance Review report contains a series of inter-connected recommendations and proposals for an improved governance structure and provide for the associated procedures and policies required for Council, Committees of Council and other related bodies.

Recommendations can be brought forward in a number of ways: through consultation with individual Members of Council, by way of referral or direction from a Committee or Council, or by staff.

As part of the preparation for this report, the City Clerk and Solicitor and the Deputy City Clerk consulted with the Mayor and all Councillors, senior staff, as well as staff in the City Clerk’s Branch, Legal Services and the City Manager’s Office who work most closely with the legislative process.

Consistent with the standard practice, where there was a consensus for a change among Members of Council, the report indicates this and there is a recommendation. The report also indicates where the recommendation originates with staff. In some instances, staff is bringing forward recommendations that came to light after the consultations with Members of Council were complete.

In addition, there are a number of ‘housekeeping’ amendments (changes where existing processes need to be ‘cleaned up’, or where new direction or updates are suggested)

being recommended, as is normal practice.

## DISCUSSION

### PART I - COMMITTEES OF COUNCIL AND RELATED MATTERS

#### *Committee Membership*

*The revised Committee/Board/Other memberships as outlined in Document 1.*

*The Chairs and Vice-Chairs of each Standing Committee, the Transit Commission and Sub-Committees as outlined in Document 2.*

#### ***Committee/Board/Other Membership***

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

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

In accordance with this practice, Members of Council were surveyed for any requests for changes to current membership. Overall, the requests for changes were minimal and could be accommodated with offsetting requests from other Members.

The recommended revised Committee/Board/Other memberships are attached in Document 1.

#### ***Chairs and Vice-Chairs***

In addition to reviewing membership on Standing Committees and other Council bodies, it has become general practice, since the 2006-2010 Governance Review, that the Mid-term Review provides an opportunity to confirm the Chairs and Vice-Chairs of the Standing Committees.

Past practice has involved convening each Standing Committee following the Council meeting that has established the Committee structure or waiving the Rules of Procedure of the next meeting of each Standing Committee following the adoption of the Mid-term Review.

Council also has the option to confirm the Chairs and Vice-Chairs of its Standing Committees and Sub-Committees, similar to the manner in which the revised membership has been included in this report for approval.

The Chairs and Vice-Chairs of all Standing Committees and Sub-Committees were consulted, as well as the Mayor's Office, and based on feedback and respective workloads, recommendations for Chair and Vice-Chair appointments have been prepared and are attached at Document 2.

**Matters related to the Transit Commission**

***The extension of the appointments of Blair Crew, Justin Ferrabee and Emily Rahn to the Transit Commission until the end of this term of Council.***

***That the recruitment process for the vacant citizen Transit Commission position begin as soon as possible.***

***That the Petition Policy be amended to provide that petitions related specifically to matters within the mandate of the Transit Commission be sent directly to the Commission as outlined in this report.***

***That the Terms of Reference for the Transit Commission and the reporting protocols for the Auditor General and any related policies and procedures be amended such that the Transit Commission receives any audits within their mandate and delegated authority for consideration, as described in this report.***

As part of the 2010-2014 Governance Review, Council approved the establishment of an arms-length Transit Commission, composed of both elected officials (8) and citizen representatives (4) with a level of final decision-making authority over transit operations. Generally it was felt that the Transit Commission was working well and there are no changes being recommended to the Commission's mandate, structure or meeting schedule.

In anticipation of the Mid-term Governance Review and the regular re-examination of the Council and Committee structure, the citizen members of the Transit Commission were appointed to two-year terms with the possibility of an extension at mid-term.

As part of the consultation process for the Mid-term Governance Review, there was general consensus that the citizen members of the Transit Commission have brought value to the process even with the anticipated learning curve.



Issues were raised with respect to some of the City's current reporting practices with respect to petitions and audits that need to be amended to respect the Transit Commission's mandate and to ensure that the citizen members are able to participate fully in matters within the Commission's delegated authority.

Finally, there were a number of suggestions that future recruitment for citizen members of the Transit Commission include additional criteria (e.g. expertise in accessibility). To address this, staff will include a more comprehensive discussion of the qualifications and criteria for citizen members of the Transit Commission as part of the 2014-2018 Governance Review.

### ***Confirmation of Members***

The citizen members have been canvassed regarding their interest in continuing for a second two-year term. Three of the citizen members (Commissioners Blair Crew, Justin Ferrabee and Emily Rahn) have confirmed that they are interested in continuing to serve on the Commission, while Commissioner Cyrus Reporter has indicated that he is not able to continue in this role.

In order to avoid delay in filling the vacant citizen member position, staff is recommending the recruitment process begin immediately following Council's approval of the report, with advertisements in as soon as possible in February and with the intention of making an appointment no later than April 2013. The Selection Panel for citizen members of the Transit Commission consists of the Chair, Vice-Chair, Commissioner Tim Tierney and Mayor Watson (*ex officio*).

### ***Amendment to the Petition Policy***

As part of the 2010-2014 Governance Review, City Council adopted a *Petition Policy* that outlines the correct format for petitions as well as procedures for their submission and disposition. Briefly, the Policy provides that petitions are to be filed with the City Clerk (either directly or through a Member of Council) and then presented to City Council. If the petition pertains to a matter on a Council agenda, the petition is listed on the same agenda. Where it is not directly related to an agenda item, the petition is listed on the agenda of the next regular meeting of Council.

Petitions are not formally received at Standing Committee. Where a petition relates to a matter before a Standing Committee, it is listed on a Council agenda when the item rises to Council. In the case of the Transit Commission, there have been instances where a petition has been received on a matter that is solely within the decision-making authority of the Commission (i.e. regarding changes to bus routes), and there was no procedural avenue to route that petition from Council to the Commission.

Staff is recommending, therefore, that the *Petition Policy* be amended to provide that petitions on matters within the Transit Commission's mandate are routed directly to the Commission rather than to Council.

### ***Amendment to the Auditor General's Reporting Protocols for Transit Audits***

During the recent release of the Auditor General's Annual Report and related audits, it was discovered that the Transit Commission's Terms of Reference fail to recognize the authority of the Transit Commission with respect to audits produced by the Auditor General that focus on OC Transpo issues that fall within the mandate and delegated authority of the Commission.

In consultation with the Auditor General, staff is recommending that both the Terms of Reference for the Transit Commission and the reporting protocols for the Auditor General be revised such that those audits related to OC Transpo operational matters would be referred to the Transit Commission for the consideration of the Transit Commission as part of the standard practice.

### **Additional Amendments to the Auditor General's Reporting Protocols**

***That the reporting protocols for the Auditor General and any related policies and procedures be amended such that, with the exception of transit-related audits, audits are tabled with the Audit Sub-Committee and referred to the Finance and Economic Development Committee and Council, as described in this report.***

As noted above, following the recent release of his annual report, the Auditor General, in consultation with the City Clerk and Solicitor, identified two areas of his reporting protocol that he recommends be changed. In addition to the recommendation referring matters related to transit audits to the Transit Commission described in the section above, the Office of the Auditor General (OAG) is recommending a change to the practice of referring matters to Standing Committees for the purpose of receiving public delegations. As these issues arose after the City Clerk and Solicitor's consultations with Members of Council on the governance review, this is being brought forward as a staff recommendation.

Section 224 (d) and (d.1) of the revised *Municipal Act, 2001* states that it is the role of City Council "to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council" and "to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality."

The Auditor General, together with the City's external auditor, are key positions in helping Council fulfill its role under the Act. The City of Ottawa established the Office of

the Auditor General in December 2004 to carry out performance, compliance and financial audits on the accounts of the City. On November 28, 2007, City Council made the Auditor General a statutory officer under Section 223.19 of the revised *Municipal Act, 2001*. This change gave the Auditor General statutory responsibilities that include “assisting the council in holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money in municipal operations.”

At that time, Council also approved the Auditor General’s reporting protocols, which included recommendation 5 (c) as follows: “Referral of the Annual Report to the appropriate Standing Committee to allow for public delegations only.” This recommendation ensured that Council as a whole would receive and consider the audits as a whole, rather than delegating the authority to consider the audits to the relevant Standing Committees.

As part of the 2010-2014 Governance Review, City Council created an Audit Sub-Committee in December 2010 to provide the Audit function more prominence, to work with staff to mediate disputes regarding audit recommendations and to work with the Auditor General on a regular basis to ensure effective communication between the Auditor General’s office and Council.

With the creation of the Audit Sub-Committee (ASC), a revised reporting protocol for the OAG Annual Report was necessary. The new protocol was adopted by City Council on April 13, 2011. While the tabling protocols were changed from Council to the Audit Sub-Committee, the new protocol included that the Annual Report be “referred to various Standing Committees as directed by ASC.”

Since the adoption of the protocols referring audits to Standing Committees for public delegations, records indicate that very few members of the public have come to speak to any of the audits:

- 2007 Audit Report and Detailed Audits (June 2008) - 1 public delegation at Community and Protective Services Committee re: the Pride Week Committee audit, 1 public delegation at a Joint Transit and Transportation Committee meeting re: the Bus Refurbishing and Warranty Programs audit, and no public delegations at the other Committees;
- 2008 Audit Report and Detailed Audits (November 2009 – Feb 2010) - no public delegations at any Standing Committee;
- 2009 Audit Report and Detailed Audits (June – August 2010) - 1 public delegation at Community and Protective Services Committee regarding the Nepean National Equestrian Park audit and no public delegations at the other Committees;

- 2010 Audit Report and Detailed Audits (September / October 2011) - 1 public delegation at Community and Protective Services Committee regarding the Audit of the Sugarbush (Action Vanier) Agreements, and no public delegations at the other Committees; and
- 2011 Audit Report and Detailed Audits (November / December 2012) - no public delegations at any Standing Committee.

A review of the above shows that public delegations occur almost exclusively when the Auditor General reports on an audit of a grant or contribution to an external body.

Although there are no direct costs involved with placing the audits on Standing Committee agendas for the purpose of receiving delegations, the Auditor General's staff does have to attend, meaning there is a cost in productivity for those staff. Therefore, staff is recommending that the reporting protocol for Annual Report (except for the transit-related audits, which are the subject of a separate recommendation) be a referral from the Audit Sub-Committee to the Finance and Economic Development Committee and then to Council for discussion and approval.

This change would not prohibit any Standing Committee from undertaking a more thorough review of an individual audit if it wished. This would be accomplished by a referral from Council, whereby the audit would be placed on a subsequent agenda (where public delegations would be in order).

Staff is further recommending that the referral of matters where management and the Auditor General disagree be referred to either the Audit Sub-Committee or appropriate Standing Committee as necessary, rather than automatically, as many of these issues are administrative in nature and are reported back as part of the Auditor General's follow-up audits.

## **PART II – OTHER GOVERNANCE-RELATED MATTERS**

### **Cumberland Heritage Village Museum and Nepean Museum**

***That the governance for the Cumberland Heritage Village Museum and the Nepean Museum be amended as follows:***

***The Cumberland Heritage Village Museum Board be dissolved and recreated as a Departmental Consultative Group as described in this report.***

***That the Parks, Recreations and Cultural Services Department assume operations of the Nepean Museum and Fairfield historic site including:***

- i. The authorization of 5.38 FTEs;***
- ii. The transfer of \$408,923 in existing operating funding;***
- iii. That the Board issue working notice to existing museum employees in accordance with the Employment Standards Act;***
- iv. An effective date of transfer to take effect following completion of working notice; (as per Service Agreement, 60 days must be provided)***
- v. That all contracts be ceased by the effective transfer date; and***
- vi. That a Departmental Consultative Group for the Nepean Museum be established as described in this report.***

The governance models for local history museums that were in place prior to the City of Ottawa's amalgamation in 2001 have remained as *status quo* for the past eleven years. Museums that were operated by independent community organizations continue to be governed and operated in the same manner (e.g. Bytown Museum, Diefenbunker National Historic Site, etc.) and museums that were operated directly by a municipality (e.g. Billings Estate National Historic Site and Pinhey's Point Historic Site) continue to be operated by the municipality.

In recent years, a review of issues at both the Cumberland Heritage Village Museum and the Nepean Museum have resulted in the following staff recommendations with respect to the governance model of both of these organizations.

### ***Cumberland Heritage Village Museum Board***

The Cumberland Museum was established in 1976 and the Cumberland Heritage Village Museum Board's (CHVMB) governance structure is found in a pre-amalgamation by-law of the former Township of Cumberland. The by-law defines the mandate and structure of the CHVMB and implies that the CHVMB would retain a management role for the museum, now funded and operated by the City of Ottawa directly.

There are certain challenges when an arms-length body governs a municipal service or operation such as a local history museum. Specifically, the CHVMB has been discussing the scope and scale of its role and responsibilities for several years and has consistently asserted that it does not desire financial accountability or any type of liability for the museum. The community and the general public's perception of the blurred lines of responsibility of the Board have created some instances of role confusion and miscommunication. Presently, the CHVMB functions more as a community stakeholder group and its main focus over the past several years has been

to provide strategic advice for the sustainability and long-term vision for the museum. The CHVMB has communicated support for the direction the Department is moving with the museum, and has also communicated its trust in current City staff's management of the site.

Further, in recent recruitments for the CHVMB conducted by the City Clerk and Solicitor Department, interest in membership on this Board has progressively declined. Previously, recruitment for the CHVMB was limited only to Wards 1, 2 and 19 (the former Township / City of Cumberland). In 2005, in order to broaden the pool of potential candidates, this requirement was waived such that applicants from all City wards could apply. However, the number of interested applicants has continued to decline. The most recent recruitment resulted in only two applicants indicating an interest for the six open seats.

#### *Proposed Recommendations*

General consensus among Members of Council was that a governance model should be adopted that satisfies the community's desire to participate in the strategic direction and overall vision for the Cumberland Heritage Village Museum as a local history museum balanced with the need for clear accountability and financial oversight.

In light of these factors, staff is recommending that the CHVMB be recreated as a Departmental Consultative Group. A departmental consultative group is another way for the public to have direct input into how the City delivers programs and services specifically where there is a need for ongoing advice regarding a municipal responsibility and where the responsibility lies within the mandate of one department. These groups have a more direct relationship with staff, a flexible structure that is reflective of the needs of the group, as well as momentum, commitment and continuity. Departmental Consultative Groups have been proven to be constructive working groups in other areas of municipal services (e.g. Aboriginal Working Group, Taxi Stakeholders Consultation Group, and Parking Stakeholders Consultation Group) and have already been successfully employed as a governance model for a local history museum in the form of the Departmental Consultative Group for the Billings Estate National Historic Site.

