



**Regular Meeting of Council
Agenda**

Date: February 25, 2019
Time: 5:30 pm
Location: Council Chambers Level 2, City Hall

NOTE: The first hour of this meeting will be in closed session to accommodate a legal update from external legal counsel regarding legal department report confidential planning matter (CL-08-19)

Pages

1. **Call to Order:**
2. **National Anthem:**
3. **Regrets:**
4. **Proclamations:**
 - 4.1 Probus Canada Month - March 2019
 - 4.2 Red Cross Month - March 2019
 - 4.3 School Crossing Guard Week - March 18 - 22, 2019
 - 4.4 International Women's Day - March 8, 2019
5. **Motion to Approve Council Minutes:**
 - 5.1 Regular meeting of Council January 28, 2019
 - 5.2 Special meeting of Council February 7, 2019
6. **Recognitions and Achievements:**

None
7. **Presentations:**

None

8. Declarations of Interest:

9. Delegations:

In order to speak at a Council meeting, individuals must register as a delegation no later than 12:00 noon on the day of the meeting. To register, complete the online application at www.burlington.ca/delegation, email cityclerks@burlington.ca or phone 905-335-7600 ext. 7805.

10. Recommendations from Standing Committees:

- 10.1 Committee of the Whole meeting of February 4, 2019 1 - 2
 - a. 2019 Business Plan for the Hydro Group of Companies (F-04-19)
- 10.2 Planning and Development meeting of February 5, 2019 3 - 7
 - a. Information report regarding official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East (PB-11-19)
- 10.3 Committee of the Whole Budget meeting of February 7, 2019 8 - 9

There are no recommendations for this meeting
- 10.4 Committee of the Whole - Workshop meeting of February 14, 2019 10 - 11

There are no recommendations for this meeting
- 10.5 Committee of the Whole - Budget meeting of February 21, 2019
To be delivered under separate cover

11. Motion to Approve Standing Committee Minutes:

- 11.1 Committee of the Whole meeting of February 4, 2019
- 11.2 Planning and Development meeting of February 5, 2019
- 11.3 Committee of the Whole Budget meeting of February 7, 2019
- 11.4 Committee of the Whole - Workshop meeting of February 14, 2019
- 11.5 Committee of the Whole - Budget meeting of February 21, 2019

12. Reports of Municipal Officers:

- 12.1 Confidential Planning Matter (L-8-19)
To be distributed Monday, February 25, 2019 under separate cover
- 12.2 Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 Policies (CL-03-19) 12 - 32
- 12.3 Citizen Committee Appointment Report – Audit Committee (CL-05-19) 33 - 36
Confidential Appendix A to be distributed under separate cover
- 12.4 Resolution Regarding Regional Government Review (MO-01-19) 37 - 39

13. Notices of Motion:

14. Motions:

- 14.1 Motion to move into closed session
- 14.2 Motion to move into open session

15. Motion to Receive and File Council Information Packages:

- 15.1 Council Information Package February 1, 2019
- 15.2 Council Information Package February 8, 2019

16. Motion to Receive and File Information Items:

17. Motion to Approve By-Laws:

- 17.1 6-2019: A by-law to authorize the execution of the Dedicated Gas Tax Funds for Public Transportation Program Agreements with the Ministry of Transportation.
- 17.2 7-2019: A by-law to stop up and close as public highway and to convey that portion of Stonehaven Drive and Bird Boulevard legally described as part of Stonehaven Drive.
- 17.3 8-2019: A by-law to deem Part Block B, Plan M-179, designated as PARTS 1 and 2, 20R3951, not to be part of a block within a registered plan of subdivision pursuant to Section 50(4) of the Planning Act.

18. Motion to Confirm Proceedings of the Council Meeting:

19. Statements by Members:

20. Motion to Adjourn:



Committee of the Whole Meeting

Minutes

Date: February 4, 2019
Time: 6:30 pm
Location: Council Chambers Level 2, City Hall

Members Present: Lisa Kearns (Chair), Rory Nisan, Shawna Stolte, Paul Sharman, Angelo Bentivegna, Mayor Marianne Meed Ward

Member Regrets: Kelvin Galbraith

Staff Present: Tim Commisso, Chris Glenn, Allan Magi, Mary Lou Tanner, David Thompson (Audio/Video Specialist), Lisa Palermo (Clerk)

1. **Declarations of Interest:**

None.

2. **Delegation(s):**

2.1 Liz Benneian, Trumpeter Swan Coalition spoke regarding the Trumpeter Swan restoration program. Benneian provided information about the history, significance and current status of the Trumpeter Swan population at LaSalle Park (COW-01-19)

2.2 James Sisson spoke regarding the 2019 operating and capital budget overviews and urged committee to maintain a tax increase below 5%.

3. **Consent Items:**

3.1 2019 Business Plan for the Hydro Group of Companies (F-04-19)

Moved by Councillor Sharman

Receive and file finance department report F-04-19 providing the 2019 business plan for the Hydro Group of Companies.

CARRIED

4. **Regular Items:**

4.1 2019 operating and capital budget overview (F-02-19)

Note: Finance department report F-02-19 was received by Committee of the Whole - Budget on January 17, 2019.

5. Confidential Items:

- 5.1 Confidential legal department report regarding freedom of information request for legal records (L-04-19)

Note: Legal department report L-04-19 was deferred by staff to the March 2019 Committee of the Whole meeting.

6. Procedural Motions:

None.

7. Information Items:

Moved by Councillor Stolte

Receive and file the following item, having been given due consideration by the Committee of the Whole.

CARRIED

- 7.1 Delegate presentation from Liz Benneian, Trumpeter Swain Coalition regarding Trumpeter Swan restoration program (COW-01-19)

8. Staff Remarks:

9. Committee Remarks:

10. Adjournment:

Chair adjourned the meeting at 7:05 p.m.



