



Corporate Services, Strategy, Risk and Accountability Committee Meeting

Minutes

Date: March 2, 2022
Time: 9:30 am
Location: Council Chambers - members participating remotely

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

Staff Present: Tim Commisso, Kwab Ako-Adjei, Kevin Arjoon, Laura Boyd, Joan Ford, Chris Glenn, Sheila Jones, Chad MacDonald, Allan Magi, Angela Morgan, Enrico Scalera, Nancy Shea-Nicol, Mark Simeoni, Richard Bellemare (Audio/Video Specialist), Georgie Gartside (Clerk)

1. **Declarations of Interest:**

None.

2. **Statutory Public Meeting:**

2.1 Development Charges By-law amendment (F-06-22) (SD-06-22)

In accordance with section 12 of the Development Charges Act, 1997, as amended, the Corporate Services, Strategy, Risk and Accountability Committee held a public meeting on March 2, 2022.

Moved by Councillor Sharman

Approve the City of Burlington Development Charges Update Study dated January 21, 2022 and attached as appendix A to finance department report F-06-22; and

Approve the capital project listings set out in chapter 3 of the City of Burlington Development Charges Update Study dated January 21, 2022; and

Direct the Chief Financial Officer to ensure that the future excess capacity identified in the City of Burlington Development Charges Update Study dated January 21, 2022 be paid for by development charges or other similar charges; and

Enact a by-law to amend Development Charges By-law 29-2019 with an effective date of April 1, 2022, as included in appendix A of finance department report F-06-22; and

Declare no further public meetings are required in accordance with Section 12 of the Development Charges Act, 1997; and

Approve the development charges rates, indexed in accordance with the Statistics Canada Quarterly construction price statistics, as outlined in finance department report F-06-22 with an effective date of April 1, 2022; and

Direct the Chief Financial Officer to review and report back, as part of the 2024 development charges background study, on the feasibility of development charges as a tool to incent affordable housing units in consideration of recommendations from the approved Housing Strategy, the Ontario Housing Affordability Task Force report and discussion and feedback from the Region of Halton. (SD-06-22)

CARRIED

Staff Direction SD-06-22:

Moved by Mayor Meed Ward

Direct the Chief Financial Officer to review and report back, as part of the 2024 development charges background study, on the feasibility of development charges as a tool to incent affordable housing units in consideration of recommendations from the approved Housing Strategy, the Ontario Housing Affordability Task Force report and discussion and feedback from the Region of Halton.

CARRIED

3. Delegation(s):

None.

4. Consent Items:

4.1 Financial status report as at December 31, 2021 (F-01-22)

Moved by Councillor Kearns

Receive and file finance department report F-01-22, financial status report as at December 31, 2021.

CARRIED

- 4.2 2022 proposed budget and tax levy for the Burlington Downtown Business Improvement Area (F-07-22)

Moved by Councillor Kearns

Approve the 2022 proposed budget for the Burlington Downtown Business Improvement Area (BIA) as presented in appendix A of finance department report F-07-22 incorporating a Burlington Downtown BIA members' levy of \$827,000; and

Authorize the Chief Financial Officer to incorporate the resulting Burlington Downtown BIA tax rates into the 2022 Tax Levy By-Law.

CARRIED

- 4.3 2022 proposed budget and tax levy for the Aldershot Village Business Improvement Area (F-08-22)

Moved by Councillor Kearns

Approve the 2022 proposed budget for the Aldershot Village Business Improvement Area (ABIA) as presented in appendix A of finance department report F-08-22 incorporating an Aldershot Village BIA members' levy of \$240,000; and

Authorize the Chief Financial Officer to incorporate the resulting Aldershot Village BIA tax rates into the 2022 Tax Levy By-Law.

CARRIED

- 4.4 Operating budget performance as at December 31, 2021 and summary of year-end financial position (F-09-22)

Moved by Councillor Kearns

Receive and file finance department report F-09-22 reporting on the 2021 year-end financial position.

CARRIED

- 4.5 Remuneration and expenses paid to Council and appointees for 2021 (F-11-22)

Moved by Councillor Kearns

Receive and file finance department report F-11-22 regarding remuneration and expenses paid to Council and appointees for 2021.

