

2021 Council Compensation Review Task Force Final Report

March 2022

1. Task Force Composition and Duties

The Municipal Council directed the City Clerk to invite the members of the 2016 Council Compensation Review Task Force to undertake the 2021 update based on the approved Terms of Reference. The City Clerk was asked to invite members from the 2016 Council Compensation Review Task Force to serve on the 2021 Task Force. The only returning member was Dan Ross. The City Clerk recommended individuals with varying and well-rounded experience and background in academic, human resources, non-profit, public policy, business, and public office sectors. The Municipal Council ratified the appointments on October 26, 2021. It should be noted that members of the Civic Administration are not eligible to serve as members of the Task Force.

Voting Members

Dan Ross (Chair) – retired lawyer and local business owner

Don Bryant – retired Partner of the law firm McKenzie Lake, Lawyers LLP

Joe Lyons – assistant professor and Director of the Local Government Program in the Department of Political Science at Western University

Christene Scrimgeour – is a managing partner of Scrimgeour & Company CPA, Professional Corporation

Jeff Tudhope – graduate of the Master of Industrial Relations program at Queen's University and has over 10 years of experience as a Human Resources and Labour Relations professional.

Task Force Clerk

Sarah Corman – Deputy City Clerk

Cathy Saunders – City Clerk (retired)

Additional Staff Resources

Anastasia Bush – Administrative Assistant II

Ian Collins – Director, Financial Services

Glynis Tucker – Communications Specialist

Duties

The Council Compensation Review Task Force ("Task Force") reports to the Municipal Council, through the Strategic Priorities and Policy Committee ("SPPC").

As directed by Council, the Task Force was responsible for reviewing and providing recommendations with respect to the Councillors' compensation, including:

- a) the review of the most recent median full-time employment income data for Londoners;
- b) review, consider and continue work on the recommendations of any previous Council Compensation Review Task Force that the Task Force feels are relevant;
- c) making recommendations regarding implementation of any changes in compensation, which may include phasing in and indexing.

The Terms of Reference for the 2021 Council Compensation Review Task Force are attached as Appendix 'A'. It should be noted that it is the position of the Task Force

that the review of the Councillors' benefit package, staff support model and expense accounts do not fall within the Terms of Reference of the Council Compensation Review Task Force. Particular note should be given to the Guiding Principles provided by Council:

1. No Councillor should seek to serve in public office solely for financial gain. The key motivation should be to serve and improve the well-being of the citizens of London.
2. The system of remuneration must be transparent, open and easily understandable.
3. Remuneration needs to be sensitive to local market conditions, recognizing that the role of Councillor is neither a full-time nor part-time role, but rather a unique role.
4. Fair compensation that is reflective of the legislative responsibilities and day-to-day duties undertaken to fulfil the role of a municipal Councillor.

2. Activities and Research

The Task Force held seven (7) meetings from November 12, 2021 until March 31, 2022, including one Public Participation Meeting ("PPM") held on March 9, 2022, in which members of the public could participate in person or electronically.

Compensation Research Activities

The approach for the 2021 Task Force review was scoped based on the Terms of Reference. The Task Force reviewed current information with respect to pertinent legislation related to the legislated role of Council Members. The following is the information the Task Force reviewed:

- Final Report of the 2016 Council Compensation Review Task Force (Appendix "B")
- Median Full-Time Employment Income Data for Londoners (Appendix "C")
- A by-law to eliminate the "one-third tax free" allowance for Elected Officials (Appendix "D")
- Remuneration Chart (Appendix "E")
- Remuneration for Elected Officials and Appointed Citizen (Appendix "F")
- Appointment of Deputy Mayor Policy (Appendix "G")
- Municipal Act, 2001 (Appendix "H")
- Staff Report - Implementation Modernizing Ontario's Municipal Legislation Act 2017 (Appendix "I")
- Staff Report - Council Procedure By-law (Appendix "J")

Input from the Public

The Task Force engaged the public through two methods: a public survey and a public participation meeting. The public survey was hosted on 'Get Involved' and promoted online through social media platforms such as Facebook and Twitter. The survey and 'Get Involved' webpage included information for participants with respect to the role of Councillors, the current ward Councillors' compensation, the median full-time employment income, and the scoped nature of the review being undertaken by the 2021 Task Force.