Planning and Development Committee Meeting

Minutes

Date: February 5, 2019
Time: 6:30 pm
Location: Council Chambers Level 2, City Hall

Members Present: Paul Sharman (Chair), Rory Nisan, Kelvin Galbraith, Lisa Kearns, Shawna Stolte, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Nancy Shea-Nicol, David Thompson (Audio/Video Specialist), Jo-Anne Rudy (Clerk)

1. **Declarations of Interest:**

None

2. **Statutory Public Meetings:**

The Planning and Development Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 3-19 on February 5, 2019 to receive the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East. Having considered the oral and written comments received from staff and delegations, the Planning and Development Committee received PB-11-19 for consideration.

2.1 Information report regarding official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East (PB-11-19)

Moved by Councillor Nisan

Receive and file department of city building report PB-11-19 regarding official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East.

CARRIED

- a. Claudette Mancini expressed concern with the official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East

specifically as it relates to loss of affordable housing, lack of sunlight and shadowing issues. (PB-11-19)

- b. Terence Rose expressed concern with the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East specifically as it relates to density, traffic and road safety. (PB-11-19)
- c. Richard Kolesar expressed concern with the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East specifically as it relates to traffic volume and signaling. (PB-11-19)
- d. Cindy Prince, Amico Properties, provided information on the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East and noted their willingness to meet with area residents. (PB-11-19)
- e. Tyler Grinyer, Bousfields Inc. and Ed Applebaum, Montgomery Sisam Architects Inc., provided information on the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East. (PB-11-19)
- f. Jim Young expressed concern with the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East and suggested it be delayed until the new Official Plan is approved. (PB-11-19)
- g. Gary Scobie expressed concern with the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East specifically as it relates to traffic and providing easier access for visitors. (PB-11-19)
- h. Art Hilson spoke to the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East specifically as it relates to traffic. (PB-11-19)
- i. Lisa Ashenhurst expressed concern with the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East specifically as it relates to density, height, loss of mature trees and lack of benefits for the City.
- j. John Kelly expressed concern with the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East specifically as it relates to lack of sunlight, shadowing, loss of mature trees and the impact on wildlife. (PB-11-19)

- k. Kathy Berry expressed concern with the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East specifically as it relates to setbacks and the loss of mature trees. (PB-11-19)
- l. Mary Rose expressed concern with the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East specifically as it relates to the loss of mature trees. (PB-11-19)
- m. Staff presentation regarding official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East (PB-11-19)
- n. Correspondence from Braz Menezes regarding official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East (PB-11-19)
- o. Correspondence from Jim Fielders, Vice-Chair Burlington Sustainable Development Advisory Committee, regarding official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East (PB-11-19)
- p. Delegation material from Terence Rose regarding the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East. (PB-11-19)
- q. Delegation material from Tyler Grinyer, Bousfields Inc., regarding the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East (PB-11-19)
- r. Delegation material from Jim Young regarding the proposed official plan and zoning by-law amendments for 1157-1171 North Shore Blvd. East (PB-11-19)

3. Delegation(s):

- 3.1 Gary Scobie spoke in support of the memo regarding the Official Plan Review and noted that the urban growth centre should be removed from the downtown. (PD-01-19)

4. Consent Items:

None

5. Regular Items:

- 5.1 Memo from Mayor Meed Ward regarding Official Plan Review (PD-01-19, SD-03-19)

Note: The following motion was considered at the Special Council meeting of February 7, 2019

Moved by Mayor Meed Ward

Direct the Director of City Building to immediately commence a process to re-examine the policies of the Official Plan adopted April 26, 2018 in their entirety related to matters of height and intensity and conformity with provincial density targets; and

Direct the Director of City Building to send a letter in respect of the Official Plan adopted by Council on April 26, 2018, to the Region of Halton acknowledging receipt of the Region's Notice of Statement of Opinion of Non-Conformity with the Regional Official Plan dated December 4, 2018 and requesting sufficient time to address the conformity issues identified; and

Direct the Director of City Building that until such time as the modifications that result from the work being undertaken, **but not limited to**, in (1) and (2) above are brought forward and adopted by Council and sent to the Region for approval. **That** the adopted OP policies not be given weight in evaluating development applications that may be processed in the interim period.

Direct the Director of City Building to report back to the Planning and Development Committee meeting in March to provide a progress update on the Official Plan work plan with key milestone dates, public engagement plan, budget and resource requirements; and

Direct the City Manager to discontinue the use of the "Grow Bold" brand.

CARRIED

6. Confidential Items:

None

7. Procedural Motions:

7.1 Motion to proceed beyond the adjournment hour

Moved by Councillor Kearns

Suspend the rules of procedure to allow the meeting to proceed beyond the hour of 10 p.m., in accordance with procedure by-law 64-2016 s. 26.

CARRIED

8. Information Items:

Moved by Councillor Stolte

Receive and file the following three items, having been given due consideration by the Planning and Development Committee.

CARRIED

8.1 Memo from staff regarding next steps for Official Plan Review (PD-01-19)

8.2 Correspondence from John Was regarding next steps for Official Plan Review (PD-01-19)

8.3 Delegation material from Gary Scobie regarding next steps for Official Plan Review (PD-01-19)

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

8:15 p.m. (recessed), 8:25 p.m. (reconvened)

Chair adjourned the meeting at 10:15 p.m.