In the case of the Cumberland Heritage Village Museum, this model provides a collaborative avenue for consultation between the City and the community for the strategic direction of the museum while removing any question of accountability, liability and operational responsibility/management of the site. From a legal perspective, City Council is authorized under Section 216 of the *Municipal Act, 2001* to dissolve a local board such as the current CHVMB.

Under the Departmental Consultative Group model for the Billings Estate National Historic Site, the Parks, Recreation and Cultural Services Department conducts

recruitment on an annual basis and attempts to maintain a roster of reserve members to fill vacancies as they occur. The recruitment criteria are as follows:

- Commitment to the “Guiding Values” of the Group (e.g. commitment to success of museum, respect for museum best practices and standards, teamwork and collaboration of members and City staff, etc.)
- Passion for museum, heritage and making a contribution to community
- Dedicated time and energy (attend meetings, participate)
- Relevant, needed expertise including technical museological and non-technical
- Good mix, diversity, reflects community (e.g., skills, interests, gender, age, rural and urban, connections)
- At least 18 years of age, resident of the City of Ottawa
- Understanding of role as Group member (i.e. distinct from role of other museum volunteers; also different from role of City staff and City Councillor)

As the City currently funds and operates the Cumberland Heritage Village Museum, no changes are necessary in this regard.

Further, it is important to note that the Departmental Consultative Group governance model satisfies provincial requirements for the retention of the museum’s Community Museums Operating Grant. The Province continues to recognize City Council as the ultimate management body for the City-operated museums.

### ***Nepean Museum Board***

The Nepean Museum Board, incorporated as a non-profit organization, was created to collect, preserve, research, exhibit and interpret works of man and nature in Nepean, and thereby stimulate greater interest in, knowledge of and enthusiasm for the former City among both residents and visitors. The Nepean Museum was established by Nepean City Council in 1983 and the Nepean Museum officially opened to the public in February 1989. After amalgamation, the Nepean Museum’s governance and management group retained its status as a local board, identifying itself as the Nepean Museum Board of Trustees. The Nepean Museum receives an operating grant from the City’s Cultural Funding Program. In 2011, the City began providing funding, from the same program, to the Nepean Museum to provide museological programming at the nearby Fairfields historic site (co-owned by the City and the Community Foundation of Ottawa). Specifically, the Nepean Museum receives City funding in the amount of \$328,923 for its own operations and \$80K for the programming of Fairfields for a total annual amount received of \$408,923.

The governance of the Nepean Museum and Fairfields is unique in that the museum’s status as an independent local board, with full accountability and liability of the Nepean Museum, rests with the Board of Trustees. Other community museums with this same level of accountability and liability, though funded by the City, do not have local board

status. It is further unique in that the museum is funded to program another historic site, Fairfields, which has a “Friends of Fairfields” group that must approve all expenditures from the associated Community Foundation of Ottawa (“CFO”) endowment for the site (to be used for major renovation projects).

*Proposed Recommendations*

There was general consensus from Members of Council that the governance model for the Nepean Museum should be similar to that of other local history museums such that the community retains a role in the strategic and long-term vision of the museum. Specifically, staff is recommending that the Nepean Museum Board be dissolved and a Departmental Consultative Group be created. Under this change in governance, the City would take over the management and operation of the Nepean Museum and Fairfields and a Departmental Consultative Group would be established to retain the community input currently provided by the Board of Trustees. The Friends of Fairfield would retain its role with regards to the CFO’s endowment for the site. From a legal perspective, City Council is authorized under Section 216 of the *Municipal Act, 2001* to dissolve a local board.

This governance model can be considered through the same lens as the current model for the City-operated Billings Estate National Historic Site and Pinhey’s Point Historic Site. These two sites share a single Museum Administrator and make use of the City’s Shared Museum Resources for volunteer coordination, research, exhibit development and installation, audience development, and promotional activities. Recruitment for the Departmental Consultative Group would be conducted in a similar fashion to the Billings Estate Departmental Consultative Group as identified above.

By assuming the operations of the Nepean Museum, staff is recommending that the City make use of the Shared Museum Resources Unit to achieve efficiencies, similar to the current Billings Estate National Historic Site/Pinhey’s Point Historic Site model; the City would also become the owners of the Nepean Museum artefact collection. Assuming the operations and creating positions for all current staff in equivalent unionized City positions would require 6.70 FTEs (based on the City’s current information about the organizational structure for the Nepean Museum and Fairfields) and approximately \$436K in compensation costs (exclusive of non-compensation costs such as program materials and supplies, curatorial and conservation supplies, etc.). Alternatively, taking over the operations of the Nepean Museum under the Shared Museum Resources model requires the authorization of 5.38 FTEs to be funded by the existing operating funding (\$408,923), which would be transferred to an operating account. The cost of funding the 5.38 FTEs is just over \$330K to cover compensation for equivalent unionized City positions. By making use of the Shared Museum Resources, the City would redirect projected savings to emerging built heritage projects requiring immediate attention to facilitate their preservation and public access. Finally, as part of this change in governance, the Nepean Museum Board will need to issue working notice to the



existing museum employees.

The proposed model ensures that community priorities are respected for the preservation and accessibility of the history of the former City of Nepean, that the care and management of the artefact collections are appropriate, and that uninterrupted service continues.

### **Ottawa Municipal Campground**

***That staff be directed to report back on the impact of the results of the National Capital Commission's Request for Proposal process for the Nepean Equestrian Park on the Ottawa Municipal Campground, as outlined in this report.***

The Ottawa Municipal Campground ("the Campground") has been in operation since 1967 and is operated by the Ottawa Municipal Campground Authority ("the Authority"). The Authority is a local board of the City comprised of four citizen members appointed by City Council. The Ward Councillor (Bay Ward) is Council's liaison to the Authority.

The Campground is located at 411 Corkstown Road on land leased from the National Capital Commission (NCC) at an annual rent of \$1.00. The initial forty-year lease ended in 2007 and, after a two-year extension, the lease was renewed for a five-year term expiring on October 31, 2014 with no further right of renewal.

As part of his 2010 Audit Plan, the City's Auditor General undertook an audit of the Campground's operations. Amongst the recommendations, the Auditor General made the following recommendation:

That, as part of the mid-term governance review carried out by the Clerk's office, a review of the current agreement with the Campground be undertaken to determine if there is a need for further changes to the governance structure, including incorporating it into the Parks, Recreation and Culture Department as a program delivered directly by the City.

In August 2010, the City and the Campground signed an interim Operating Agreement. The Campground has operated with a small surplus of \$39,211 in 2010 and a deficit of \$21,884 in 2011 due to some one-time costs. The Campground is forecasting an \$11,000 deficit for 2012.

There was no consensus among Members of Council regarding the appropriate governance structure of the Campground nor whether the City should continue to operate the Campground as a municipal service.

On July 11, 2012, City Council approved the termination of City operations and programming at the Nepean National Equestrian Park. Shortly thereafter (August 2012), the National Capital Commission issued a Request for Proposals (RFP) for the equestrian park located at 401 Corkstown Road. As part of the RFP process, the NCC welcomed submissions that included the lease of the campground (though no submission related solely to the campground would be entertained). The deadline for submissions was September 21, 2012.

The parameters of the RFP process included:

- continuing to make the sites accessible to the Canadian public;
- maintaining the same or similar existing uses of the lands;
- conforming with the revised Greenbelt Master Plan; and
- can be implemented by January 2013.

On January 17, 2013, the NCC announced the Wesley Clover Foundation (WCF) as the preferred proponent to take over the operations of the former Nepean National Equestrian Park. The WCF proposal was one of four proposals submitted in response to the NCC's Request for Proposals. The proposal was designed to include the Equestrian Park as well as the Municipal Campground and "plans for significant investment to greatly improve the existing equestrian facility while extending the uses of the property to other types of outdoor recreation and learning."

The NCC and WCF are presently working together to finalize a lease and obtain the required permits and approvals. The NCC considered an amendment to the 1996 Greenbelt Master Plan on January 23, 2013 to allow for the sports fields and the Forest School components of the proposal.

It has been confirmed that the Campground does form part of the selected proposal. At the time of this report, the NCC has advised that it is unlikely there will be an impact on the Campground for 2013. City staff will continue to work with the NCC and the Foundation with respect to details and timing including reviewing the requirements for winding down operations at the Campground and will bring forward an information report as soon as all of the requirements are understood.

### **Pine View Municipal Golf Course**

***That staff be directed to undertake a review of the Pine View Municipal Golf Course's relationship to the City as part of the Department of Parks, Recreation and Cultural Services' review of the overall direction of City recreation services and mandate, and to report back to the Community and Protective Services Committee and Council.***

The Pine View Municipal Golf Course (Pine View) is a local board originally created by the former cities of Gloucester and Ottawa under the *Municipal Act*. Pine View is also an Ontario non-share corporation, incorporated on June 11, 1975. The land comprising the golf course is leased by the City of Ottawa from the National Capital Commission (NCC) at a cost of \$1.00 per year for a 50-year term expiring on April 30, 2024.

The golf course operations are overseen by a management board that includes four Council-appointed volunteers and six appointed Members of Council. The Chair is selected bi-annually during the annual general meeting. The selection of the Chair position alternates between the elected official members and the public members of the Board.

As part of his 2010 Audit Plan, the City's Auditor General undertook an audit of Pine View's operations. The Audit concluded that since its inception, there had not been an agreement between Pine View and the owner municipality or municipalities setting up roles, responsibilities and authorities. The Auditor General suggested that the City should focus its attention on clearly defining an outside facility's role versus its own in order to ensure an appropriate level of oversight in all aspects of operations.

Specifically, the Auditor General made thirty-three (33) recommendations addressing operational, financial and governance issues, including the following recommendation:

That, as part of the mid-term governance review carried out by the Clerk's office, a review of Pine View Municipal Golf Club be undertaken to determine if there is a need for changes to the governance structure, including incorporating it into the Parks, Recreation and Culture Department as a program delivered directly by the City.

It is staff's opinion that governance structures are most effective when there is a clear mandate. In order to fulfill its obligations with respect to the audit recommendation, the Clerk's office consulted with all Members of Council, the General Manager of Parks, Recreation and Cultural Services and with the Interim General Manager of the Pine View Municipal Golf Club. Staff also reviewed foundation documents and relevant legislative history.

By way of background, Pine View began as a joint venture between the former Cities of Gloucester and Ottawa. In 1999, the City of Gloucester became the sole owner of the operation by purchasing the City of Ottawa's share in the corporation and this remained the same until the 2001 amalgamation of the City of Ottawa.

Although staff could not find an official mission statement for Pine View, reference has been made in various documents to a general mandate "to acquire, alter, maintain, operate and manage a recreational area, to be known as Pine View Municipal Golf Course, with the following objectives:

- To provide the residents of Ottawa, golf and related services at rates affordable to the average person.
- To improve the quantity and quality of all services, responding to the needs of the user, and remain competitive in the market place.
- To fully operate as a profit centre for the full business year, endeavoring to provide valued cost-effective services for as many months of the calendar year as practical.
- To contribute positively to the Region's green space and recreational facilities through prudent environmental conscience."

At the time of amalgamation, the Ottawa Transition Board recommended that:

Council review the current range and levels of municipal services and consider lowering or eliminating certain municipal services that are not core to the need of a healthy City (e.g. operations of a golf course or equestrian park).

In June 2003, Council directed a Universal Program Review ("UPR") providing a detailed inventory of City programs and services and describing the impacts of 5, 10, 15 and 20% budget reductions on those services. As part of the Review, an Opportunity Log was developed to identify opportunities for cost savings and revenue generation. The Pine View Municipal Golf Course was identified through the Competitive Service Delivery review for possible divestiture. Pine View, along with other venture properties, was examined in further detail and recommendations came forward as part of an update to the Opportunity Log in July 2005. A review was conducted of the overall operation, costs and programming of the Pine View Golf Course to determine if an alternate service approach should be considered and whether additional efficiencies could be achieved. The result of the review was that no savings were found, though the report indicated that operations at the time were optimized.

Since receiving the Auditor General's recommendations, the Pine View Board has made significant progress in developing and adopting policies and procedures to improve administration of the facility. As well, a Parks, Recreation and Cultural Services Supervisor has been seconded to the operation to fill the General Manager's position on a temporary basis and has been advising the Board and implementing policies and procedures that are in line with the City's policies and procedures.

In consultation with Members of Council, the General Manager of Parks, Recreation and Cultural Services and the Interim General Manager of Pine View and in accordance with the Auditor General's recommendation, staff gave consideration to four options for Pine View:

1. Folding Pine View operations into the Parks, Recreation and Cultural Services Department;

2. Moving to a purchase of service model for the golf course;
3. Divesting the asset in its entirety; and
4. Retaining the *status quo*.

As part of the discussion, attention has been given to the following considerations:

#### *Property*

The City's lease with the NCC will expire in 12 years. The lease restricts the use of the premises to a public golf course and compatible winter uses and does not allow the City to have the site remain unused for a period exceeding 30 days from May to October inclusively, or to allow the turf to go uncut. As such, the City does not appear to have the option to simply cease operations of the golf course while retaining the lease to termination. As well, the City is responsible for all maintenance, repairs and replacements at the golf course. The lease further specifies that "all net revenue derived from the operation of the Lessees [the City] on the leased lands shall be used for improving the demised lands and premises within one calendar year..." The site elements are not included in the City's lifecycle replacement program, but are addressed by the Pine View Board through their own budget process.

The annual lease paid is \$1 per year, although the City did have to make some upfront investments into the property as part of the lease. There was an initial payment to the NCC of \$200K as reimbursement for improvements to the site. The City also agreed to invest \$425K to upgrade the golf course by the start of the 1977 golf season. The current depreciated value of the City capital assets on the site is \$1,250,492. All major capital improvements at the site were financed through loans from the City that the golf course is repaying. The outstanding amount owed at the end of 2011 is \$350,672.