The survey contained five (5) questions both closed and open-ended in nature. The survey was posted between January 5, 2022 and January 16, 2022 with 154 people visiting the survey and participating in one or more questions. Included as Appendix "K" are the results of the public survey.

The Task Force also hosted a Public Participation Meeting on March 9, 2022. Attached as Appendix "L" is the presentation provided in advance of the meeting. The presentation outlines the process and direction of the Task Force. This meeting was advertised in the Londoner for two weeks and promoted online through social media platforms such as Facebook and Twitter. The attendance at the Public Participation Meeting was not high with three members of the public attending. A summary of the comments made during that meeting are provided below:

- recognition of the unique role of Councillor as neither a full-time or part time role and that it is not easily fit into standard human resources schemes in terms of compensation;
- concern with the lack of transparency with the automatic annual adjustment;
- public benefit of having report through Council annually; and
- the need for more accountability of Councillors.

Input from Council Members

The Task Force surveyed Council Members to seek their input on matters within the limited scope of the 2021 Task Force. The identity of the individual respondents was not disclosed to the Task Force to avoid any perception of bias and to also encourage thoughtful and honest feedback from the survey participants. Included as Appendix “M” are the results of the Council Members survey.

3. General Considerations and Observations

There were four general considerations that defined the research activities of the Task Force and the input from public and Council Members:

- (a) expense accounts, benefits, and staff support are not included in the mandate or scope of review of the Task Force;
- (b) the concepts of full-time or part time Councillors are not within the mandate or scope of review of the Task Force;
- (c) both an hourly wage and pay for performance have too many variables to be considered within the scope of review of the Task Force; and
- (d) the sample size of the survey and participation in the public meeting was very limited and concern was shared by Task Force members over how reflective they actually might be of the opinions of the residents of London.

In terms of general observations, the following were noted:

- (a) support for the current methodology i.e., median full-time employment income for Londoners to determine annual compensation for Councillors, noting a portion of respondents indicated they felt Councillors were underpaid;
- (b) considerable mention of the need for full-time Councillors and compensation reflecting full-time employment;
- (c) considerable mention of pay for performance and hourly wage;
- (d) some mention, but with lesser support, for increased pay for Councillors equating their function to an “executive” function within the Corporation;
- (e) mention of comparison to other municipalities, but the support remained for a local London solution;
- (f) the public shared a good understanding of the proposal to set an annual adjustment of compensation over the four-year term of Council based on the average annual increase in median full-time employment income for Londoners taken from the most recently available census data; and
- (g) the public survey expressed overall support for the general direction of the Task Force with respect to annual adjustment and an adjustment mechanism that would be “automatic” and not require that Council revisit the issue annually. Support for the automatic increase was confirmed at the public participation meeting, but with a requirement that it be subsequently reported in open meetings of Committee and Council to ensure transparency.

4. Recommendations

The Terms of Reference (Appendix “A”) details the scoped stipend review undertaken by the 2021 Task Force. As noted earlier, support for Councillors, such as benefits, staff support, and expense accounts are considered out of scope. As such the Task Force is not making any recommendations regarding those matters.

(a) Compensation

RECOMMENDATION #1: Consistent with current practice, and effective with the commencement of the next term of Council, the annual compensation for serving as a Ward Councillor BE SET at the 2020 median full-time employment income for Londoners as determined from the 2021 Census data, it being noted that while 2021 data will not be available until July 2022, it will be available well prior to the effective date of adjustment.

Rationale: The Task Force felt that much of the rationale shared in the 2016 Report remained applicable, including the following:

Effective Date – The Task Force believes that by setting an effective date beyond the term of the Council approving the adjustment in compensation, it creates an additional degree of separation between the Council that approves an adjustment and the Council that is impacted by the adjustment. It is further believed that compensation for future Councils should be set well enough in advance of the nomination period to depoliticize the determination of compensation and to ensure potential candidates understand what compensation will be available to them, should they be elected to Council. Public feedback also suggested that the current Council should set the compensation for the next Council. It is important that Council Members serving for the next Council term are appropriately compensated for the duration of their term, in order to enable them to carry out their duties to the best of their ability throughout their entire term of office, and to mitigate any income barriers to running for office.