Committee of the Whole - Budget Meeting

Minutes

Date: February 7, 2019
Time: 9:30 am
Location: Council Chambers Level 2, City Hall

Members Present: Lisa Kearns (Chair), Kelvin Galbraith, Rory Nisan, Shawna Stolte, Angelo Bentivegna, Paul Sharman, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Sue Connor, Joan Ford, Chris Glenn, David Lazenby, Allan Magi, Mary Lou Tanner, David Thompson (Audio/Video Specialist), Lisa Palermo (Clerk)

1. **Declarations of Interest:**

None.

2. **Delegation(s):**

- 2.1 Delegation from Gary Scobie regarding 2019 operating and capital budget overview in support of a low budget increase (F-02-19)
- 2.2 Jim Thurston spoke regarding 2019 operating and capital budget overview and in support of the installation of sidewalks at Brant Hills Community Centre (F-02-19)
- 2.3 Jim Young, Burlington Seniors' Advisory Committee spoke regarding 2019 operating and capital budget overview in support of free transit for seniors and the installation of sidewalks at Brant Hills Community Centre (F-02-19)
- 2.4 Greg DeLazzari and Barbara Teatero, Museums of Burlington spoke regarding 2019 operating and capital budget overview in support of the Museum's business case for additional funding and staff (F-02-19)
- 2.5 Doug Brown, Burlington for Accessible Sustainable Transit spoke regarding 2019 operating and capital budget review and encouraged committee to support transit in the budget (F-02-19)

- 2.6 Melissa Robillard spoke regarding 2019 operating and capital budget overview and in support of the installation of a splash pad at the Brant Hills Community Centre (F-02-19)
- 2.7 Delegation from Kimberley Picken regarding 2019 operating and capital budget overview and in support of the installation of a splash pad at the Brant Hills Community Centre (F-02-19)

3. Consent Items:

None.

4. Regular Items:

- 4.1 2019 operating and capital budget overview (F-02-19)

Note: All budget related information can be found at burlington.ca/budget.

5. Confidential Items:

None.

6. Procedural Motions:

None.

7. Information Items:

- 7.1 Correspondence from ward 3 residents regarding 2019 operating and capital budget overview
- 7.2 Correspondence from Burlington Cycling Advisory Committee regarding 2019 operating and capital budget overview

8. Staff Remarks:

9. Committee Remarks:

10. Adjournment:

Chair adjourned the meeting at 12:05 p.m.

11. Special Council Meeting Video

Note: Special Council meeting agenda, minutes and related material can be found at Burlington/calendar.ca (Feb 7, 2019)



Committee of the Whole - Workshop Meeting

Minutes

Date: February 14, 2019
Time: 1:00 pm
Location: Room 247 Level 2, City Hall

Members Present: Shawna Stolte (Chair), Angelo Bentivegna, Kelvin Galbraith, Lisa Kearns, Rory Nisan, Paul Sharman, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Laura Boyd, Sue Connor, Joan Ford, Chris Glenn, Sheila Jones, David Lazenby, Allan Magi, Angela Morgan, Nancy Shea-Nicol, Mary Lou Tanner, Vito Tolone, David Thompson (Audio/Video Specialist), Suzanne Gillies (Clerk)

1. Declarations of Interest:

None.

2. Council Orientation

2.1 Corporate priorities and council workplan

3. Delegation(s):

None.

4. Consent Items:

None.

5. Regular Items:

None.

6. Confidential Items:

None.

7. Procedural Motions:

None.

8. Information Items:

Moved by: Councillor Kearns

Receive and file the following item, having been given due consideration by the Committee of the Whole workshop.

CARRIED

8.1 Thinking ahead, building the plan

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

Chair adjourned the meeting at 3:29 p.m.



SUBJECT: Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 Policies

TO: Mayor and Members of Council

FROM: Clerks Department

Report Number: CL-03-19

Wards Affected: All

File Numbers:

Date to Committee: n/a

Date to Council: February 25, 2019

Recommendation:

Approve Appendix A, clerks department report CL-03-19, a policy for Pregnancy and Parental leave of Council Members; and

Approve Appendix B, clerks department report CL-03-19, a code of conduct for local boards; and

Approve Appendix C, clerks department report CL-03-19, a policy for staff and council relations; and

Direct the City Clerk to advise local boards (as defined in Appendix B) of the code of conduct and the legislative requirements related to the Disclosure of Pecuniary Interest. (CL-03-19)

Purpose:

An Engaging City

- Good Governance

Background and Discussion:

In June 2015, the Ontario Provincial Government announced a review of the main pieces of legislation that govern municipalities in Ontario, such as the *Municipal Act, 2001*, *Municipal Elections Act, 1996* (MEA), the *Municipal Conflict of Interest Act*, and

other Acts such as the *Development Charges Act* and *Planning Act*. The Province is required to review the *Municipal Act, 2001* every five (5) years. To support the review, the province released the “Municipal Legislation Review Public Consultation Discussion Guide” which was discussed and considered three main themes: accountability and transparency; municipal financial sustainability; and responsive and flexible municipal government. In November 2016, Bill 68 was tabled by the provincial government following a period of public consultation.

Many of the amendments being implemented with the passage of Bill 68 are based on the feedback from municipalities, the public and other organizations during the consultation period. Bill 68 received Royal Assent on May 30, 2017.

The amendments introduced through Bill 68 will:

- Increase fairness and reduce barriers for parents elected to municipal governments and school boards by allowing time off for pregnancy or parental leave;
- Enhance local government accountability and integrity across the Province by requiring municipalities to have a Code of Conduct for members of municipal Councils and Local Boards; and
- Ensure the public and Members of Council have access to Integrity Commissioners with a broadened role related to conflicts of interest and municipal Codes of Conduct.

Strategy/process

This report outlines and provides a description on some of the key features of Bill 68.

The purpose of this report is to address the amendments to *the Municipal Act, 2001* and the *Municipal Conflict of Interest Act* that require municipalities to enact changes by March 1, 2019.