All improvements to the site become the property of the NCC upon termination of the lease.

The City cannot assign the lease to another party without NCC permission.

The lease does not contain an early termination clause for the City but does provide one for the NCC requiring one year of advance notice and reimbursement of City assets.

#### *Personnel*

Staff who operate the Pine View Municipal Golf Course are non-unionized employees of the golf course. The Interim General Manager position is currently filled by a Parks, Recreation and Cultural Services Supervisor seconded to the golf course for a flexible term that can extend to November 2013, but could end prior to that if the Board completes its recruitment and selection process for a permanent General Manager.

The operation has four full-time, year-round positions: General Manager, Controller, Food and Beverage Manager and Greens Keeper. There are also five full-time,

seasonal positions: Assistant Greens Keeper, Mechanic, Sous-Chef, Golf Pro and Assistant Golf Pro. Finally, there is approximately 38 part-time, seasonal staff working on grounds crew, building maintenance, administration, the restaurant and the pro shop.

*Options*

(1) Folding Pine View operations into the Parks, Recreation and Cultural Services Department

The Auditor General specifically identified the option of incorporating Pine View directly into the Parks, Recreation and Cultural Services Department within his recommendations. As part of the Audit of Pine View, the Auditor General conducted a survey of other municipally-operated golf courses and found that, from those municipalities who responded, Pine View was the only golf course that operates as a separate entity and does not report to a City department. This unique governance structure likely arose as a result of the original, joint venture between the former cities of Ottawa and Gloucester.

The advantages of incorporating Pine View into the Parks, Recreation and Cultural Services Department would include the ability to use existing marketing and branding and establishing oversight of the golf course similar to other recreational programs and services.

However, a corresponding challenge to implementing this option is the fact that the ability to compete in the market for golfers requires a great degree of flexibility in terms of promotion, pricing, creative packaging of services that extend beyond what municipal departments are normally delegated to do. Further, there would be an additional cost involved with having unionized staff run operations. As previously noted, all staff of Pine View is presently non-unionized.

Accordingly, incorporating the operations into the municipal administration could detract from the financial viability of the golf course and limit its business plan options.

(2) Moving to a Purchase of Service Model

The most significant advantage of moving to a Purchase of Service Model is that the City would have the potential to utilize the expertise of a third party to operate the golf course.

However, there are potential challenges to implementing this option. Primarily, as noted earlier, the City's lease with the NCC stipulates that any assignment or even sublet of any portion of the course by the City would require the NCC's approval. Also, the lease requires that all net revenue from the operation of the golf course "shall be used for improving the demised lands and premises."

Another consideration is that the lease requires that the property not be used for any other purpose other than a public golf course and any compatible winter use. Having said this, the lease does indicate that other permitted uses can be authorized by the NCC.

Finally, Parks, Recreation and Culture staff notes that purchase of service models are generally reserved for services that are within the core mandate of the Department and as indicated earlier, the Pine View Municipal Golf Course is not currently integrated into the core mandate of the Parks, Recreation and Cultural Services Department. In order to pursue the purchase of service model, staff would need to establish a level of required service to the municipality. There are also some challenges with determining an appropriate funding level and managing the repayment of the capital improvements loan from the City.

If Council wished to pursue this option, the City could initiate a dialogue with the NCC to discuss the potential of assigning the operations of the golf course to a third party and negotiating elements of the current lease (e.g. authorized uses).

### (3) Divesting the Asset in its Entirety

The divestiture of Pine View has been raised as an option in other reviews of the City's services. As part of UPR, it was determined that there were no significant savings to be found in divesting the golf course. As previously noted, the golf course has, for the most part, been able to offset bad years of deficit with good years of surplus.

Another important consideration in this regard is that the City's lease with the NCC has another 12 years before expiry and the lease does not contain an early termination clause for the City.

### (4) Retaining the *Status Quo*

The Pine View Board, together with the Interim General Manager, have made significant steps in developing and adopting policies and procedures to improve administration of the facility and to respond to the concerns raised in the Auditor General's report. Specifically, Pine View has adopted a range of Finance and Human Resources policies and procedures such as:

- A Purchasing Policy & Procedure;
- A Purchasing Card Policy;
- A Cash Handling Policy & Procedure;
- A Capital Asset Policy;
- A Leave Policies;
- A Bilingualism Policy; and
- A Travel Policy.

It is also important to note that the main link between Pine View and the City up until 2009 was with Venture Properties and with staff that had a primary interest in infrastructure aspects of operations. In 2009, as part of a corporate restructuring, the liaison roles were transferred to the Parks, Recreation and Cultural Services Department in anticipation of establishing an operational liaison based on a broader client focused, community benefit and programming basis. Though efforts had been made to develop this new relationship, the 2010 Audit of Pine View precluded much in the way of changes pending the results and recommendations of the Audit. Part of staff's go-forward recommendation is that Pine View and the Parks, Recreation and Cultural Services Department continue to work on building those programming links.

### *Proposed Recommendations*

Consultation with Members of Council did not result in a general consensus with respect to the status of Pine View. Many Members of Council expressed concern that Pine View did not have a clear and explicit role in relation to the City's broader Recreation Master Plan. Some Members expressed the opinion that current level of service provided by Pine View was already well-provided for by the private sector while others believed that the Board and Parks and Recreation staff should see if there was a way to clarify the golf course's role with respect to the City's overall recreation goals (e.g. with respect to youth-specific pricing and programming). Some Members offered the opinion that the Board should consist solely of Members of Council while others noted that that the criteria for citizen members should emphasize the benefit of golf experience and interest in the sport to better complement the role of the elected officials on the Board and to provide guidance on broader policy and financial priorities.

Given the wide range of opinions of Members of Council and the fact that the City's lease has twelve years remaining, staff believe that governance questions cannot be effectively resolved until City Council reviews the mandate of the municipal golf course and considers how well it does, could and should align with the mandate of the Parks, Recreation and Cultural Services Department and City Council's priorities.

### **Local Board Update**

#### ***The status report on the compliance of the City's agencies, boards and commissioners with respect to their Municipal Act, 2001 policy requirements.***

The *Municipal Act, 2001* requires that all municipal "local boards" (which specifically includes Business Improvement Areas) have a number of mandatory policies, namely a procedure by-law, including public notice for meetings, as well as "adopt and maintain" policies for the sale and other disposition of land, the hiring of employees and the procurement of goods and services.



City Council has eleven areas of broad authority under the *Municipal Act, 2001*, including the following (emphasis added):

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

Given Council's statutory oversight role with respect to local boards, the past two governance reviews have examined the City's agencies, boards and commissions (ABCs) to determine which bodies are a local board of the City subject to these sections under the *Municipal Act, 2001*. Following these reviews, the City Clerk and Solicitor Department advised those entities identified as local boards of their responsibilities under the *Act*, first in September 2011 and then again in September 2012. Work has been done separately with the Business Improvement Areas (BIAs) who have been notified on various occasions, first through a formal meeting in May 2007 and most recently by letter in November 2010.

Each time, the correspondence informed the affected local boards of their requirements for a procedure by-law and various policies, and requested each to confirm if the relevant by-laws and/or policies are in place. A second notice was circulated that included templates for a procedure by-law and the relevant policies to assist the boards in drafting their own by-law and policies.

All those boards requiring a procedure by-law and relevant policies have responded to the notice from the City Clerk and Solicitor. At this point in time, 22% of the local boards are fully compliant, another 17% are almost fully compliant while the remaining 61% have more work to do. In some cases, such as the Ottawa Municipal Campground Authority, the local board has been successful in adopting a procedure by-law and the relevant policies or has passed a resolution identifying that a policy is not required as the Board does not undertake a particular activity (e.g. does not possess land). In other cases, Ottawa Community Lands Development Corporation and the Manotick Mill Quarter Community Development Corporation, the local board continues to review the draft by-law and policies to ensure they accurately reflect to business of the local board. The Economic Development and Innovation Department will continue to work with the City's BIAs and the City Clerk and Solicitor Department will continue to work with the remaining local boards to achieve full compliance.

It should be noted that local boards are also subject to the open meeting requirements set out in Section 239 of the *Municipal Act, 2001*. Therefore, closed meetings complaints against those local boards would fall under the jurisdiction of the City of Ottawa's Meetings Investigator. The Meetings Investigator would investigate any closed meeting complaints by examining whether or not a local board has met its own

procedure by-law regarding meetings that are closed to the public and the open meeting requirements set out in Section 239 of the *Act*.

**Downtown Rideau Business Improvement Area**

***That Section 3 of By-law 199-81 (a by-law of the Corporation of the City of Ottawa to establish a Board of Management for the Rideau Area Improvement Area) be amended to require one Member of Council as outlined in this report.***

The Board of Management for the Rideau Area Improvement Area, now known as the Downtown Rideau Business Improvement Area (DRBIA) was established in 1981 under By-law 199-81. Section 3 of the original By-law 199-81 established that the Board of Management for the DRBIA must consist of thirty members, three of whom had to be Members of Council.

At amalgamation in 2001, a portion of Section 3 was repealed by By-law 2001-45, which amended and reduced the total number of members required on the Board from thirty members to a membership of twelve to fifteen members. Despite reducing the membership of the Board by half, or more than half, the amending by-law did not adjust the number of Members of Council that are required to sit on the Board.

As a result, it is possible for Council to compromise as much as one-quarter of the membership of the Board of Management for the DRBIA. Furthermore, this translates into a requirement for more than ten percent of Members of Council to act as board members for one Business Improvement Area (BIA). This represents a time-consuming requirement given that the City of Ottawa now has 18 BIAs. Finally, the geographic boundaries of the DRBIA, though amended in 1997, are now entirely contained within one ward (Ward 12, Rideau-Vanier).

Accordingly, staff recommends that Section 3 of By-law 199-81 be amended to reduce the requirement for Members of Council on the Board of Management for the DRBIA from three to one. This recommendation remains in compliance with the Section 204(3) of *Municipal Act, 2001* regarding the composition of a board of management, which requires that one or more directors be appointed directly by the municipality and the remaining directors to be selected by a vote of the membership of the improvement area and then appointed by the municipality.

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

**Amendments to the Accountability and Transparency Policy**

***That the Accountability and Transparency Policy be amended as described in this report, including the process for the disclosure of executed contracts.***

***That the Office of Protocol produce an annual public disclosure of all events and gifts presented, as outlined in this report***

***That staff be directed to develop a Routine and Pro-active Disclosure Policy by the end of Q2, 2013.***

Under Section 270 of the *Municipal Act, 2001* the City of Ottawa and all municipalities in Ontario are required to adopt and maintain six policies:

- Sale/Disposition of Land;
- Hiring of Employees;
- Procurement of Goods and Services;
- Public Notice;
- The manner in which the municipality will try to ensure that it is accountable to the public for its actions and that its actions are transparent to the public; and
- The delegation of its powers and duties.

The requirement for the latter two policies came into effect on January 1, 2008. In November 2007, City Council approved both an *Accountability and Transparency Policy* as well as a *Delegation of Powers Policy*. A number of new initiatives in these areas have been adopted as part of successive governance reviews, and staff recommends updating both policies to incorporate these elements.

In addition, at its meeting of June 27, 2012, City Council directed the City Clerk and Solicitor to work with the Chief Procurement Officer to bring forward a practice as part of Mid-term Governance Review that ensures executed contracts are routinely made available to the public and Members of Council. Staff is recommending that the approach described below be adopted and incorporated into the *Accountability and Transparency Policy*.

Finally, as Council is aware, the City's Access to Information and Privacy (ATIP) Office has experienced a significant increase in Access to Information requests under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), reaching an all-time high of 855 requests in 2012.

As noted in its 2011 Year End MFIPPA report to Council on April 11, 2012, the ATIP Office observed that a number of requests could have been released automatically under a “business as usual” process, without requiring an individual to file a request. The report suggested that this increase may be due, in part, to an overabundance of caution by frontline staff, who may believe that erring on the side of caution is better than releasing information that might contravene MFIPPA regulations. Although ATIP staff does conduct regular training on MFIPPA legislation, the City Clerk’s office believes that the establishment of clear guidelines and criteria for the release of routine and general information will assist operational staff in providing information that the public is entitled to without the need to go through the MFIPPA process.

In Ontario, the Information and Privacy Commissioner (IPC) recommends Routine and Pro-Active Disclosure as a best practice. Many governments have established such practices. Municipalities have committed to this approach to varying degrees, through formal policies and plans or through corporate culture. The City of Toronto, for example, has a formal *Routine Disclosure Policy* and each department has developed its own related plan.

Staff believes the development of a Routine and Pro-active Disclosure Policy should be incorporated into the *Accountability and Transparency Policy*.

### ***Updating the Accountability and Transparency Policy***

The *Accountability and Transparency Policy* outlines how the City of Ottawa will promote accountability and transparency throughout municipal governance and reflects the accountability and transparency practices the City has adopted since amalgamation. It identifies the following series of principles for accountable and transparent municipal governance:

1. Decision-making will be open and transparent;
2. Municipal operations will be conducted in an ethical and accountable manner;
3. Financial resources and physical infrastructure will be managed in an efficient and effective manner;
4. Municipal information will be accessible so that it is consistent with legislative requirements;
5. Inquiries, concerns and complaints will be responded to in a timely manner;
6. Financial oversight, service standards and performance reporting and all other accountability documents will be made available and accessible, in language that the public can understand, to increase the opportunity for public scrutiny and involvement in municipal operations; and
7. Every new delegation of power or authority will have a corresponding accountability mechanism.

The Policy provides a framework of policies, procedures and practices that promote accountability and transparency and is currently divided into the following categories:

1. Legislated Requirements;
2. Financial Accountability, Oversight and Reporting;
3. Performance Measurement and Reporting;
4. Open Government; and
5. Internal Accountability and Ethical Standards

#### *Proposed Recommendations*

In the five years that have passed since City Council approved the *Accountability and Transparency Policy*, Council has adopted an Accountability Framework that includes the following:

- The proactive disclosure of Members' office expenses;
- The establishment of a Lobbyist Registry and Lobbyist Code of Conduct;
- The appointment of an Integrity Commissioner; and
- The forthcoming adoption of a Code of Conduct and a Gift Registry for Members of Council.

Staff is recommending that the Policy be amended to include an additional category for Council's Accountability Framework, incorporating the initiatives described above.