Rate of Compensation – The Task Force recognized that the role of a Councillor is unique and, for the purposes of determining compensation, did not consider it necessary to define it as “full-time” or “part time” in its deliberations. Rather, it sought to fully understand the time commitment, content and responsibility of the role and what level of compensation was necessary to enable effectiveness and efficiency so that Council Members could perform their duties to the highest level of their ability. There was a clear desire by the public to have a simple, “made in London” solution that considered local influences and was easy to understand.

While the Task Force saw the role of a Council Member as one of public service, it felt strongly that just because the role was regarded as one of “public service” it did not mean that individuals in that role should not be compensated. The Task Force was also of the opinion that the foundation for determining an appropriate level of compensation was, by its very nature, different than an hourly wage job. One should take into consideration the type of duties, comparable roles in other municipalities, London’s own economy, public expectations, legislative expectations, complexity of the role, time commitment, personal liability, as well as the resources required to effectively fulfill the associated duties in order to arrive at a reasonable level of compensation. Ultimately the Council Member role does not constitute an employment relationship, but compensation needs to be set at a level so that it is not a primary motivator to run for office, yet allows someone who runs for public office to serve in that role as effectively as possible, and ensure that income is not a barrier to running for office. While there is often the inclination to default to “pay for performance”, the lens for reviewing compensation should more appropriately be one of “enablement”, noting that performance assessment will come with each municipal election.

RECOMMENDATION #2: That the current formula for adjusting Council compensation on annual basis BE AMENDED to be based on the average annual variation in median full-time employment income determined from published Census data over the most recent census period (2021 Census data) as opposed to the Labour Index or CPI.

Rationale: The Task Force sought a method of annual adjustment that would be transparent, easily determined, and fairly reflective of London’s economic position based upon the most recent Census data. The most recent Census data becomes the single point of reference for adjustment of compensation at the beginning of a Council term and annually thereafter.

Comparison Between Current and Proposed Methods

Current Method (Labour index / CPI)

| Year | Compensation | Percentage % | Amount \$ |
|--------------|--------------|--------------|----------------|
| 2018 | \$51,181 | start | start |
| 2019 | 52,358 | 2.30% | \$1,117 |
| 2020 | 52,358 | 0.00% | 0 |
| 2021 | 52,725 | 0.70% | 367 |
| TOTAL | | | \$1,544 |

Proposed Method (Variations to the Median)

| Year | Compensation | Percentage % | Amount \$ |
|--------------|--------------|--------------|----------------|
| 2018 | \$51,181 | start | start |
| 2019 | 51,884 | 1.374% | \$703 |
| 2020 | 52,597 | 1.374% | 713 |
| 2021 | 53,320 | 1.374% | 723 |
| TOTAL | | | \$2,139 |

RECOMMENDATION #3: That the annual adjustment in Councillor compensation BE AUTOMATIC and administered by the Civic Administration.

Rationale: While annual adjustment should be transparent and reported to Committee and Council in open session, it should be determined independently of Council, and implemented by the Civic Administration. It is noted that Council compensation is currently published annually by Civic Administration.

(b) Future Reviews

The Task Force endorsed the recommendation of the 2016 Task Force.

RECOMMENDATION #4: That a review of Council Compensation BE UNDERTAKEN by an independent body, once per Council term, subject to the following:

- (a) the review should be completed no later than six months in advance of the date that nominations are accepted for the next municipal election;
- (b) any adjustments should be effective on the first day of the next Council term;
- (c) the Task Force should, as much as possible, reflect the diversity of the community and ideally the participants should have knowledge in the areas of municipal government, research, statistics, public engagement and compensation;
- (d) the Task Force should be limited to no more than five individuals;
- (e) the review should include a review of the major supports required for Council Members to efficiently and effectively carry out their role to the best of their ability as the availability of these supports helps to inform compensation;

- (f) the review should consider if median full-time income remains an appropriate benchmark for Council Member compensation;
- (g) the review should consider if the current formula for interim adjustments remains appropriate; and
- (h) public engagement should continue to be a component of the review process and that engagement should be undertaken in a manner which recognizes community preferences and needs.