This report focuses on the following areas to ensure that the City of Burlington has the necessary policies in place for March 1, 2019:

- Members of Council Pregnancy and Parental Leave Policy
- Staff Council Relations Policy
- Local Board Code of Conduct
- Implement practice of Disclosure of Pecuniary Interest at Committee and Council

Pregnancy and Parental Leave:

Prior to Bill 68, a Council Member was required to obtain a resolution of Council for an extended leave of absence due to pregnancy, the birth of a child or adoption of a child.

Section 259 of the Act provides that a Member's seat becomes vacant if the Member is absent from Council meetings for three successive months without being authorized to do so by a Council resolution.

Bill 68 provided an exemption to the above noted provision indicating that no resolution of Council is required to grant an extended leave of absence for a Member if the absence is related to pregnancy or parental leave for twenty (20) consecutive weeks or less.

Section 259 of the *Municipal Act, 2001* now includes the following exception to the rules for when a Council member's seat becomes vacant: *"(1.1) Clause (1) (c) does not apply to vacate the office of a member of council of a municipality who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member"*.

The draft policy attached as Appendix A, meets the requirements of the Act to allow an absence of up to 20 weeks for pregnancy and parental leave. This requirement under the Act will take effect on March 1, 2019.

The policy was drafted to ensure as much flexibility as possible for Members of Council, recognizing their unique representative role.

Of note is the following:

- A member reserves the right to participate as an active Member of Council at any time during his or her leave;
- A Member shall continue to receive all remuneration, reimbursements and benefits, afforded to all Members of Council.

Disclosure of Conflict / Pecuniary Interest

Through Bill 68 Modernizing Ontario's *Municipal Legislation Act, 2017*, the *Municipal Conflict of Interest Act*, included the added responsibility for members of Council to submit a written disclosure of interest statement when declaring a conflict of interest at a meeting.

According to the *Municipal Conflict of Interest Act*:

- 5.1 At a meeting at which a member discloses an interest under Section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board as the case may be.
- 5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the

municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

As in the past the Clerk must record the disclosures in the minutes of Committee and Council meetings. However, in addition to having the disclosure recorded in the minutes the Clerk must also keep all written disclosures and there is also an additional requirement under the *Municipal Conflict of Interest Act*, section 6, that every municipality and local board establish and maintain a registry of all disclosures.

Section 6 of the *Municipal Conflict of Interest Act* states:

- 6.1(1) Every municipality and local board shall establish and maintain a registry in which shall be kept,
 - (a) a copy of each statement filed under section 5.1; and
 - (b) a copy of each declaration recorded under section 6.
- (2) The registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine.

The clerk's department has prepared a disclosure form for Council and Committee members to complete prior to each meeting and are also working to create an online registry to satisfy the registry requirement and provide transparency to the public.

Local Boards are also required to use a disclosure form and registry for all Board meetings and minutes for Board meetings and are to do so by May 1, 2019.

Code of Conduct

On April 23, 2018 Council approved its Code of Good Governance. Following this approval, on June 18, 2018, the City of Burlington's Council appointed *Principles Integrity* to act as its Integrity Commissioner providing accountability services to the City.

Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 a requirement was that by March 1, 2019 each municipality establish a Code of Conduct for Council members and appoint an independent Integrity Commissioner.

The role of the Integrity Commissioner is to act in an independent manner on the application of the Code of Good Governance and other rules and procedures governing the ethical behaviour of members of council.

Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 also prescribes municipalities have their local boards adopt a Code of Conduct by March 1, 2019.

In accordance with the *Municipal Act, 2001* section 223.1 defines local boards for the purpose of applying the requirements of a Code of Conduct as follows:

“Local Board” means a local board other than... (e) a board as defined in section 1 of the Public Libraries Act; (g) such other local boards as may be prescribed.

Therefore, Burlington Public Library is excluded from the local board definition as per the Municipal Act, 2001 due to the Public Libraries Act.

The Business Improvement Areas (BIA's) in section s.204 (2.1) provides that a Board of Management of a BIA is considered a local board of the municipalities, as well the Burlington Museums and the Committee of Adjustment are considered Local Boards.

The City of Burlington traditionally has referred to many partners as local boards. The Burlington Performing Arts Centre, Burlington Economic Development Corporation and the Burlington Art Gallery, for example, and although the City does have relationship agreements with these partners they are not as defined in the Ontario *Municipal Act, 2001* Local Boards.

Partners who currently have existing agreements with the City may wish to incorporate this Code of Conduct into their operations going forward however, legislatively they are not required to.

The Code of Conduct for the City of Burlington's Locals Boards attached as Appendix B is the code recommended by Principles Integrity, the Integrity Commissioner for the City of Burlington.

Staff Council Relations

Bill 68 also requires that Municipal Council's approve a policy on Council – Employee Relations that address the responsibilities of the municipal staff and their interactions with Council. Section 224 and 227 of the *Municipal Act, 2001* defines the roles and responsibilities of Council and the municipal administration respectively.

The City of Burlington has had a staff/council relations policy in place since 1999. This policy has served us well and has recently been used by many municipalities as a model for the development of their own policies. The policy attached as Appendix C is based on the policy that was adopted in 1999. It has been updated to include a complaint section which did not exist in the previous policy, in addition, outdated terminology and practices have been removed such as reference to the General Manager position, information on agenda printing deadlines and some sections that are included in other policies such as the staff code of conduct and Council Code of Good Governance.

Connections:

As a result of these policies impacting staff, Council and local boards, the clerk's department will provide notice to the local boards of the Code of Conduct and the Disclosure requirements that apply to them. As well, information related to the registry for Council's disclosure of pecuniary interest will be posted to the City's website.