Following on Council's commitment to accountability and transparency through public disclosure and acknowledging that the work of the Office of Protocol involves expenditures similar to those disclosed through Members' Public Disclosure (i.e. hospitality and gifts), staff recommends annual proactive disclosure of events hosted by the Office of Protocol as well as gifts presented on behalf of the City through Protocol.

This public disclosure would be consistent with the principles of routine disclosure also being recommended in this report, and provides a vehicle for the City to provide requested information to the public in a pro-active and co-ordinated manner.

Public Disclosure for the Office of Protocol would be subdivided as follows:

#### Events:

The Office of Protocol manages the coordination and delivery of events and receptions that are hosted by the Mayor, or the Mayor's designate, on behalf of the City of Ottawa. Public disclosure is recommended to include the following details:

- Type/Name of Event
- Total budget for the event
- Sponsorships received for the event

Gifts:

The Office of Protocol maintains an inventory of unique and appropriate gift items that are available for presentation by the Mayor (or designate) and/or City officials on behalf of the City of Ottawa to visiting dignitaries and official visitors to the City. Gift items are also provided as donations, on behalf of the City of Ottawa, to support local fundraising efforts by non-profit community groups. Public disclosure is recommended to include the following details:

- Type of Gift
- Reason for presentation of gift
- Recipient
- Value

It is further recommended that the Annual Disclosure be placed in the Public Disclosure section of Ottawa.ca.

In addition to the above, staff is recommending the *Accountability and Transparency Policy* be updated to reflect the additional measures that have been adopted by Council as part of successive Governance Reviews with respect to open meeting procedures and practices, as well as the work being done regarding the City's Open Data initiative.

In 2010, City Council approved the "City of Ottawa Open Data" report and in the process, adopted the principles of open government designed to guide staff in determining what and how data is released through the City's Open Data Ottawa program.

In the public sphere, the goal of Open Data is to remove barriers to access to information created or managed by government institutions, while respecting privacy and sensitivity concerns.

In brief, the data should be complete, unmodified, and timely. It should be accessible to the widest possible range of users and structured for automated processing. Lastly, the data should be non-discriminatory and non-proprietary, be available without registration and in a format over which no entity has exclusive control, and not subject to any copyright, patent, trademark or trade secret regulation. At the same time, reasonable privacy, security and privilege restrictions are allowed.

***Disclosure of Executed Contracts***

At its meeting of June 27, 2012, City Council passed a motion directing the City Clerk and Solicitor to work with the Chief Procurement Officer to bring forward a practice as part of Mid-term Governance that ensures executed contracts are routinely made available to the public and Members of Council.

Discussions revealed that there are many hundreds of contracts executed over the course of a year, and that posting all contracts to Ottawa.ca would be impractical. Staff also notes that contracts dealing with complex arrangements can be hundreds of pages, making the scanned files quite large to email.

Therefore, staff is recommending that, on a go-forward basis, the *Accountability and Transparency Policy* be amended such that information about contracts having a value of \$100,000 or more that are not a result of public procurement (e.g. funding agreements, leases, etc.) will be subject to pro-active disclosure practices, as will contracts resulting from a public procurement exercise that are of significant public interest.

A bilingual description of these contracts would be posted on Ottawa.ca along with information about how to request a copy of the contract. Upon receiving a request, staff will ensure the requested contract is made available in a manner based on the nature and volume of the contract in question (e.g. by email, file transfer protocol, or in hard copy for viewing).

### ***Routine and Pro-active Disclosure of Public Information***

Fundamentally, access to information operates on the principle that government business should be public. In contrast, any exceptions to this rule must be set out in the legislation. One of the most significant exceptions arises in those cases where access to information would improperly breach personal privacy.

The City of Ottawa, with the support of the ATIP Office, has successfully implemented comprehensive and effective measures to protect privacy. However, the ATIP Office has also identified that there are opportunities to improve the public's access to information.

As of December 31, 2012, the ATIP Office had received 855 requests submitted under MFIPPA (a 26 per cent increase from the previous year). Table 1 demonstrates the increasing trend for MFIPPA requests, an 89 per cent increase from 2008 to 2012.

**Table 1 – Requests Submitted Under MFIPPA by Year**

Year	Number of MFIPPA Requests
2008	452
2009	541
2010	533
2011	680
2012	855

The ATIP Office has reviewed the past year's requests and believes a significant number could have been released automatically under a "business as usual" process, without requiring the individual to file a request. They also note that some departments wait for an official access to information request before information is disclosed and regularly refer requests for generic information to the ATIP Office rather than simply providing the response.

This may be due to an overabundance of caution by frontline staff, who may believe that erring on the side of caution is better than releasing information that might contravene MFIPPA regulations. However, requiring the public to go through the MFIPPA process for general information is unnecessary, expensive and inefficient. The public is required to wait for information while ATIP staff contacts the relevant department, resulting in other formal MFIPPA requests being delayed in the queue. The trends and related impact demonstrate a clear opportunity to release more information through routine or pro-active disclosure.

Routine Disclosure is the routine or automatic release of certain types of administrative and operational records in response to requests made informally, or under MFIPPA. Pro-active Disclosure is the periodic release of general records prior to, or in the absence of, a formal or informal request. Pro-active Disclosure, also referred to as "Active Dissemination," is usually applied to general records or statistics.

#### *Proposed Recommendations*

The City Clerk's office believes the development of a Routine and Pro-active Disclosure Policy will make it easier for staff to provide information that is public in a more efficient manner.

The Policy would identify how each department would ensure that, where possible, records will be pre-classified as "routinely disclosed," "proactively disclosed" or neither. The classification of routinely and pro-actively disclosed would be based on the principles of access, privacy, and the frequency of requests for the records in question. In the absence of pre-classification, staff would be guided by the principles of access and privacy. When in doubt, employees would consult with the ATIP Office first, rather than referring a citizen to the ATIP Office.

Staff believe that approximately 10 per cent of the requests in 2012 could have been answered using Routine Disclosure. Furthermore, upon approval of the Routine Disclosure Policy, and once the associated departmental guidelines are developed and implemented, it is estimated that 25 per cent of requests could be dealt with through Routine Disclosure.

In order to ensure an appropriate balance exists between ease of access to information and protection of privacy and of confidential information, City Departments would



adhere to the requirements of MFIPPA in respect of exemptions to disclosure for personal information, proprietary third-party information, and other confidential information.

It is important to note that MFIPPA legislation does not consider personal and constituency records of the City's elected representatives to be in the custody and control of the City and, therefore, would not be subject to this policy.

Should Council approve the requirement for a Routine and Pro-active Disclosure Policy, the City Clerk and Solicitor will seek to bring the Policy to Committee and Council by the end of Q2 of 2013.

### **Amendments to the Commemorative Naming Policy**

***The amendments to the Commemorative Naming Policy as described in this report.***

***The establishment of a Roadside Memorial Sign Program as described in this report.***

On February 8, 2012, City Council considered the Renewed Action Plan on Arts, Heritage and Culture in the City of Ottawa (2013-2018). One of the recommended actions in that plan was that the City of Ottawa "develop and implement a municipal commemoration and naming policy that: is overseen by an arms-length advisory body composed of citizens and heritage authorities; nurtures citizen and community engagement; enables the recognition and celebration of Ottawa's distinct, unique and cultural histories, places, people and events and identifies adequate resources for implementation."

As part of its deliberations on this item, Council approved the following motion:

WHEREAS the Renewed Action Plan on Arts, Heritage and Culture in the City of Ottawa (2013-2018) includes a recommended action to "develop and implement a municipal commemoration and naming policy that: is overseen by an arms-length advisory body composed of citizens and heritage authorities; nurtures citizen and community engagement; enables the recognition and celebration of Ottawa's distinct, unique and cultural histories, places, people and events and identifies adequate resources for implementation"; and

WHEREAS the City Clerk's office has already indicated they are working on an update of the City's *Commemorative Naming Policy* as part of the Mid-Term Governance Review; and

WHEREAS the City Clerk's office recognizes the value of the work done by the Arts & Heritage Plan Renewal Steering Committee and wishes to ensure their proposed recommended action form part of the guidance to staff in building an updated *Commemorative Naming Policy*;

THEREFORE BE IT RESOLVED that the recommended action related to the development of a municipal commemoration and naming policy in the Renewed Action Plan on Arts, Heritage and Culture in the City of Ottawa (2013-2018) be referred to the Mid-term Governance Review.

Approved by City Council on July 24, 2002, the *Commemorative Naming Policy* outlines the criteria and process for commemoratively naming municipal streets, parks and facilities (or parts thereof). The current policy is summarized below:

#### *Criteria*

A commemorative name honours an individual (or family) who meets at least one of the following criteria:

- The nominated individual shall have demonstrated excellence, courage or exceptional service to the citizens of the City of Ottawa, the Province of Ontario and/or Canada;
- The nominated individual shall have an extraordinary community service record;
- The nominated individual shall have worked to foster equality and reduce discrimination; Where the nominated individual is a current City employee, the individual shall have made an outstanding contribution to the City of Ottawa outside of his/her capacity and duties as a City employee or they may be recognized for their exceptional service once they are no longer a City employee;
- An individual may be recognized for a significant financial contribution to a park or facility, where that contribution significantly benefits the community that the park or facility serves;
- The nominated name has historical significance.

#### *Process*

Under the existing policy, a successful commemorative name for parks and facilities is subject to the following process: staff review the name against other criteria (e.g. potential issues for 9-1-1, whether there is an existing commemoration for the same nomination, etc.) and if there are no issues of this nature, forwards the nomination to the Commemorative Naming Committee (consisting of the City Clerk and Solicitor, the Chief Building Official, the General Manager, Parks, Recreation and Cultural Services, the General Manager, Public Works, the Mayor and the Ward Councillor or their respective designates); the Commemorative Naming Committee reviews the formal application; the proposal is subject to a 60-day public consultation period; the Commemorative Naming Committee reconvenes to review the public feedback; and the recommendation is forwarded to the relevant standing committee and Council for final approval.

Commemorative street name nominations are evaluated against the above-noted criteria by the City Clerk and Solicitor (or designate) in consultation with Emergency Services. The City Clerk and Solicitor then makes a recommendation directly to the Chief Building Official. This streamlined process allows the City and developers to meet standard conditions and timelines set out in the Subdivision Agreement, Site Plan, etc.

A commemoration can be made by Council resolution at any point in time.

### *Proposed Recommendations*

There was general consensus from the Mid-term Governance consultations that, although some improvements could be made, the policy has been effective overall, allowing for public consultation and consensus development while protecting the dignity of the nominee. Staff is of the opinion that it meets the Renewed Action Plan on Arts, Heritage and Culture's stated goal of nurturing citizen and community engagement as well.

Since 2002, dozens of commemorations have been implemented, and other jurisdictions have pointed to the City's policy as a best practice.

The City Clerk and Solicitor's Office reviews most of its policies on a two-year basis as part of its continuous improvement strategy. Over the past few years, both the number of commemorative requests as well as those that do not fit within the existing policy has increased. The proposed amendments developed as a result of the internal consultations are summarized below.

### **Process Improvements**

The most common complaint about the current Policy is the timeliness of the process. The current process calls for a 60-day public consultation period. In practice, the overwhelming majority of the public comments are received within days of the first public service announcement, and then again days before the consultation deadline. Staff is recommending the consultation period change from 60 days to 30 days, as this is more reflective of what actually occurs, will allow for a more timely process and will not, in staff's opinion, negatively affect the level of community engagement.

Staff is further recommending that proposals that receive no objections be permitted to be brought directly to Standing Committee and Council, without the need for a second Commemorative Naming Committee meeting.

Since 2002, experience with the *Commemorative Naming Policy* has resulted in staff adopting a number of practices. Staff believes this is the appropriate time to amend the Policy to explicitly incorporate those practices as follows:

- Affirming that a commemorative name should only be used once, as was previously reflected on the application form, but not within the Policy itself;
- Formalizing the existing practice of periodically inviting the Chair of a Standing Committee or board to participate on the Commemorative Naming Committee as appropriate, for example, in the case of a proposal of “City-wide” significance;
- Removing references to a Commemorative Names Reserve List as this approach has not generally been effective, as “one size does not fit all”; rather, every nomination is matched to an appropriate feature through consideration and consultation;
- Clarifying the role of the Commemorative Naming Committee as staff-Council working group.

There are areas of the Policy that may imply that some criteria should take precedence over others. Because the intent of the Policy is to allow flexibility in this regard and Council has instituted multiple types of commemorations (for example, in the last few years, commemorations have included former Mayors, pioneer families, accomplished athletes, and notable women leaders as well as a balance of francophone and anglophone individuals), staff are proposing to remove any reference that places one criteria above another. The Policy will be consistently application-driven and community-centric, in keeping with the existing practice.

Finally, based on the advice of the former Arts, Heritage and Culture Advisory Committee, all commemorations approved since 2002 are now listed publicly on [ottawa.ca](http://ottawa.ca).

### **Policy and Program Amendments**

#### *Commemorative Names that Recognize and Celebrate Culture Histories, Places and Events*

The current *Commemorative Naming Policy* only provides for the recognition of individuals. However, Members of Council have, on occasion, brought forward namings that commemorate events and cultural histories. The recommendation in the Renewed Action Plan on Arts, Heritage and Culture in the City of Ottawa (2013-2018) calls for enabling the recognition and celebration of Ottawa’s distinct, unique and cultural histories, places and events as well as people. Currently, Members of Council must submit these requests by way of motion or report. Staff is recommending a change to the Policy that would provide Members of Council with the ability to submit names that recognize and celebrate Ottawa’s distinct, unique and cultural histories, places and events to the Commemorative Naming process to allow for a longer period of public consultation.

*Increasing the Scope of the Policy*

The current Policy covers parks, facilities and street names. Members of Council who wish to commemorate other structures, such as bridges or walking trails, must submit these requests by way of motion or report. Staff is recommending that Members of Council be provided with the ability to submit Commemorative Naming nominations of any type of City infrastructure to the Commemorative Naming process.