CARRIED

- 4.6 Highlights from Rural Ontario Municipal Association (ROMA) virtual conference 2022 (MO-01-22)

Moved by Councillor Kearns

Receive and file office of the mayor report MO-01-22 providing an update on the Mayor and staff members' attendance at the annual Rural Ontario Municipal Association (ROMA) virtual conference that took place between January 23 and 25, 2022.

CARRIED

- 4.7 Mayor's conferences for 2022 (MO-02-22)

Moved by Councillor Kearns

Receive and file office of the mayor report MO-02-22 as information on the Mayor's planned conference attendance and potential travel in 2022 on behalf of the City of Burlington.

CARRIED

5. Regular Items:

- 5.1 Corporate project status report – November and December 2021 (CM-05-22)

Moved by Councillor Stolte

Receive and file city manager's office report CM-05-22 providing status reports for designated corporate projects for the period November through December 2021 as detailed in appendix A.

CARRIED

5.2 2021-2022 City Manager objectives (CM-06-22)

Moved by Mayor Meed Ward

Receive and file city manager's office report CM-06-22 including appendix A - 2021/22 City Manager objectives.

CARRIED

5.3 City of Burlington recommended governance framework changes/Integrity Commissioner RFP (CM-08-22)

Moved by Councillor Stolte

Direct the City Manager to proceed with recommended changes as outlined in city manager's office report CM-08-22 to enhance the alignment and effectiveness of the City of Burlington's governance accountability framework as follows:

1. Direct the City Clerk to proceed with a request for proposal (RFP) for a new five- year contract retainer for an independent City of Burlington Integrity Commissioner effective August 1, 2022 to July 31, 2027;
2. In conjunction with the above noted RFP process, include the following additional policy-related advisory services to be completed by the Integrity Commissioner:
 - a. update of the City of Burlington Code of Good Governance to align with and achieve compliance with anticipated future changes to Province of Ontario legislation governing Municipal Codes of Conduct (target date for completion to be confirmed based on completion of province-wide review);
 - b. update of City of Burlington Council/Staff Relations Policy including integration with an updated City of Burlington Code of Good Governance (target date to be confirmed);
 - c. update of City of Burlington Respect in the Workplace Policy to fully integrate and align with the role and function of the Integrity Commissioner (target date for completion – Q3 2022);
3. Direct the Chief Financial Officer to allocate one-time funding for completion of the above-noted additional policy development advisory

services in the upset amount of \$75,000 with funding provided from the contingency reserve fund; and

Direct the City Clerk to report back to the Corporate Services, Strategy, Risk and Accountability Committee on July 4, 2022 with the recommended award of the five-year retainer for the Integrity Commissioner; and

Direct the City Clerk to work with the Chief Financial Officer to include the estimated funding to cover the ongoing cost for the Integrity Commissioner contract retainer directly within the 2023 and future operating budgets for the Office of the City Clerk.

CARRIED

5.4 Use of Corporate Resources During an Election Policy (CL-05-22) (SD-07-22)

Moved by Councillor Sharman

Approve the Use of Corporate Resources During an Election Policy attached as appendix A to office of the city clerk report CL-05-22 **with the following amendments:**

1. Delete section 2(a) and replace it with the following:

- a. Municipally operated facilities/properties can only be used for any election related purpose if there is a rental fee established corporately and the rental is available to all candidates and third parties. No facility/property shall be rented or used for any municipal election related purpose during any day that voting is taking place on the property including set-up, hosting or take-down activities.**
- b. Use of rentals are subject to the following conditions:**
 - i. all election campaign materials must only be displayed within the allotted rental period in the allotted rented area designated in the rental agreement; and**
 - ii. rentals for campaign related activities are not permitted from the first date of advance voting to the day after voting day; and**

iii. the City reserves the right to refuse or cancel a rental contract at any time, in accordance with the terms of the contract, should it conflict with the City's corporate values or established policies or procedures, or presents a health and safety concern; and

iv. no rentals permitted under the Lobby rental category; and

2. Delete section 3(h); and

3. Delete section 4(a)(ii) and replace it with the following:

ii. City business cards and promotional materials prepared by Creative and Digital Services shall not be used for any campaign purposes or at any campaign events, and can only be distributed in the normal course of a candidate's performance of their official duties (eg. distributed during an AMO or FCM conference a member is attending in their official capacity); and