Public Engagement Matters:

Staff consulted with the legal department and human resources department on the attached policies.

Conclusion:

Bill 68, the Modernizing Ontario's Municipal Legislation, Act, 2017 provides for a number of amendments to the *Municipal, Act, 2001* and the *Municipal Conflict of Interest Act*, these amendments lead to further open government practices and transparency for staff, Council and the public.

Respectfully submitted,

Danielle Manton

Manager of Committee and Election Services

905-335-7600 Ext 7490

Appendices:

- A. Policy for Pregnancy and Parental leave of Council Members
- B. Code of Conduct for Local Boards
- C. Staff Council Relations Policy

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

CITY OF
Burlington
Corporate Policy

Council, Boards, Committees

Pregnancy and Parental Leave for Members of Council Policy

Approved by Council on: February, 25, 2019

Report Number: CL-03-19

Effective: February 25, 2019

Reviewed on: February 25, 2019

Amended: n/a

Next Review: October, 2022

Note:

Policy Statement:

The City of Burlington recognizes a member of Council’s right to take leave for the member’s pregnancy, the birth of the member’s child or the adoption of a child by the member as required by and in accordance with section 270 of the *Municipal Act, 2001*.

Objective:

This policy provides guidance on how the City of Burlington addresses a member’s pregnancy or parental leave in a manner that respects a member’s statutory role as an elected representative

Definitions:

For the purpose of this policy, unless otherwise stated, the following definitions shall apply:

Term	Definition
Pregnancy and/or Parental Leave	an absence of 20 consecutive weeks or less as a result of a member’s pregnancy, the birth of a member’s child or the adoption of a child by the member

Corporate Policy

Term	Definition
	in accordance with Section 259(1.1) of the <i>Municipal Act, 2001</i>

Principles:

The City of Burlington supports a member of Council's right to pregnancy and/or parental leave in keeping with the following principles:

1. A member is elected to represent his or her constituents;
2. A member's pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave;
3. A member will continue to receive communication from the City as if the member were not on leave;
4. A member reserves the right to participate as an active member of Council at any time during his or her leave;
5. A member shall continue to receive all remuneration, reimbursements and benefits afforded to all members of Council;

Where a member of Council will be absent due to a pregnancy and/or parental leave, the member shall provide written notice to the City Clerk and Council indicating expected start and end dates.

Council may make temporary appointments to any committees, boards, task forces, etc. that are constituted by the City of Burlington and where the member is the only member of Council on that body.

Notwithstanding, at any point in time during a member's pregnancy or parental leave, the member may provide written notice to the City Clerk of their intent to lift any of the temporary appointments to exercise their statutory role. The member shall provide written notice to the City Clerk of any changes to their return date.

References:

Section 270 of the *Municipal Act, 2001*, as revised by Bill 68, requires that the municipality adopt and maintain a policy with respect to the pregnancy and/or parental leaves of Members of Council.

Corporate Policy

Roles:

Accountable:

The City Clerk is delegated the authority to make administrative changes to this policy.

Responsible:

Members of Council and staff are responsible for adhering to the parameters of this policy.

The Integrity Commissioner may investigate complaints against members related to this policy.

Staff are authorized and directed to take the necessary action to give effect to this policy.

**City of Burlington
CODE OF CONDUCT FOR
LOCAL BOARDS AND COMMITTEES**

NON-ADJUDICATIVE & ADJUDICATIVE

Part 1

General Introduction, Framework and Interpretation

Guiding Principles

1: Avoidance of Conflicts of Interest

2: Gifts, Benefits and Hospitality

3: Confidential Information

4: Use of City Resources

5: Election Campaigns

6: Improper Use of Influence

7: Business Relations

8: Member Conduct

9: Media Communications

10: Respect for the Town By-laws and Policies

11: Respectful Workplace

12: Conduct Respecting Staff

13: Reprisals and Obstructing

14: Acting on Advice of Integrity Commission

Part 2

15: Communications with Parties

16: Independent Nature of Adjudicative Tribunals

Part 3

Complaint Protocol

Consequences of Failure to Adhere to Code of Conduct

Part 1

General Introduction, Framework and Interpretation

The requirements for codes of conduct and appointment of an Integrity Commissioner for local boards are contained in Part v.1 of the Municipal Act, 2001

Section 223.1 provides the following definition for a local board:

“local board” means a local board other than.... (e) a board as defined in section 1 of the *Public Libraries Act*; (g) such other local boards as may be prescribed. (Note: no regulations prescribing local boards for the purpose of this position have been passed)

As well, s. 204(2.1) provides that a Board of Management of a BIA **“is a local board of the municipality for all purposes”**.

Although section 223.1 does not refer back to section 1(1) being the more general definition section, the definition contained at s.1(1) provides as follows:

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

This document is a Code of Conduct for members of Local Boards. Local Boards sometimes referred to as committees or tribunals, are as defined in s.223.1 of the Municipal Act and as identified by the municipality.

The Code of Conduct for Local Boards follows the structure as recommended by the City of Burlington’s Integrity Commissioner.

Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

Rule 1: Avoidance of Conflicts of Interest

Members shall avoid situations of real or apparent conflict of interest or bias.

Members shall avoid participating in or influencing a proceeding when the member, or another person with whom the member has a close personal or professional

relationship, has a financial or other private interest that may be affected by the proceeding or its outcome. Members shall not appear before the Local Board or committee on their own behalf or as a representative on behalf of any party.

Commentary: Members of BIAs will frequently have an 'interest in common' as business owners. Care should be taken to recognize an interest, when the Member stands to gain or otherwise benefit, in a manner that can be differentiated from others in the BIA. Where a Member contributes to an event 'at cost', no 'interest' is deemed to arise by reason only that the Member's business is a sponsor of the event.