*Renaming Existing Commemorative Names*

Generally, the conventions of the Commemorative Naming Program would strongly discourage proposals to rename existing commemorations. However, there may be limited cases where renaming an existing commemoration could potentially increase public safety. For example, in cases where two or more former municipalities commemorated the same individual or family, there may be a desire in the community to rename one or more the existing commemorations to create a unique identifier. The unique identifier can be beneficial for dispatch of 9-1-1 emergency response, business deliveries and general “wayfinding.”

Accordingly, staff recommends that renamings of existing commemorations be limited to those names that are duplicates, where there are “wayfinding” issues and when the renaming is submitted by a Member of Council. In light of the potential sensitivities around renaming an existing commemoration, staff recommends that the public consultation period be 60 days for these proposals.

***Establishment of a Roadside Memorial Sign Program***

Over the past several years, staff has received an increasing number of commemorative naming requests for infrastructure, typically road and traffic infrastructure, in memory of individuals who have died, to commemorate the place of their loss. While the *Commemorative Naming Policy* was not intended to include “in memoriam” namings, and those requests are routinely referred to the City’s Memorial Tree and Memorial Bench Programs, the Policy is currently silent on the eligibility of these nominations.

Many individuals who wish “in memoriam” commemorations related to road or traffic deaths do not find the City’s Memorial Tree and Bench programs to be a satisfactory option for a number of reasons, including the cost of those programs and the desire to acknowledge specific location or manner of death. In discussions with operational staff, and in reviewing the best practices of several North American jurisdictions, staff is recommending the implementation of a Roadside Memorial Sign Program.

*Proposed Recommendations*

Under the proposed program, residents would be able apply to have an authorized sign erected to memorialize those who have lost their lives in traffic incidents, such as motor vehicle collisions and pedestrian or cycling accidents, while also promoting safe transportation practices.

The authorized sign would have a simple message that both memorializes the deceased and provides a public safety message. (e.g. “Drive Safely, in memory of John Doe,” “Don’t Drink and Drive, in memory of Jane Doe,” etc.).

Operational staff is of the opinion this could be an effective traffic management tool and note that it has been well received in those jurisdictions that currently have such a program. If approved, staff will model the program on the Memorial Bench and Memorial Tree Program, with a simple application process and requiring a reasonable contribution for the sign. As administrative efforts are predicted to be low, staff believes that this program can be accommodated within existing resources.

As well, staff are proposing to amend the *Commemorative Naming Policy* such that “in memoriam” naming proposals be referred to the City programs designed for that purpose.

During Mid-term Governance Review consultations, several Members raised concerns that the practice of erecting, without authority, memorials at or near locations where fatal collisions have occurred, has become quite commonplace. Roadside memorials can be perceived as a distraction to motorists and can also present maintenance challenges, particularly as time passes. Operational staff has advised that there are not any immediate issues to be addressed in this regard, but that they will review current practices to see if there are process improvements that can be put in place should there be a need in future (e.g. establishing a notification protocol should a roadside memorial pose a traffic hazard).

***Other Matters***

Staff is not recommending any changes to the governance of this Policy. There is general consensus that the current process works well.

Furthermore, staff is not recommending any increase in resources for the Commemorative Naming Program. There has been no increase in the budget for commemorative naming since 2002. While demand has outpaced resources for several years, the practice has been to accommodate the commemorations within the \$20,000 annual budget and Members of Council and the public are made aware that, once the budget has been spent in any given year, any events will need to carry over into the next year.

**Amendments to the Delegation of Authority By-law**

***The amendments to the Delegation of Authority By-law as outlined in this report.***

The *Delegation of Authority By-law* sets out delegations to various officers of the City and their corresponding accountability and transparency mechanisms. It outlines the specific monetary thresholds for delegated authority and the conditions under which delegated authority may be exercised. The City Clerk and Solicitor Department undertakes a review of the *Delegation of Authority By-law* (currently By-law No. 2012-109) every two years, as part of each governance review. The Mid-term Governance Review is generally reserved for minor changes to the By-law that reflect organizational changes, clarify existing delegations or streamline administrative processes.

The proposed amendments are identified below. The specific reason for each recommended change is provided with the description of the amendment. In keeping with the *Delegation of Powers Policy*, where each delegation of authority must have a corresponding reporting mechanism, new reporting requirements are being recommended as appropriate.

**MAIN BY-LAW**

- Amend Subsection 13(8) to change the name of the staff person responsible for the annual list of sponsorships from the Manager of Supply Services to the Manager of Corporate Partnerships in the Sponsorship and Advertising Branch reflects establishment of the new Sponsorship and Advertising Branch within City Operations.

**SCHEDULE “A” CITY MANAGER AND SCHEDULE “B” CITY OPERATIONS**

- Remove the reference to the term “funding agreements” where it occurs in these Schedules and add the terms “contribution agreements and “grant agreements” after the term “service agreements” where it occurs in these Schedules to be consistent with the *Grants and Contributions Policy*.

**SCHEDULE “A” CITY MANAGER**

*Finance*

- Add a section delegating authority to the Deputy Treasurer, Corporate Finance and the Deputy Treasurer, Revenue to exercise the duties of the Treasurer prescribed under the *Municipal Act, 2001* with respect to local improvement charges.
- Change titles of the Managers in Section 19, Taxation Administration and Section 22 Charitable Rebates of Schedule “A” to reflect the current titles.

- In Section 21, Property Assessment Proceedings, add in payments-in-lieu-of-taxes as a matter to commence, maintain and settle proceedings before the Assessment Review Board. This revision is consistent with current practice.
- In Section 61, dealing with purchases under \$10,000, change the reference to Manager of Supply Services to Chief Procurement Officer to reflect the change in the title of the position.

## **SCHEDULE “B” CITY OPERATIONS PORTFOLIO**

### *Service Ottawa*

- The sale of City merchandise is now the responsibility of Service Ottawa instead of Communications and Customer Service and the authority to change pricing of City merchandise should be changed from the Director, Communications and Customer Service to the Director, Service Ottawa.

### *Environmental Services*

- Add a provision to permit the Deputy City Manager, City Operations and the General Manager, Environmental Services to approve, amend, extend and execute service and funding agreements with the provincial and federal governments or any funding organization or agency designated by these governments where they are in accordance with City policies approved by Council, related to approved departmental programs and objectives, within approved budget limits and contain appropriate insurance, termination, workplace safety and indemnification provisions. This provision is similar to that provided to a number of departments in the City Operations Portfolio and reflects current practice. A requirement to report on annual basis to the appropriate Standing Committee would be included.

### *Emergency and Protective Services*

- In Sections 67 of Schedule “A” and Sections 17 through 20 inclusive change the reference to Manager, By-law and Regulatory Services to Chief, By-law and Regulatory Services to reflect the change in the title of the position.
- Add a provision to authorize the Chief, By-law and Regulatory Services to approve, amend or extend agreements respecting the provision of veterinary services for the City’s Spay/Neuter Clinic provided that the services to be contracted are within the approved budget and the veterinarian is licensed by the College of Veterinarians of Ontario; carries appropriate professional liability insurance and indemnifies the City; performs functions and duties in accordance with established policies and procedures; provides emergency and on-call services each day that surgical services are provided and submits a monthly activity report. This amendment is consistent with current administrative practices.



- Add a provision to permit the Deputy City Manager, City Operations, the General Manager, Emergency and Protective Services and the Chief, Ottawa Paramedic Service individually to amend, execute and extend agreements with the federal or provincial government, contribution agreements, inter-municipal agreements, purchase of service agreements, clinical placement agreements and other agreements related to the operation of the Ottawa Paramedic Branch provided that the agreements are in accordance with applicable City policies approved by Council, related to department programs and objectives, within approved budget limits and contain appropriate insurance, termination, workplace safety and indemnification provisions. Standard reporting requirements will be included. This amendment is consistent with current administrative practices

#### *Parks and Recreation*

- Amend Sections 12 through 16 inclusive to update the references to staff with delegated authority to reflect changes in titles.
- Add a provision to authorize the General Manager, Parks, Recreation and Cultural Services to adjust service offerings including participant, admission, rental and other fees provided such adjustments do not exceed the Council approved fees. This amendment is intended to increase participation in departmental programs and services and was approved by Council in June 2012, but was not formally added to the *Delegation of Authority By-law* at that time.

#### *Housing*

- Amend Section 7 to reflect the new name for the relevant programs by deleting the references to the Consolidated Homelessness Prevention Program, Rent Bank Program, Hostels to Homes Program and replacing them with the Community Homelessness Prevention Initiative. In addition, change the name of the Services System Manager for Homelessness to the Services System Manager Homelessness and Housing to reflect the current title of the position.
- Add a provision to delegate the authority to the Administrator, Housing Services to allocate the funding envelope for Social Housing Repair to prescribed housing providers currently in receipt of annualized capital subsidy contributions as outlined in legislation and operating agreement in a manner supported by data identified in the 2012 Capital Building Program and the current level of capital subsidy contributions from the Service Manager. This authority was approved by City Council in June of 2012 but was not formally added to the *Delegation of Authority By-law* at that time.

#### *Information Technology*

- Amend Section 31 to make the requirement to include a contribution to cost recovery discretionary when negotiating software agreements where the City is the licensor. Making this requirement discretionary is expected to help promote

the movement towards the free sharing of applications between municipalities in order to reduce duplication of software development efforts across the sector as a whole.

*Public Works*

- Add a provision that authorizes the Deputy City Manager, City Operations, the General Manager, Public Works and the Manager, Roads and Traffic Operation and Maintenance individually to approve the erection and maintenance of such street light fixtures, street light poles and associated street lighting devices as may be required provided that the erection and maintenance is in accordance with the approved *City Right of Way Lighting Policy* and it is for the safety and convenience of the public. Similar authority currently exists for signs and traffic signals and this delegation would be consistent with current administrative practices. Exercise of this authority would be reported to the appropriate Standing Committee at least once in each calendar year.

**SCHEDULE “C” PLANNING AND INFRASTRUCTURE PORTFOLIO**

*Infrastructure Services*

- Change Director, Infrastructure Services to General Manager, Infrastructure Services in Sections 54 through 58 inclusive to reflect the change in the title of the position.
- Add a section to permit the Deputy City Manager and the General Manager, Infrastructure Services to negotiate and execute licence of occupation agreements for private infrastructure to be installed in the City rights-of-way provided the agreement contains satisfactory insurance and indemnity provisions and a licence fee commensurate with the size, length and type of infrastructure to be installed – the addition of this clause would reflect current administrative practices.
- Repeal Section 56 which delegates authority to the Deputy City Manager, Planning and Infrastructure and the General Manager, Infrastructure Services to execute pipe crossing agreements, as there are no such agreements.

*Planning and Growth Management*

- Amend Section 9 to change the reference to a Manager of Development Review to a Program Manager of Development Review to reflect current practice.
- Amend sections related to condominium approvals, special vehicle permits, miscellaneous permits and encroachments to delegate authority to the Manager, Development Approvals (Rural Services) rather than Suburban Services to reflect changes in responsibilities.

Upon approval of the proposed revisions, an amending by-law incorporating these revisions will be drafted and placed on the Agenda of Council.

### **Delegated Authority for Planning Applications**

#### ***Planning applications related to urban lands within rural wards***

The division of responsibility for planning applications between the Planning Committee (PC) and the Agriculture and Rural Affairs Committee (ARAC) was established based on the Urban Boundary. In effect, those planning applications requiring Committee consideration falling within the Urban Boundary rise to Planning Committee while those outside the Boundary rise to ARAC. This would ensure that the Committees responsible for the carriage of Council's vision with respect to each of the urban and rural areas would provide consistent oversight with respect to the intent of the Official Plan.

Concerns have been raised regarding those planning applications for nearly urban land that falls within a rural ward. Presently, these applications have been routed to ARAC, however, some Members and staff suggest that some of these may be more appropriately considered by the Planning Committee. Staff is recommending, therefore, that a practice be established whereby planning applications for those lands either designated Urban Area or approved by Council or the Ontario Municipal Board for future inclusion in the Urban Boundary be routed to the Planning Committee in consultation with the Ward Councillor as well as the Chairs of the Planning Committee and the Agriculture and Rural Affairs Committee.

This practice shall be reviewed as part of the 2014-2018 Governance Review.

#### ***Planning Applications that fall within Multiple Wards***

Currently, the approval for most planning applications is delegated to staff, with the requirement that the Ward Councillor concurs. If the Ward Councillor does not concur, the matter proceeds to Standing Committee and sometimes on to Council for a decision. Specifically, the *Delegation of Authority By-law* states:

The General Manager, Planning and Growth Management and the Managers of Development Review individually are authorized to approve site plan applications subject to the following conditions:

- (a) the Special Conditions are supported by the applicant and the Ward Councillor of the ward in which the application is located;

In specific instances, there are parcels of land which are located in two wards (for example, the building might be in one ward, while some of the land on the property might be in another). The *Delegation of Authority By-law* is largely silent with respect to

which Ward Councillor has carriage of the matter for the purpose of receiving concurrence. While this is not a frequent occurrence, the lack of clarity can have the unintended consequence of creating conflict.

Therefore, staff are recommending a change to the current process such that, where a planning application pertains to a site that crosses a ward boundary, the concurrence of all the Ward Councillors is needed for approval to be given. In the absence of such concurrence, the matter would proceed to Committee as specified in the *Delegation of Authority By-law*.

Staff further recommends that this provision come into force on February 1, 2013, after which this provision would apply to relevant planning applications.

### **Delegated Authority for Child Care Services**

The City of Ottawa administers a number of provincial cost-shared programs, including child care. These programs are governed by provincial statute, generally accompanied by a set of regulations, directives and guidelines. While amendments to the statute are generally infrequent, changes to regulations, directives and guidelines can come at any time (staff have recently received a new Ontario Child Care Service Management and Funding Guideline 2013, for example).

Accordingly, over the past twenty-plus years, City operational staff has administered child care funding, including the allocation of child care fee subsidies, in accordance with all provincial directions.

Currently, staff has delegated authority with respect to service agreements as follows:

#### CHILDREN'S SERVICES BRANCH

9. (1) The Manager, Children's Services is delegated the authority to approve, amend, extend and execute service agreements and funding agreements related to child care fee subsidies, wage subsidies and pay equity funding and child care minor capital finding provided that such agreements,
  - (a) are in accordance with applicable City policies approved by Council;
  - (b) are related to approved departmental programs and objectives;
  - (c) are within approved budget limits; and
  - (d) contain appropriate insurance, termination, workplace safety and indemnification provisions.