4. Add the words "to City staff" after "Media requests" in section 4(b)(i)(i); and

5. Add the following clauses to Media Requests under section 4(b)(i):

ii. Sitting council members will continue to be available to media at all times to comment on matters related to the performance of their duties and decision-making, respecting their obligations under the Code of Good Governance Sec 11: "We will communicate information to the public in ways that are accurate, timely, and in the interest of the corporation. We will respect that the Mayor, as head of council, is the primary spokesperson for Council.

iii. Official city press releases will not feature quotes from any member of council during the election blackout period from midnight the day of the last council meeting of the term, until midnight of election day, except in an emergency situation or in exceptional circumstances as determined by Communications, Clerks, and the City Manager; and

6. Delete section 4(b)(iii)(ii) and replace it with the following:

- ii. **Printing and distribution of hard copy newsletters for members of Council will be discontinued from the day nominations open to midnight of Election Day unless utilizing the City of Burlington approved and adopted campaign period newsletter template; and**

7. Add the following clause to City Talk Issues and Newsletter under section 4(b)(iii):

- iii. **Printed and electronic newsletters whose printing and distribution is paid for with city resources shall not contain campaign information, other than links to general election information (eg. voting locations, key election dates, links to registered candidates); and**

8. Delete section 4(c)(i) and replace it with the following:

- i. **Council advertising of ward meetings will not include the council member's name and photo, and will only include the generic ward contact information starting nomination day until midnight on election day; and**

9. Add the following sentence to the end of clause 4(c)(i):

- Any meetings hosted by members of Council and paid for by the city must be regarding City business only and may not include any campaigning or distribution of campaign materials; and**

10. Replace the words "owned or leased" with the word "branded" in section 5(d); and

11. Delete section 4(b)(ii)(i) and replace it with the following:

- i. **Members of Council are required to remove the city logo, crest, official photo or title from their social media bio, but can say they are running for re-election; and**

12. Add the words "or at Civic Square at City Hall" to end of clause 2(b)(iv); and

Direct the City Clerk to work with the Integrity Commissioner to review and report back by the end of Q2 on the feasibility of aligning the policies governing advisory committees or local boards with the Use of Corporate Resources during an Election Policy for city staff and council, so there is a single policy applicable to staff, council and volunteers. (SD-07-22); and

Repeal the Use of Corporate Resources During an Election Policy, adopted on October 30, 2017, attached as appendix B to office of the city clerk report CL-05-22.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Delete section 2(a) of the Use of Corporate Resources During an Election Policy and replace it with the following:

- a. Municipally operated facilities/properties can only be used for any election related purpose if there is a rental fee established corporately and the rental is available to all candidates and third parties. No facility/property shall be rented or used for any municipal election related purpose during any day that voting is taking place on the property including set-up, hosting or take-down activities.
- b. Use of rentals are subject to the following conditions:
 - i. all election campaign materials must only be displayed within the allotted rental period in the allotted rented area designated in the rental agreement; and
 - ii. rentals for campaign related activities are not permitted from the first date of advance voting to the day after voting day; and
 - iii. the City reserves the right to refuse or cancel a rental contract at any time, in accordance with the terms of the contract, should it conflict with the City's corporate values or established policies or procedures, or presents a health and safety concern; and
 - iv. no rentals permitted under the Lobby rental category.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Delete section 3(h) from the Use of Corporate Resources During an Election Policy.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Delete section 4(a)(ii) of the Use of Corporate Resources During an Election Policy and replace it with the following:

- ii. City business cards and promotional materials prepared by Creative and Digital Services shall not be used for any campaign purposes or at any campaign events, and can only be distributed in the normal course of a candidate's performance of their official duties (eg. distributed during an AMO or FCM conference a member is attending in their official capacity).