Rule 2: Gifts, Benefits and Hospitality

No Member shall accept any Gift, except for Gifts that are deemed to have zero value in the Council Code of Good Governance.

Members should recuse themselves from any hearing, to avoid any perception of bias or conflict of interest which may arise as a result of a gift, benefit or hospitality provided by any of the parties or participants potentially affected by the decision of the Local Board.

Rule 3: Confidential information

Members shall not disclose to any member of the public any confidential information acquired by virtue of their position.

Confidential information includes any discussion that takes place between members of the Local Board or Committee when it is in a closed meeting.

Rule 4: Use of City Resources, Election Campaigns

No member should use municipal equipment or staff, or other municipal services or resources for their own private purposes, or for election campaign purposes.

Rule 5: Election Campaigns

No member, while identifying themselves as a member of a Local Board or Committee, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board and/or committee.

Members of Local Boards are prohibited from fundraising for, endorsing, or otherwise contributing to the election campaign of any person running for a seat on Council.

Rule 6: Improper Use of Influence, Business Prospects

No member shall use the influence of his or her position for any purpose other than the duties as a member of the Local Board and/or committee.

Rule 7: Business Relations

No member shall allow the prospect of future employment by a person or entity to affect the performance of his/her duties as a member of the Local Board and/or committee.

Rule 8: Member Conduct

Members shall always conduct themselves with decorum.

Members shall maintain proper control over meetings demonstrating respect for everyone who is involved in the meeting.

Members are expected to attend all meetings of the Local Board or Committee. If a member misses more than three (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

Rule 9: Media Communications

Members shall accurately communicate recommendations and proceedings of their Local Board. If a member is contacted directly by the media, the member should refer the media to the Chair, or in the absence of the Chair, to the Vice-Chair.

Members of Local Boards should generally not comment to the media in relation to any decision made by the board or the rationale behind such decision. On the rare occasion when a comment may be appropriate, only the Chair shall serve as a media contact and all enquiries shall be referred to him/her.

Rule 10: Respect for City By-laws and Policies

Members shall adhere to and encourage public respect for the Local Board and/or committee, the municipality and its by-laws, policies and procedures.

Rule 11: Respectful Workplace

Members are governed by the relevant workplace harassment & respect in the workplace policies in place for staff.

Rule 12: Conduct Respecting Staff

Members of local boards and committees shall be respectful of the role of staff to advise based on political neutrality. Members shall respect the professionalism of staff, and not exert undue influence on staff.

Rule 13: Reprisals and Obstructing

It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.

It is a violation of this Code of Conduct to engage in any activity in retaliation against any person because he/she has made a complaint to or otherwise communicated with the Integrity Commissioner.

Rule 14: Acting on Advice of Integrity Commissioner

Advice given by the Integrity Commissioner is binding on the Integrity Commissioner in the event of a complaint.

Part 2

ADDITIONAL REQUIREMENTS APPLICABLE TO LOCAL BOARDS

Rule 15: Communications with Parties

Written communication to a Local Board shall take place only through the Secretary of the board or the appropriate municipal staff assigned to such board and shall be copied to all parties or their representatives as appropriate. Oral communications with the Local Board about current proceedings shall take place only in the presence of or with the consent of all parties.

Where a party is represented by a representative, all communication between the adjudicative board and the party shall be through the representative, except for notices of hearing, which shall be served upon all parties and their representatives known to the Local Board as appropriate.

Rule 16: Independent Nature of Local Boards

The Chairs of Local Board should ensure that the actions of any member, as well as Council members and staff attending adjudicative board meetings, are consistent with the arm's-length, quasi-judicial nature of the adjudicative board. Any actions compromising this position should be immediately dealt with by the Chair or panel chair.

Members of Local Boards operating at arm's-length from Council should refrain from seeking advice on their roles and responsibilities from Council members. In clarifying their roles and responsibilities, members should seek advice from appropriate staff.

A Local Board is required by the applicable laws to operate at arm's-length from and independently of Council. Members should therefore not request members of Council to intervene on applications considered by the board. Members of Council are only permitted to communicate to the board regarding a matter before the board by a letter addressed to the Secretary of the board which is available to all parties.

Part 3

COMPLAINT PROTOCOL

The Formal Inquiry Protocol contained in the Council Code of Good Governance applies with necessary modifications to complaints regarding members of Local Boards.

CONSEQUENCES OF FAILURE TO ADHERE TO CODE OF CONDUCT

Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for Local Boards may be subject to the following sanctions:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the member in respect of his or her services as a member of the Local Board (if any).

Members may also be subject to such other remedial actions recommended by the Integrity Commissioner that directly flow from the action or behaviour of the member of the Local Board.

Members are subject to removal from the Local Board, or removal as Chair of the Local Board, by Council.

Corporate Policy

Council, Boards, Committees

Council-Staff Relations Policy

Approved by Council on: April 19, 1999

Report Number: L-12-99

Effective: April 19, 1999

Reviewed on: February 25, 2019

Amended: February 25, 2019

Next Review: February 2022

Note:

The purpose of this policy is to outline the roles and working relationship of council and staff.

Policy Statement:

The City of Burlington will promote a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the corporation, guided by the Code of Good Governance for Members of Council, the Employee Code of Conduct, the Respect in the Workplace Policy and the Procedure By-law.

Scope:

This policy applies to all Members of Council and officers and employees of the corporation.

Principles:

1. Roles

Corporate Policy

Role clarification and sensitivity are fundamental to the success of a working relationship and there are some shared aspects of Council-Staff Relations Policy. Both Council and staff are expected to enhance public education about the political process by providing context and process information about decision making. Both Council and City staff are required to have a solid understanding of the following:

Roles of Council and Staff:

- demonstrate commitment to communication and consultation among ourselves and with the general public;
- show leadership, relying on our knowledge and judgment, and respond based upon our areas of expertise;
- maintain confidentiality. Confidential issues will be dealt with in camera at Committee and Council meetings.