As the City has little, if any, discretion with respect to how it interprets the legislation, regulations, directives and guidelines, staff are requesting that they be provided

delegated authority with respect to aligning City practices and procedures for the administration of child care services to any new provincial legislation, regulations, directives and guidelines issued for the program.

Specifically, staff is recommending that a new Subparagraph (2) be inserted under the current paragraph 9 of Schedule "B" of the City's *Delegation of Authority By-law* 2012-109, as follows:

- (1) The General Manager, Community and Social Services is delegated the authority to perform the provincially designated role of service manager under the *Ontario Works Act, 1997*, and the provincially designated role of administrator under the *Day Nurseries Act*, to administer provincial and City child care funding and to allocate child care fee subsidies provided that such allocations,
  - (a) are in accordance with the applicable provincial legislation, regulations, directives and guidelines, including the *Day Nurseries Act*, the *Ministry of Community and Social Services Act*, service agreements under the *Ministry of Community and Social Services Act*, and the Ontario Child Care Service Management and Funding Guideline issued by the provincial Ministry of Education;
  - (b) are made on a first come/first served basis prioritized as follows:
    - (i) Persons eligible for income assistance under the *Ontario Works Act, 1997* who are employed or participating in employment assistance activities under the said Act,
    - (ii) Persons eligible for income support under the *Ontario Disability Support Program Act, 1997*,
    - (iii) Persons who are eligible for assistance under the *Day Nurseries Act* on the basis of their adjusted income; and
  - (c) are within approved budget limits.
- (2) The exercise of delegated authority pursuant to subsections (1) and (2) shall be reported to the appropriate Standing Committee at least once in each calendar year.

#### **Delegated Authority for Capital Grants**

The Parks, Recreation and Cultural Services Department administers a Cultural Capital Facilities Funding program that provides community based cultural organizations with capital grants to build new cultural facilities or expand and improve existing facilities within the City of Ottawa.

Eligibility criteria, funding priorities and the review process are governed by Council approved policies and procedures. Annual applications are subject to a deadline of September 1st of each year and applicants are eligible for up to 25% of qualifying capital costs. The review is undertaken by staff of the Cultural Services Branch and, depending on the amount of the grant recommended, final approval is given either by staff (for grants up to \$50,000) or by City Council (for grants in excess of \$50,000).

As applications for funding under this program are generally for requests of more than \$50,000, are infrequent and require significant financial analysis including a 75% contribution plan by the applicant, staff is recommending that the approval of all cultural capital grants under this program be delegated to staff and that the exercise of this delegated authority be reported out annually. Specifically, staff are recommending that the *Delegation of Authority Bylaw 2012-109* be amended as follows:

- (1) The General Manager of Parks, Recreation and Cultural Services is delegated the authority to provide final approval to Cultural Capital Facilities Grants provided that such allocations,
  - (a) singly or collectively, when multiple grants are approved, do not exceed the value of the capital budget provision approved for such grants,
  - (b) grants are in accordance with the recommendation of the Grants Review Group assigned to review applications and meet the eligibility criteria approved by City Council; and
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the appropriate Standing Committee at least once in each calendar year.

### **Amendments to the Delegation of Powers Policy**

***That the Delegation of Powers Policy be amended as described in this report.***

The City of Ottawa's delegation of powers is largely set out within the *Delegation of Authority By-law*, the *Purchasing By-law* and the Standing Committee Terms of Reference. While Council has chosen to delegate certain matters, there are some core functions that City Council cannot delegate pursuant to Section 23.3 of the *Municipal Act, 2001*:

- The adoption or amendment of the budget;
- The setting of taxes, user fees, tax rates and ratios;
- The power to appoint or remove statutory officers;
- The power to incorporate municipal corporations;
- The power to adopt or amend its Official Plan; or

- The approval of Community Design Plans or a zoning by-law.

The *Delegation of Powers Policy* reflects the principles of the existing by-laws and Terms of Reference. The Policy specifically includes the following over-arching principles:

1. All delegation of powers and duties shall be set out in the *Delegation of Authority By-law* and reviewed every term of Council;
2. Unless expressly delegated by Council through the *Delegation of Authority By-law*, all powers and duties of Council remain with Council;
3. All delegation of powers and duties may be revoked at any time without notice;
4. No delegation of powers and duties shall exceed the term of Council;
5. Every delegation of a power or duty of Council shall be accompanied by a corresponding accountability and transparency mechanism; and
6. A delegation of a power or duty under any by-law to any member of staff is also a delegation to a person appointed as the City Manager to act in the capacity of the delegate in their absence.

The Policy also entrenched the following principles in relation to the exercise of any delegated authority:

- Any expenditure related to the matter shall have been provided for in the current year's budget;
- The scope of the delegated authority shall not be exceeded by the delegate;
- The consistent and equitable application of Council policies and procedures; and
- Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated authority and confirming compliance with the delegated authority and this policy.

As part of the 2009 Mid-term Governance Review, Council further delegated some of City Council's traditional powers and duties to Standing Committees, Ward Councillors and staff in order to streamline City Council's decision-making process and enable it to focus on larger issues in a more strategic manner.

With respect to delegation to Standing Committees, the following additional principles are to be applied when delegating authority to a Standing Committee:

- Standing Committees should decide those items that are consistent with a policy that City Council has adopted;
- Standing Committees should decide matters that are consistent with the application of federal and/or provincial statutes and/or regulations;
- Standing Committees should be the body that makes recommendations on all

aspects related to a policy or policy implementation issue (including property acquisitions, contracts, etc.); and

- Standing Committees will have the authority to confirm by-laws for decisions under their delegated authority.

For those transactional items that relate specifically to identifiable wards, the following process was established based on the Site Plan approval process:

- The general authority is delegated to staff, who will observe all established processes and procedures;
- Staff will work with the Ward Councillor(s), stakeholders and the public to resolve any identified issues;
- Staff will prepare a Delegated Authority Report, where all comments from the public and stakeholders are summarized and responded to in the reports;
- The Delegated Authority Report, including the conditions of approval, is sent electronically to the Ward Councillor(s) for concurrence;
- If the Ward Councillor(s) agree:
  - The Report is then signed by the General Manager/Director or their delegate.
  - Notice of decision is sent to the Ward Councillor(s) and those who submitted comments on the issue or who requested notification of the decision; and
- If the Ward Councillor(s) do not agree with staff's recommendation:
  - Delegated authority is withdrawn, and the application is sent to the appropriate Standing Committee for a public meeting and decision.

Generally, the Ward Councillor has the ability to lift delegated authority from staff where they are not satisfied with the recommendations/conditions. In addition, if a Ward Councillor does not provide concurrence and does not lift delegated authority within the recommended timelines, staff has the ability to move the report forward to Committee on their own accord.

Finally, any Member of Council has the right to ask that an item that is delegated to a Standing Committee be forwarded to Council for a decision, either at the meeting, or in writing to the Standing Committee Co-ordinator at any point up until the day after the Committee disposition is posted.

As these additional principles and processes were adopted after the *Delegation of Powers Policy* was developed, staff is recommending that the Policy be updated to include these additional principles and processes.



**Amendments to the Election-Related Resources Policy**

***That the Election-Related Resources Policy be amended as described in this report.***

The *Election-Related Resources Policy* was established in February 2003 for the purposes of providing Members of Council and all City staff with direction on the use of corporate resources and the budgets of Members of Council with respect to election-related matters.

The City's *Election-Related Resources Policy* is intended to balance the ongoing duty of a Member of Council to represent his/her constituents with the legal obligation of a municipality not to be perceived as contributing to an election campaign and has become a benchmark for other Ontario municipalities.

The Policy has been revised over the course of the past two Terms of Council. In November 2005, the Policy was reviewed in light of the experience of the 2003 municipal election. At that time, the *Election Related Resources Policy* was amended by Council to ensure that the prohibitions on the use of Corporate resources or Councillors' budgets would not apply to "a Member of Council who is acclaimed, or who is retiring from public office and, therefore, not a candidate in the next election."

In December 2009, the Policy was amended to include some clarification in two areas:

1. Staff Involvement in Elections
  - Employees may participate in political activity providing that no activity takes place during work hours or utilizing City resources; and
  - Employees wishing to run for office (at any level of government) must request and obtain a leave of absence without pay (including an employee of a sitting Member of Council).
2. Budget Administration
  - Similar to the pro-rated budget for a new Member of Council in an election year, a pro-rated budget be established for a new Member of Council in the case of a by-election; and
  - Any pre-committed funds or obligations be brought to the attention of the City Clerk and dealt with on a case-by-case basis.

The *Election-Related Resources Policy* currently provides a "blackout period" within which corporate resources and Members' budgets are not to be used to sponsor any advertisements, flyers, newsletters or householders. Currently, the period begins on Nomination Day (the second Friday in September in the year of the election) and continues until Voting Day.

In November 2011, the Governance Renewal Sub-Committee provided the following direction to staff in relation to the *Election-Related Resources Policy*:

**That when staff review the *Election-Related Resources Policy*, they incorporate a provision that would eliminate and or restrict advertising by elected officials in an election year that could potentially give incumbents an unfair advantage in their election, such that the blackout period begin June 30<sup>th</sup> of an election year for mass mailings (i.e. newsletter, householders) and that other advertising or promotional material be restricted to only those matters involving necessary community meetings/notifications in the period after June 30.**

### *Proposed Recommendations*

In consultations with Members of Council, there was general consensus that the existing “blackout period” could be extended. However, it was also believed that June 30 was too early, particularly since the July City Council meeting is traditionally a heavy one and normally occurs in the second or third week in July. A suggestion was made that the “blackout period” should commence in line with the timeframe for the erection of election signs. Specifically, the City has two Signs By-laws that regulate election signs: signs on city roads and temporary signs on private property. The latter of the two permits election signs to be erected on private property sixty (60) days prior to, and including, Voting Day. Staff recommends that the *Election-Related Resources Policy* “blackout period” coincide with this timeframe, such that Members’ City websites would be frozen and advertising be discontinued during the 60-day period prior to, and including, Voting Day. Specifically, all communications such as newsletters and householders must be delivered by the beginning of the “blackout period”. This would mean that the “blackout period” for the 2014 municipal election would begin on/or about August 27.

Finally, a few housekeeping changes are being recommended as follows: to reflect changes to the *Employee Code of Conduct*; to provide greater clarity regarding Members’ abilities to use their budgets to address non-emergency related matters in the ward and to host annual events during the blackout period in consultation with the City Clerk and Solicitor; and, to specify that partisan participation in provincial and federal elections are also included under the policy.

### **Amendments to the Procedure By-law**

***The amendments to the Procedure By-law outlined in this report related to the following:***

***(c) Advisory Committees; and***

***(d) The Court of Revision/Committee of Revision.***

### ***Advisory Committees at Committee***

In September 2012, City Council approved a revised Advisory Committee structure as part of an overall renewal of the City's Advisory Committees. Part of the new structure includes having Members of Council sit on Advisory Committees to serve as a liaison, providing a conduit for citizen feedback to the parent Standing Committee while also conveying Council's strategic priorities to the Advisory Committee. Specifically, the Members of Council sitting on each Advisory Committee will be a representative of the Standing Committee to which that Advisory Committee formally reports.

As part of the 2009 Mid-term Governance Review, the *Procedure By-law* was amended to permit Advisory Committee representatives to address a Standing Committee for ten minutes on any item within the Advisory Committee's mandate. This change was meant to provide Advisory Committees with an opportunity to provide their advice to Council in a more fulsome way when necessary. However, as Advisory Committees now have a direct link to their respective Standing Committee through their Councillor liaison, there is general consensus that the *Procedure By-law* be amended to permit Advisory Committee to address Standing Committees in accordance with the standard five minutes that all other speakers (including Members of Council) have.

### ***Court of Revision/Committee of Revision***

The Court and Committee of Revision are established for the purposes of hearing objections to local improvement special charges relative to regulations, policy, practice and the approach used by staff in determining the local improvement charges.

In December 2011, Council approved that notice of sittings of the Court/Committee of Revision would be mailed to relevant owners a minimum of fifteen calendar days in advance of sittings of the Court/Committee of Revision with notice also being given on the City's website a minimum of ten calendar days in advance of the sittings.

However, in order to accommodate the fact that objections for local improvements need to be submitted seven days in advance of a meeting of the Court/Committee of Revision, staff is recommending that the report release date for the Court/Committee of Revision be amended to six days from the standard seven day requirement for other Committees of Council.

### ***Amendment to the Purchasing By-law***

***That the litigation exclusion amendment be adopted as a permanent provision of the Purchasing By-law as described in this report.***

On July 14, 2010, City Council approved an amendment to the City's *Purchasing By-law No. 50 of 2000* to include a litigation exclusion provision on a trial basis and directed

that the City Treasurer report back to Council on the outcome of the trial as part of the 2012 Mid-Term Governance Review.

The litigation exclusion allows the City, through the City Treasurer in consultation with the City Clerk and Solicitor, to reject a bid submission from a bidder if the bidder, or any officer or director of the bidder is engaged, either directly or indirectly through a corporation or personally, in a legal action against the City, its elected representatives or appointed officers and employees in relation to (a) any other related contract or services; or (b) any matter arising from the City's exercise of its powers, duties or functions.

This amendment arose as a result of a comprehensive process that began in 2008 when Council inquired about the ability of the City of Ottawa to temporarily suspend both business relationships and grants to persons or organizations engaged in litigation with the City.

From that inquiry, the City Clerk and Solicitor provided a legal opinion on November 10, 2008 (ACS2008-CMR-LEG-0026 IPD) stating that the City of Ottawa had sufficient legal authority to include a litigation exclusion provision into its *Purchasing By-law* and that such an amendment could prohibit vendors and suppliers of goods, services or construction who have legal actions pending against the City from doing any new/additional business with the City while such matters remain unresolved.

In response to a July 8, 2009 Council direction, staff brought forward the first of two reports dealing with the litigation exclusion matter (ACS 2009-CMR-FIN-0058) on December 1, 2009 which included a first draft of a recommendation for a litigation exclusion amendment for the *Purchasing By-law*.