CARRIED

Amendment:

Moved by Mayor Meed Ward

Add the words "to City staff" after "Media requests" in section 4(b)(i)(i) of the Use of Corporate Resources During an Election Policy.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Add the following clauses under section 4(b)(i) of the Use of Corporate Resources During an Election Policy:

- ii. Sitting council members will continue to be available to media at all times to comment on matters related to the performance of their duties and decision-making, respecting their obligations under the Code of Good Governance Sec 11: "We will communicate information to the public in ways that are accurate, timely, and in the interest of the corporation. We will respect that the Mayor, as head of council, is the primary spokesperson for Council.
- iii. Official city press releases will not feature quotes from any member of council during the election blackout period from midnight the day of the last council meeting of the term, until midnight of election day, except in an emergency situation or

in exceptional circumstances as determined by Communications, Clerks, and the City Manager.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Delete section 4(b)(iii)(ii) of the Use of Corporate Resources During an Election Policy and replace it with the following:

- ii. Printing and distribution of hard copy newsletters for members of Council will be discontinued from the day nominations open to midnight of Election Day unless utilizing the City of Burlington approved and adopted campaign period newsletter template.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Add the following clause under section 4(b)(iii) of the Use of Corporate Resources During an Election Policy:

- iii. Printed and electronic newsletters whose printing and distribution is paid for with city resources shall not contain campaign information, other than links to general election information (eg. voting locations, key election dates, links to registered candidates).

CARRIED

Amendment:

Moved by Mayor Meed Ward

Delete section 4(c)(i) of the Use of Corporate Resources During an Election Policy and replace it with the following:

- i. Council advertising of ward meetings will not include the council member's name and photo, and will only include the generic ward contact information starting nomination day until midnight on election day.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Add the following sentence to the end of clause 4(c)(i) of the Use of Corporate Resources During an Election Policy:

Any meetings hosted by members of Council and paid for by the city must be regarding City business only and may not include any campaigning or distribution of campaign materials.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Replace the words "owned or leased" with the word "branded" in section 5(d) of the Use of Corporate Resources During an Election Policy.

CARRIED

Staff Direction SD-07-22:

Moved by Mayor Meed Ward

Direct the City Clerk to work with the Integrity Commissioner to review and report back by the end of Q2 on the feasibility of aligning the policies governing advisory committees or local boards with the Use of Corporate Resources during an Election Policy for city staff and council, so there is a single policy applicable to staff, council and volunteers.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Delete section 4(b)(ii)(i) of the Use of Corporate Resources During an Election Policy and replace it with the following:

- i. Members of Council are required to remove the city logo, crest, official photo or title from their social media bio, but can say they are running for re-election.

CARRIED

Amendment:

Moved by Councillor Kearns

Add the words "or at Spencer Smith Park" to end of clause 2(b)(iv) of the Use of Corporate Resources During an Election Policy.

LOST

Amendment:

Moved by Councillor Kearns

Add the words "or at Civic Square at City Hall" to end of clause 2(b)(iv) of the Use of Corporate Resources During an Election Policy.

CARRIED

6. Confidential Items:

6.1 Confidential insurance renewal (L-04-22)

Moved by Councillor Stolte

Receive and file confidential legal department report L-04-22 providing a status update on the 2022-2023 insurance renewal.

CARRIED

6.2 Confidential update on a litigation matter (L-13-22)

Moved by Councillor Kearns

Instruct the Executive Director of Legal Services & Corporation Counsel or their designate to proceed in accordance with the instructions sought in confidential legal department report L-13-22.

CARRIED

7. Procedural Motions:

None.

8. Information Items:

Moved by Councillor Bentivegna

Receive and file the following two items, having been given due consideration by the Corporate Services, Strategy, Risk and Accountability Committee.

CARRIED

8.1 Presentation from Watson and Associates Economics LTD regarding Development Charges By-law amendment (F-06-22)

8.2 Correspondence from Goodmans LLP regarding Development Charges By-law amendment (F-06-22)

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

10:06 a.m. (recessed), 10:16 a.m. (reconvened), 11:00 a.m. (recessed), 11:06 a.m. (reconvened), 11:58 a.m. (recessed), 1:00 p.m. (reconvened), 2:30 p.m. (recessed), 2:39 p.m. (reconvened)

Councillor Sharman chaired the meeting from 2:39 p.m. to 2:50 p.m.

Chair adjourned the meeting at 3:51 p.m.