Council Role:

- to govern and provide political direction;
- to ensure that management systems work properly, establishing vision, goals, determining needs and outcomes to be achieved, and empowering effective staff performance;
- to determine corporate policy and make decisions about issues following consultation with City staff and community residents;
- to respond to constituent concerns, to keep City staff informed, to be open to discussion, and to ask when clarification is needed.

Elected representatives do not have an administrative managerial role in the day to day business of the organization.

City Staff Role:

- to provide timely reports to Council outlining factors that will assist in their decision-making process, research policy issues as required, provide enough information based upon analysis and best professional expertise and judgment. Timely information ensures that Council members are provided information early enough to allow for review and consultation. Timeliness also ensures that deadlines and commitments requiring adjustment are communicated proactively, rather than after the fact.
- to implement Council's decisions;

Corporate Policy

- to manage and identify the means for achieving corporate goals and outcomes;
- to provide appropriate follow-up to Council inquiries, to keep members of Council up to date and informed, to be open to discussion, and to ask when clarification is needed.

City staff do not have a political role.

2. Highly Effective Working Relationships

We commit to the following requirements of a highly effective working relationship together:

Respect

A formal relationship exists between City staff and members of Council. This will ensure that all members of staff and Council are treated equitably without favouritism. A chain of command exists to deal with issues of significance. Council members are encouraged to discuss clarification of reports and related information directly with the author of the report. Issues, additions, changes and/or challenges to the content of any report are to be addressed through the Director to ensure an appropriate Department response. Senior staff may suggest direct consultation with other staff members and/or continue open communication through the senior staff channel. All staff should feel comfortable responding appropriately to straightforward Council requests, advising their supervisors of the inquiry. Any response to a request for information from a member of Council between Committee and Council meetings on a subject, will be answered in writing and circulated to all Council members.

Consultation and Community Responsiveness

We share a commitment to communication and consultation among ourselves and with the public. We believe in community involvement in decision making and accept our shared responsibility to ensure effective community responsiveness.

Staff is encouraged to provide information memos and reports for inclusion in the Council Information Package distributed weekly, on Friday, to Council members.

Corporate Policy

3. Expectations

No surprises

Open lines of communication are essential.

It is expected that Council members will:

- request new work and request staff input prior to making important policy decisions and convey feedback to staff;
- discuss issues with staff and advise staff of questions prior to committee meetings whenever possible;
- request advice from the City Clerk about the appropriate wording of motions, amendments, and formal staff directions in accordance with the Procedural By-law;
- consult with staff prior to making commitments to constituents.

It is expected that staff will:

- ensure that Council is apprised of any issues that may impact upon their decision-making process;
- present a corporate and community perspective,
- notify Council of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports and/or presentations in a timely fashion;
- through senior staff at the Manager, Director, and City Manager level, convey feedback to Council members who may not be aware of existing policy or other workload demands and related issues.

4. Monitoring/Contraventions

The City Clerk shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the City Clerk shall notify:

- a) In the case of officers and employees of the corporation, the City Manager, Director responsible for the employee and the Director of Human Resources or
- b) In the case of Council, the Integrity Commissioner.

Corporate Policy

Where there is a discrepancy between the Council-Staff Relations Policy and the Code of Good Governance for Members of Council and Local Boards or the Employee Code of Conduct, the language of the applicable Code of Conduct prevails.

References:

This policy is made pursuant to s. 270(1) (2.1) of the Municipal Act.
Code of Good Governance
Employee Code of Conduct
Respect in the Workplace Policy
Procedure By-law

Roles:

Accountable:

City Clerk

Responsible:

City Clerk and Director of Human Resources



SUBJECT: Citizen Committee Appointment Report – Audit Committee

TO: Mayor and Members of Council

FROM: Clerks Department

Report Number: CL-05-19

Wards Affected: All

File Numbers: 130-01

Date to Committee: Select date

Date to Council: February 25, 2019

Recommendation:

Approve appointments to Burlington’s Audit Committee as outlined in Confidential Appendix A of clerk’s department report CL-05-19 and following the communication with all applicants, authorize clerks to make the confidential information public.

Purpose:

- An Engaging City
 - Good Governance
-

Background and Discussion:

The Clerks department conducted a recruitment process for citizen committees and Boards that had vacancies in 2018. Recruitment opportunities were advertised on the City website, through social media as well as in the Burlington Post.

At the Council meeting of January 28, 2019 Council approved CL-01-19, Citizen Advisory Committee Appointment report, to appoint volunteers to various citizen advisory committees and Boards, during this time the Audit committee recruitment was still in progress and therefore Council did not approve the appointment for Audit in January.

The City of Burlington’s Audit Committee has a responsibility to Council to assist Council in fulfilling its due diligence, fiduciary, financial reporting and audit responsibilities and to approve, monitor, evaluate and provide advice on matters affecting the external audit,

internal audit, risk management and the financial reporting and accounting control policies and practices of the City.

The Audit Committee is comprised of up to eight members, casting one vote per member:

- Three members of council;
- A minimum of two and up to four citizen representatives (community volunteers);
- The Mayor is an ex-officio voting member of the Committee.

It is the responsibility of Council to ensure that Audit Committee members are independent, financially literate, and have the skills to serve as effective Audit Committee members:

- a general understanding of the City's major economic, operating, and financial risks,
- a broad awareness of the interrelationship of the City's operations and its financial reporting,
- understand the difference between the oversight function of the Committee and the decision-making function of management, and
- a willingness to challenge management, when necessary.