At that time, a number of stakeholders expressed concern with the first draft of the litigation exclusion provision. Generally, the criticisms were that the provision was too broad, discretionary, and subjective and required the City to exercise good business judgement. It was also expressed that the amendment put the City in a position of disproportionate power on litigation matters and discouraged the City from working with a contractor to reach an amicable solution.

As a result of these concerns, Council directed staff to consult with stakeholders to develop a litigation exclusion amendment that would be mindful of Council's desire to maintain excellent and productive working relationships with its suppliers while protecting the legitimate interests of the City to be free from the threat of, or actual, litigation against it that is unfounded or unwarranted and that would generally adversely affect future contractual relationships with the City. City staff were also directed to recognize the importance of monitoring such matters as part of effective contract management and maintaining productive and constructive working relationships and communications with suppliers and that the implementation of the litigation exclusion

would only arise after all such monitoring and communication mechanisms had been exhausted.

City staff sought input at the time from the following key stakeholders: Consulting Engineers of Ontario (Ottawa Chapter); Electrical Contractors Association of Ottawa; General Contractors Association of Ottawa; Greater Ottawa Truckers Association; National Capital Heavy Construction Association; the Ottawa Construction Association as well as the Business Advisory Committee.

The litigation exclusion amendment that was recommended by staff as a result of these consultations was presented in the Purchasing By-law – Litigation Exclusion report (ACS2010-CMR-FIN-004) and adopted by Council on July 14, 2010 on a trial basis.

The amendment reads as follows:

#### **LITIGATION EXCLUSION PROVISION**

- (1) The City, acting through the City Treasurer in consultation with the City Clerk and Solicitor, may in its absolute discretion after considering the criteria outlined in subsection (2), reject a quotation, tender or proposal submitted by a bidder if the bidder, or any officer or director of the bidder is engaged, either directly or indirectly through a corporation or personally, in a legal action against the City, its elected representatives or appointed officers and employees in relation to:
  - (a) any other related contract or services; or
  - (b) any matter arising from the City's exercise of its powers, duties or functions.
  
- (2) In determining whether or not to reject a bid submission under this clause, the City Treasurer and the City Clerk and Solicitor will consider;
  - (a) whether the litigation is likely to adversely affect the bidder's ability to work with the City, its consultants and representatives; or,
  - (b) whether the City's experience with the bidder indicates that the City is likely to incur increased staff and legal costs in the administration of the contract if it is awarded to the bidder; or,
  - (c) whether the bidder has been convicted of a criminal act against the City or one of its local boards or corporations; or,
  - (d) whether the bidder has failed to satisfy an outstanding debt to the City or one of its local boards or corporations; or,
  - (e) there are reasonable grounds to believe it would not be in the best interests of the City to enter into a contract with the bidder.

- (3) Supply Management is to advise Council by way of a memorandum and/or Information Previously Distributed where time permits, when they are contemplating the application of the Litigation Exclusion Provision.

Since the enactment of the litigation exclusion provision, staff has initiated an extensive awareness campaign and has met with many of the key stakeholders to discuss the provision in greater detail and describe the intent of Council. Following these presentations, the position of the stakeholders has generally not changed; however, there is a better understanding of the intent of the provision and they are more comfortable with how it will be exercised if necessary.

During the two year trial period, the provision has not been exercised nor has the City been threatened with unfounded or unwarranted litigation in relation to its purchasing activities. As a result, the City Treasurer and the City Clerk and Solicitor are of the view that the provision has value to the City and staff recommends that it become a permanent provision in the *Purchasing By-law*.

## **OTHER MATTERS**

### **Invest Ottawa's Film Office - Creative Industries Working Group**

#### ***The appointment of Councillor Hobbs and Councillor Chiarelli to serve on the Creative Industries Working Group of Invest Ottawa's Film Office.***

Invest Ottawa's Film Office is seeking up to 2 Members of Council to serve on its Creative Industries Working Group.

The Creative Industries Working Group advises Invest Ottawa's Film Office – and the Commissioner of Film, Television and Digital – on its overall strategy, business development plans, and industry trends and challenges.

Invest Ottawa's Film Office was set-up in January 2012 with the role of advancing the development and competitiveness of the city's film, television and digital media industries as well as promoting Ottawa as a preferred destination for production.

The Ottawa Film Office replaced the former Ottawa-Gatineau Film and Television Corporation (OGFT) which was dissolved at the end of 2011.

Members of Council were solicited to determine interest in serving on the Creative Industries Working Group. Councillors Hobbs and Chiarelli expressed a desire to serve on the working group and it is recommended that both be appointed as the City's representatives on the Invest Ottawa's Film Office's Creative Industries Working Group.

### **Renaming of the Property Standards and License Committee**

***That the Property Standards and License Committee be renamed the Property Standards and License Appeals Committee.***

City Council established the Property Standards and License Committee as part of the 2010-2014 Governance Review. The Property Standards and License Committee officially began its work in June of this year, once all citizen members were recruited. Since June, the Committee has held two training sessions, six Property Standards Hearings and one Licensing hearing.

Members of this Committee have approached staff and requested the name be changed to the Property Standards and License Appeals Committee in recognition of its quasi-judicial nature. Staff agrees with this request.

### **Outstanding Motions and Directions**

***That the process for tracking formal Inquiries and Motions be amended to provide for a review and recommendation for closure of Outstanding Motions and Directions from the previous Term of Council early in each new Term of Council, following the adoption of the new Term's Priorities, as described in this report.***

In June 2008, Council approved a new process for tracking formal Inquiries and Motions submitted at Standing Committees and Council (Council Inquiry/Motion Tracking Process - ACS2008-CMR-OCM-0001). The process was brought forward in light of concerns related to:

- The need to improve response times and accountability for formal and informal inquiries;
- Identifying the number of resources being directed towards responding to informal inquiries; and
- Identifying where formal and/or informal Councillor inquiries could shift the City's workplan.

The protocols established for formal inquiries, formal motions, formal directions to staff and informal inquiries attempt to "incorporate clear accountabilities, ensure that staff is responsive to Councillors, that Councillors are aware of the resources required to respond to inquiries and that Council's overall workplan and priorities are understood, without being unduly process-heavy or inflexible."

Part of the process for tracking Outstanding Motions and Directions was the requirement for Committees and Council to receive bi-monthly status updates on these motions and inquiries.

Following the adoption of the 2010-2014 Term of Council Priorities, in August 2011, the Finance and Economic Development Committee considered one of the bi-monthly status updates and found that several of the motions, directions and inquiries remained outstanding from previous terms of Council. In fact a number of these were sponsored by former Members of Council and one of which dated back to 2002. The Committee approved the following motion directing staff to review the log of outstanding motions and recommend those which could be closed:

Moved by Councillor M. McRae

WHEREAS there are motions and inquiries listed that originate from former elected officials and/or previous Councils; and

WHEREAS the 2010-2014 City Council has approved its Strategic Plan for the term; and

WHEREAS it is prudent to ensure that staff effort is being directed to matters that the current Council views as most relevant to their priorities;

THEREFORE BE IT RESOLVED that staff be directed to review motions, inquiries and directions from previous terms of Council, in consultation with the original council sponsor if s/he is a current Member and the Mayor and relevant Committee Chair(s) if the sponsor was a former Member, and bring forward a report to Council on those motions, inquiries and directions recommended for closure with no further action; and

BE IT FURTHER RESOLVED that the City Clerk and Solicitor be directed to develop a process for consideration in the Mid-term Governance Review such that this type of review be accomplished with each new term of Council.

As a result of this motion, staff reviewed each outstanding motion, direction and inquiry from previous terms of Council and recommended closure for one of the following reasons:

- Staff believed the intent of the motion, direction or inquiry had been completed through alternate action; or
- The intent of the motion, direction or inquiry was no longer in keeping with Council's strategic priorities.

In November 2011, City Council approved the closure of 19 of 89 motions, directions and inquiries as of October 24, 2011, representing 22 per cent of all outstanding motions, directions and inquiries.



Going forward, staff recommends that this process of reviewing outstanding motions, directions and inquiries occur every term of Council immediately following Council's approval of its Term of Council Priorities to ensure that staff's efforts continue to reflect the current Council's priorities.

**The Selection of City Council Representatives to Municipal Associations and Member Participation in Municipal Association Committees**

***The guidelines for the selection of City of Ottawa representatives for, and Member participation in, the committees and/or working groups of the federal and provincial municipal associations as described in this report.***

In March 2008, the Participation in Municipal Organizations and Miscellaneous Internal Issues report (ACS2008-CMR-CCB-0040) was approved. This report set out guidelines and protocols for participation in municipal associations, trainings and related issues for Elected Officials.

Specifically, the guidelines require that a comprehensive report be prepared early in each calendar year identifying the four primary municipal conferences (the Federation of Canadian Municipalities Annual Conference and Municipal Expo, the Association of Municipalities of Ontario Annual Conference, the Ontario Good Roads Association / Rural Ontario Municipal Association Combined Conference, and *l'Association française des municipalités de l'Ontario* Annual Conference) and the recommended delegates for each conference. The report would be presented to the Finance and Economic Development Committee (formerly the Corporate Services Economic Development Committee) for approval.

With greater emphasis being placed on stronger municipalities, the work of these organizations intensifies as they are the bodies responsible for advancing local government policies and negotiating agreements with the other levels of government. As such, the City of Ottawa can directly influence in this policy development and in negotiations only through participation in these organizations.

The previous report allowed the City to take advantage of "early bird" registration and to secure appropriate accommodations close to the conference location in order to reduce ancillary expenses.

As of January 2011, Councillors attending a conference are required to "report on what they gained from attendance at that conference and how they advanced the City's position or interests at any public forum."

Although the 2008 report focussed on conference attendance, it did not address the issue of how Council should select its representatives to these municipal organizations

for the Term or how Members should be selected for ongoing committee or working group participation for these organizations. Staff is recommending that guidelines be developed to address the existing gap in process.

*Proposed Recommendations*

Currently, Council representatives for the Federation of Canadian Municipalities, the Association of Municipalities of Ontario, the Ontario Good Roads Association, the Rural Ontario Municipal Association, *l'Association française des municipalités de l'Ontario* and the Canada Capital Cities organization have been selected *ad hoc*. In some cases, it has been done through a Councillor's report, in others, by motion. Staff is recommending that a consistent approach be adopted such that the first conference report in a new Term of Council also include recommendations to Council of Members as to who would serve as the City's representatives to these organizations, to be confirmed as part of the Mid-term Governance Review.

Presently, Member participation on any committees, working groups and at annual general meetings for municipal associations is paid for by the Clerk's budget. Council's Member representatives are automatically funded, but there is no protocol for funding participation by other Members. Currently, the Administrative Services budget funds any Member's participation in the absence of clear guidelines. Staff is recommending, therefore, that only committee and working group participation by formally approved Council delegates be funded by the Administrative Services budget in any given year.

Non-delegate Members of Council who wish to attend conferences and/or sit on federal or provincial association committees or working groups may do so, but any related costs are to be paid from their own constituency services budget.

**Support for Deputy Mayors**

***That a temporary FTE be provided to support the role of the Deputy Mayors, to be funded from the Council Administrative Services budget, as described in this report.***

As part of the 2010-2014 Governance Review, City Council approved the establishment of a new Deputy Mayor model. In order to provide more consistency and transparency to the role of Deputy Mayor, two Deputy Mayor positions were established to serve for the duration of the Term of Council.

The two Deputy Mayors are authorized to act in the Mayor's place when he is absent from the municipality, absent through illness or otherwise unavailable. The role of the Deputy Mayor includes representation at events, chairing Council meetings and signing legal documents.

Prior to the implementation of the Deputy Mayor model, the role of the Deputy Mayor was rotated amongst all Councillors on a bi-monthly basis. The administrative duties required to support the Deputy Mayor function – facilitating attendance at events or coordinating the signing of legal documents – was absorbed by each Councillor's office for the brief time they served. As the responsibility only fell to each Councillor two times over the course of a term, it was deemed a manageable additional workload for each Member of Council.

With the formalization of the Deputy Mayor role, the appointed Deputy Mayors have been called upon more frequently to represent the Mayor at events that he cannot attend due to previous engagements or commitments.

The responsibility for scheduling the attendance of the Deputy Mayors at events has remained with the City Clerk and Solicitor staff in the Mayor's office to ensure consistency in approach and in order to not place an undue burden on the Deputy Mayors' constituency services staff.

Between September 2011 and September 2012, the Mayor's Office received more than 4,700 invitations to events across the City. The Mayor attended more than 1,200 events and the Deputy Mayors attended more than 260 events in that official capacity. That total does not include the many events organized by Corporate Communications and the Office of Protocol, Committee and Council meetings and internal/external City business meetings.

This volume has resulted in the workload of the Scheduling Assistant nearly doubling when compared to the previous Term of Council. The volume cannot be accommodated by one person.

#### *Proposed Recommendations*

Therefore, staff recommends an additional FTE be provided to support the role of the Deputy Mayors, so that their work on behalf of the Mayor does not take away from their services to their constituents, and that this be funded from the Council Administrative Services budget. The \$75,000 required for this position can be accommodated within existing resources.

This approach is consistent with the way in which Council has recognized the additional legislative workload placed on Standing Committee Chairs, whereby a half an FTE is provided to each Committee Chair to ensure that their work on behalf of constituents does not suffer due to the extra workload that the Chair's office takes on. However, where the half FTE for Chairs is situated in each of their offices, it is recommended that the FTE to support the Deputy Mayors be a single individual located with the Clerk's staff in the Mayor's office, due to the requirement to work directly with the Mayor's scheduler. Even though the individual will be working directly with Clerk's staff, it is not

recommended that this be a permanent FTE. Rather, it is recommended that this additional FTE be temporary, as the scheduled and support needs for the Deputy Mayors role are tied to this specific governance model.

There was general consensus for this approach.

It should be noted that staff did not review the half FTE for each of the Chairs at this time. This will be reviewed as part of the 2014-2018 Governance Report.