Citizen members recommended for appointment to the Audit Committee must meet the following requirements and criteria as per the Terms of Reference:

- Satisfactory police check
- Be independent
- Be a resident of the City of Burlington
- Be financially literate (the ability to read and understand basic financial statements)
- Have an aptitude for complex organizational effectiveness and governance
- Have a general understanding of the City's major economic, operating, and financial risks
- Have a broad awareness of the interrelationship of the City's operations and its financial reporting
- Understand the difference between the oversight function of the Committee and the decision-making function of management
- Be willing to challenge management when necessary
- Preferably a member of a professional accounting association

TERM OF OFFICE

Council stipulates the appointment of Council members for a two to four-year term, or until their successors are appointed, with consideration given to the member's stated interest or desire to be on the committee.

Citizen representatives shall be appointed at the discretion of Council, based on the term of office for council (four years), or until their successors are appointed. Where a member ceases to be a member before the expiration of their term, Council will appoint another eligible person for the remainder of the term.

The interviews for Audit Committee members were conducted in January 2019 and included Councillor Sharman, Interim City Manager, Tim Commisso, Controller and Manager of Financial Services, Sandy O'Reilly and Committee Clerk, Suzanne Gillies.

Connections:

As a member of one of the City's boards or committees, citizens can actively participate in local government, which contributes to the high quality of life that Burlington residents enjoy.

Public Engagement Matters:

Following Council approval of the recommendations, the clerk's department will formally advise applicants of Council's decision and orientation for the new Audit Committee members will be organized for the first meeting in April 2019.

Individuals who are not appointed at this time will be contacted individually and advised of other City of Burlington volunteer opportunities and applications will be held for any vacancies that should occur on boards and committees throughout the year.

Conclusion:

As a member of one of the City's boards or committees, citizens can actively participate in local government, which contributes to the high quality of life that Burlington residents enjoy.

Respectfully submitted,

Danielle Manton

Manager of Committee and Election Services

(905) 335-7600 ext 7490

Appendices:

A. Confidential Appendix A

Notifications: (if none delete section)

Name

Mailing or e-mail address

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.



SUBJECT: Resolution Regarding Regional Government Review

TO: Mayor and Members of Council

FROM: Office of the Mayor

Report Number: MO-01-19

Wards Affected: All

File Numbers: 110-03

Date to Committee: n/a

Date to Council: February 25, 2019

Recommendation:

Whereas, the Government of Ontario has announced a review of Ontario's eight regional municipalities (Durham, Halton, Muskoka District, Niagara, Oxford County, Peel, Waterloo, York), the County of Simcoe, and their lower-tier municipalities by appointed Special Advisors; and

Whereas, the provincially appointed Special Advisors are to provide advice and develop recommendations for the Minister of Municipal Affairs and Housing for the purpose of improving governance, decision-making and service delivery in the eight regions and Simcoe County and their lower-tier municipalities; and

Whereas, the Association of Municipalities of Ontario informed its members last August, that the Minister of Municipal Affairs and Housing began informal discussions on regional governance review, wishing to hear from municipalities about how this system of governance is working recognizing it was established in the 1970s; and

Whereas, the provincially appointed Special Advisors have included within the scope of their review, consideration of moving to single-tier municipalities or amalgamating existing municipalities; and

Whereas, neither Halton Region, nor the four area municipalities have requested a review of the current regional governance structure; and

Whereas, the City of Burlington, Halton Region and the other Halton area municipalities would receive greater benefit from a review of provincial permitting/approvals and municipal government powers and authority under the Municipal Act; and

Whereas, the regional government review including new single tier municipalities or amalgamations was not ever discussed during the recent provincial election by the Premier or our local Members of Provincial Parliament; and

Whereas, the City of Burlington is well managed and efficient with the smallest Council in Halton and for a city of its size, with only seven elected members; and

Whereas, 97 per cent of Burlington residents are satisfied with the quality of Regional services; and

Whereas, the City of Burlington has contributed to Halton Region's AAA credit rating; and

Whereas, Halton is a model of municipal efficiency through service agreements between the area municipalities and the Region, including for example the City of Burlington's operation of Halton Court Services on behalf of the four area municipalities, the operation of the Fire Communications on behalf of Town of Oakville and the Town of Halton Hills, and the Halton Co-operative Purchasing groups; and

Whereas, the City of Burlington welcomes all opportunities to improve municipal service delivery and achieve greater efficiencies and cost savings for all Burlington and Halton taxpayers and rate payers, now

Therefore, be it resolved,

That the Council of the City of Burlington endorses the current effectiveness of our two-tier municipal government as it has evolved based on mutual agreement with the Region of Halton and our partner Halton lower-tier municipalities since its inception in 1974;

That the residents of the City of Burlington value the distinct identity of their community and do not wish to have their democratic voice diluted, within a larger and less directly accountable municipal governance structure; and

That this resolution be forwarded to all Halton municipalities, the Association of Municipalities of Ontario, the Minister of Municipal Affairs and Housing and made publicly available.

Purpose:

An Engaging City

- Good Governance

Background and Discussion:

In January of 2019 the provincial government announced plans to review Ontario's 8 regional municipalities by 2 appointed special advisors with the intention of evaluating governance, decision-making and service delivery. Within the scope of this review exists the possibility of recommending a move to single-tier municipalities or amalgamation of existing municipalities

Strategy/process

In response to the regional government review being undertaken by the provincial government, the City of Burlington wishes to offer feedback on the process, relevant factors, and potential outcomes of this review with the intent to avoid amalgamation with other municipalities.

Options considered

Draft Resolution: Regional Government Review

Respectfully submitted,

Mayor Marianne Meed Ward