### **Council Remuneration**

***That the current policies for Council remuneration be amended as described in this report and as follows:***

- a. That an annual cost-of-living increase for Members of Council be established at the same rate as for Management and Professional Exempt staff;***
- b. That Members over the age of 65 receive benefits as described in this report; and***
- c. That eligibility for the Transition Assistance Allowance include Members who retire.***

Establishing a fair and equitable remuneration package for elected officials is a challenge for governments at all levels. Generally, salary levels are established in such a way as to attract good candidates while recognizing that these salaries are funded from the tax base. Benefits are usually tied to those received by the senior levels in the public service. Transition allowances, where they exist, are typically designed to recognize that elected officials are not eligible for employment insurance.

Staff recognizes the inherent challenges that exist for elected officials in establishing and then voting on their own remuneration. To address those challenges, for the most part, salaries and benefits for the City of Ottawa's Elected Officials have been established by third parties; first by the Ottawa Transition Board, based on its "Political Infrastructure" report in June 2000<sup>1</sup> and then, following the enactment of provisions in the revised *Municipal Act, 2001*, that required existing councils to address the issue of one-third non-taxable allowance for Members of Council, by the Citizens Task Force on Council Remuneration in 2004.

The Citizens Task Force on Council Remuneration consisted of five citizen members having expertise and experience in areas such as municipal government, human resources and finance. The final membership of the taskforce included a majority of

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<sup>1</sup> At the time, Elected Officials' salaries were two-thirds taxable and one-third non-taxable in accordance with the *Municipal Act*. In keeping with this formula, the Mayor's salary was set at \$110,135.48 and Councillors' salaries at \$56,000.

members with a human resources background both in the public and private sectors.

In November 2004, City Council received the final report of the Citizen's Task Force on Council Remuneration. The Task Force submitted 14 recommendations to Council. All of the Task Force's recommendations were approved by Council including: a benchmarking formula to determine salaries of the Mayor and Councillors; the removal of the one-third tax-free provision previously afforded to Members of Council; the establishment of a transition allowance and program for Members of Council; and, a resolution that Members of Council would no longer receive any additional compensation for serving on any external agencies, boards or commissions. The Task Force also stated that an independent citizens' review panel should be utilized for any future reviews of remuneration for Members of Council. Finally, benefits provisions for Ottawa's elected officials were tied to that of the Management and Professional Exempt (MPE) staff.

It has been eight years since the Task Force's report. In preparing this report, the City Clerk and Solicitor's office, in consultation with Human Resources, undertook an internal review of Members' remuneration. In keeping with the standard practice of regularly reviewing the City's policies and processes, staff has identified three specific areas that they are recommending be addressed: one to establish a consistent go-forward approach in an area where the Task Force recommendation has been changed by Council; one where the Task Force Recommendation does not mirror the best practices among peer municipalities; and one to address an issue of equity that was not contemplated by either the Task Force or the Transition Board.

Staff believes that the small scope of these recommended changes does not warrant establishing a full citizen's review panel at this time.

Given the discomfort that many Members have expressed over the years regarding establishing their own remuneration, Councillors were not specifically consulted on their opinions with respect to the recommendations being made here, although they were informed that staff would be bringing them forward.

### ***Establishing a Consistent Baseline for Economic Adjustments***

The Citizen's Task Force recommended that effective January 1, 2005, the one-third, tax-free portion of Council remuneration be eliminated and that Council Members' salaries be adjusted to generally reflect a neutral impact on their net salaries. Specifically, the Task Force recommended the Mayor's salary be adjusted to \$140,000 annually and Councillors' salaries be adjusted to \$70,000.

Further, the Task Force recommended that for the 2006-2010 Term of Council, the Mayor's salary should be calculated using a Salary Benchmark Calculation based on the three major components of the Mayor's role: the peer political role; the senior

administrative role; and the other political / executive role. The calculation looked at the salaries of Mayors/Chairs from seven major and relevant municipalities (Toronto, Calgary, Edmonton, Winnipeg, York Region, Mississauga/Peel, and Markam/York), the City Manager and Deputy City Managers' salaries and the salaries of the National Capital Commission Chair, and Federal and Provincial Cabinet Ministers. The average salary from those positions would determine the Mayor's salary and the Councillors' salaries would be set at 55 per cent of that rate.

In December 2006, Council approved the Mayor and Councillors' salaries being set at the 2004 benchmarking rate (\$159,500 for the Mayor and \$87,500 for Councillors) effective January 1, 2007, rather than at the Salary Benchmark Calculation for 2006. Further, Council approved that future increments would no longer be based on a Salary Benchmark Calculation reviewed with each term. Rather, Council approved an annual economic adjustment only, and that annual adjustment would be based on the lower of the average annual Consumer Price Index for the City of Ottawa, or the average of the annual economic adjustments for City of Ottawa employees. Council also approved that each subsequent Council confirm these salary arrangements at the first business meeting of its term of office.

Despite the above direction, Members received economic adjustments in 2008 and 2009 at the MPE rate, which was close to the recommended formula<sup>2</sup>. During the 2010 Budget deliberations, City Council froze the salaries for the Mayor and Councillors for two years. As a result, salary arrangements were not confirmed at the start of this term of office and Members' salaries have not increased since 2010.<sup>3</sup>

**Table 2: Remuneration for Members of Council since 2007**

<b>Year</b>	<b>Mayor</b>	<b>Councillors</b>
2007	\$159,500	\$87,500
2008	\$163,010	\$89,426
2009	\$165,454	\$90,767
2010	\$168,102	\$92,219
2011	\$168,102	\$92,219
2012	\$168,102	\$92,219

By way of comparison, the 2012 MPE salary ranges for management level (from Manager and up) were as follows:

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<sup>2</sup> Although staff have been unable to find the rationale for this approach, it may have been for the sake of consistency.

<sup>3</sup> Had Members' salaries increased in step with the Management Professional Exempt (MPE) group, their salaries would have been \$94,063.06 in 2011 and \$95,449.90 in 2012. Similarly, the Mayor's salary would have been \$171,464.02 in 2011 and \$174,035.68 in 2012

Table 3: 2012 MPE Salary Ranges

<b>Management &amp; Professional Exempt (MPE)</b>			
Pay Grade		Minimum	Maximum
5	Annual	\$92,724	\$113,462
6	Annual	\$98,824	\$120,784
7	Annual	\$114,685	\$141,037
8	Annual	\$127,496	\$157,996
9	Annual	\$142,353	\$175,095
10	Annual	\$156,817	\$192,687

Members of Council are not eligible to receive 'performance' pay, only cost-of-living adjustments.

In light of this, and in an effort to establish a reasonable, simple, transparent and consistent calculation of economic adjustments for Elected Officials, staff is recommending that increments to remuneration for Elected Officials be set at the yearly percentage economic adjustments received by MPE employees, beginning January 1, 2013.

### ***Benefits for Members Over the Age of 65***

Benefits for Elected Officials are tied to the benefits received by MPE staff, with some modifications. Specifically, Elected Officials currently receive coverage for health and dental benefits until the end of their term regardless of their age. Life insurance and accidental death and dismemberment coverage currently pays 200 per cent of an Elected Official's salary up to the age of 70. Long-term disability coverage is extended to Elected Officials who are disabled from their own occupation for the balance of their term in office or to age 65.

The *Employment Standards Act* (ESA) indicates that employers are permitted, but not required, to extend workplace benefits to employees over the age 65.

These standards do not reflect the reality that Members can be elected when they are over 65, and can serve past the age of 70.

Based upon benchmarking research, it is recommended that both basic life insurance coverage and accidental death and dismemberment coverage for Councillors be extended from age 70 to the end of the Councillor's term in office. This can be accomplished through special contractual provisions that will be negotiated with benefit providers on an "as-needed" basis.

### *Transition Allowance*

Elected Officials at the City of Ottawa are eligible for a “Transition Assistance Allowance” as recommended by the Citizen’s Task Force on Council Remuneration report. Eligibility for this “Transition Assistance Allowance” came into effect December 1, 2006, and was comprised of three related recommendations:

1. Outgoing Members of Council who are defeated in a municipal election may receive a transition allowance equivalent to one month’s pay for each consecutive year served on Ottawa City Council to a maximum of six months;
2. Every outgoing member of Council shall be entitled to a three (3) month career transition program to be provided by the service providers employed by the City; and
3. The recommendations above shall not apply to outgoing Members of Council who resign, or are returning directly to organizations or established businesses where they were employed prior to serving on City Council.

The transition allowance has an effective date of December 1, 2006, and it only recognizes years of service with the amalgamated City of Ottawa. Members of Council who also served on the former Regional Council or any of the pre-amalgamating local municipal Councils that had applicable severance policies may be eligible for severance entitlements recognizing their years of service with their former organizations. There is no age restriction on the payment of the transition allowance.

The Task Force recommended a limited transition assistance allowance to Members of Council who ran for public office but were not re-elected as they equated this sudden loss of a job to a person being fired.

Further, the Task Force noted that Members of Council may make significant sacrifices to established careers in order to serve in public office and may require assistance re-integrating or re-establishing themselves when they are no longer in office. In addition, the Task Force recognized that, “those in public office are expected to serve their constituency until the end of their term and not spend their final months off ‘job hunting’.”

In reviewing the Task Force recommendations, staff does not agree with the Task Force’s rationale for only providing a “limited transition assistance allowance” to those Members who have been defeated. While Elected Officials who do not to seek re-election are not “being fired” in the same sense as a Councillor who is defeated in an election, the loss of a job is similar. Further, a Councillor who leaves office is not entitled to Employment Insurance and they are statutorily obligated to uphold the roles and responsibilities of being an Elected Official until the end of their term, making it difficult to pursue future employment while they are a sitting Member. The result is that both the defeated and retiring Members are required to work until the end of their term of office,



neither is eligible for employment insurance, but only defeated Members receive a transition allowance to help them while they seek new employment.

Benchmarking research indicates there is no standardized transition or severance provision for Elected Officials, which is not surprising given the number of two-tier, municipal governments that remain in Ontario, as well as the number of municipalities that are governed by part-time Councillors.

The City of Toronto, for example, offers severance remuneration at 1/12th the annual remuneration for each year of consecutive service, up to a maximum of 12 years of service, to all Elected Officials who have served for a minimum period of 30 days. Severance is not provided if the seat is vacated due to the Member being disqualified under the provisions of any Act of Parliament or any Act of Legislature of the Province of Ontario.

Similarly, York Region and Durham Region extend severance remuneration to all Elected Officials upon ceasing to be a Member by reason of election defeat, resignation, leaving office or dying while in office if the Member is over the age of 65 and is not eligible to receive benefits.

Durham Region's severance provision offers remuneration at 1/12th the annual remuneration for each year of the Members' service, times the number of years of service, prorated for part years of service, to a maximum of 18 months.

York Region offers severance at 1/12th the annual remuneration of the Members, multiplied by the number of years of service to a maximum of 12 years, prorated for part years of services as well as 3/52 of the annual remuneration of the Member multiplied by the number of the numbers of years of services in excess of 12 years, prorated for part years of services, to a maximum of 18 months remuneration.

By contrast, municipalities such as London, Kingston and Barrie do not have severance policies for Elected Officials.

The 2010-2014 Mid-term Governance Review recommends amending the transition for Members of Ottawa City Council, such that severance is paid to a Member upon leaving office at the end of the term, whether by defeat or retirement. However, severance would still not be paid to those Members who are elected at another level of government or municipality.

There is no recommendation to adjust the severance remuneration calculation or the three-month career transition program.

**RURAL IMPLICATIONS**

There are no rural implications associated with this report.

**CONSULTATION**

As part of the preparation for this report, the City Clerk and Solicitor and the Deputy City Clerk consulted with the Mayor and all Councillors, some senior staff, as well as staff in the City Clerk's Branch, Legal Services and the City Manager's Office who work most closely with the legislative process.

**COMMENTS BY THE WARD COUNCILLOR(S)**

This is a city-wide report.

**LEGAL IMPLICATIONS**

There are no legal implications associated with this report.

**RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

**FINANCIAL IMPLICATIONS**

The financial implications associated with this report will be absorbed within existing budgets.

**ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**TECHNOLOGY IMPLICATIONS**

Information Technology Services (ITS) will work with the Parks, Recreation & Cultural Services Department to develop a detailed work plan and business case for technology initiatives that may be required to support these recommendations. Work plan and business cases where required would be evaluated and approved through the City of Ottawa Technology Governance for all new technology requests.

**TERM OF COUNCIL PRIORITIES**

This report supports the Term of Council Priority related to Governance, Planning and Decision Making (GP1: Improve the public's confidence in and satisfaction with the way Council works).

**SUPPORTING DOCUMENTATION**

Document 1 – Standing Committee and Local Board Membership Changes

Document 2 – Confirmation of Chairs and Vice-Chairs of Standing Committees

**DISPOSITION**

Upon approval of this report by City Council, staff in the applicable Departments, in particular the City Clerk and Solicitor Department, will implement changes to all related processes, procedures, policies and By-laws which are required to carry out the report as approved.

<b>Committee/Board</b>	<b>Remove</b>	<b>Appoint</b>
Community and Protective Services Committee	K. Hobbs	T. Tierney
Environment Committee	K. Egli	
Finance and Economic Development Committee	M. Wilkinson	B. Monette
Planning Committee	M. Taylor	T. Tierney
Transit Commission	S. Desroches	K. Hobbs
Transportation Committee	D. Thompson B. Monette	K. Egli A. Hubley
Information Technology Sub-Committee	S. Blais	S. Qadri S. Desroches
Ottawa Board of Health	J. Harder M. McRae	K. Egli S. Qadri
Ottawa Community Housing Corporation	T. Tierney	M. Wilkinson
Rideau Valley Conservation Authority	S. Desroches	S. Moffatt

<b>Standing Committee</b>	<b>Chair</b>	<b>Vice-Chair</b>
Agriculture and Rural Affairs Committee	D. Thompson	S. Blais
Community and Protective Services Committee	M. Taylor	S. Qadri
Environment Committee	M. McRae	S. Moffatt
Finance and Economic Development Committee	Mayor Watson	P. Clark
Planning Committee	P. Hume	J. Harder
Transit Commission	D. Deans	S. Qadri
Transportation Committee	K. Egli	A. Hubley
Debenture Committee	Mayor Watson	P. Clark
Audit Sub-Committee	R. Chiarelli	A. Hubley
Information Technology Sub-Committee	T. Tierney	S. Moffatt
Governance Renewal Sub-Committee	Mayor Watson	A. Hubley
Built Heritage Sub-Committee	J. Harder	