Rationale: The Task Force believes that a comprehensive review of Council compensation is not required more frequently than once per Council term to ensure it remains appropriate. By utilizing an independent body to conduct the review and make its recommendations, the Council effectively distances itself from influencing the recommendations and is able to take advantage of outside expertise.

The Municipal Council can create a further degree of separation by adopting the approach that any increases recommended by a Task Force would not be in effect until the next Council takes office. It is, however, important to have compensation decisions completed sufficiently in advance of the opening of nominations for the next municipal election. While the Task Force stands by the opinion that being a Council Member is a public service and not a “job”, compensation does have a bearing on a person’s ability to effectively and efficiently serve as an elected official. Individuals who are considering running for office should have that information to help them decide if they will run for office or not.

Any Task Force should be reflective of the community it represents, and therefore the diversity of membership is important. Furthermore, there are certain skill sets that are helpful to a review of Council compensation, with some key areas of knowledge being municipal government, research, statistics, public engagement and compensation. In terms of numbers, while it is desirable to have sufficient numbers in order to be able to broaden the diversity and knowledge base of the Task Force, too many participants can negatively impede the progress of the Task Force’s work. Different perspectives and information can be obtained through the public engagement process, without unnecessarily impeding oversight of the review process itself.

While a major review of compensation once every four years is sufficient, the Task Force believes that a policy for annual adjustments is necessary in order to ensure there is an independent mechanism for making interim adjustments that are in keeping with local economic data. That policy should be reviewed by each Task Force to ensure it remains relevant.

While the proposed Task Force composition should be diverse and draw upon a varied knowledge base, this does not preclude the importance of seeking public input and, therefore, public engagement should remain a component of any Task Force’s activities. The manner in which that engagement is done should be in keeping with the best practices of the day.

For the reasons expressed in this report, the Task Force feels strongly that median full-time employment income is an appropriate benchmark for Council compensation and recommends that subsequent Task Forces consider if it remains an appropriate benchmark for Council Member compensation.

(c) Other Recommendations

There were some common themes that came up during the consultation and research activities of the Task Force which highlighted two matters that did not necessarily fall directly within the mandate and scope of review of the Task Force. However, the Task Force felt that those areas did have a correlation to compensation and were important enough to warrant bringing them to the attention of the Municipal Council. Those matters included:

- (a) the need for transparency in informing the public, in an effective and timely manner, of annual adjustment to Councillor compensation; and
- (b) the Task Force heard strong arguments from a few members of the public urging consideration of performance-based compensation, which warrants reference in this report.

RECOMMENDATION #5: That the following activities related to public engagement and notice BE TAKEN:

- (a) That opportunities BE EXPLORED to determine what online public spaces (webpages, social media, etc.) might be available in order to ensure that the system of remuneration for Council, including annual adjustment, is transparent, open, and easily accessible and understandable to the public; and
- (b) That annual adjustments to Council compensation BE REPORTED to Committee and Council and recorded in the minutes of Committee and Council.

Rationale: An educated and informed public and public participation are integral elements of effective Council compensation review.

RECOMMENDATION #6: That NO ACTION BE TAKEN with respect to the consideration of a system of performance-based compensation for Council Members.

Rationale: The Task Force heard again strong arguments from a few members of the public urging consideration of performance-based compensation for Council Members. The Task Force does not consider this appropriate given the nature and performance of a Council Members' duties, the vast differences in experience and approach (quantity versus quality) and the very unique and different demands from constituency to constituency. Accommodation of the above factors would, in the opinion of the Task Force, make it very difficult to create and enforce a system of performance-based compensation in an equitable manner. Performance will inevitably be measured every four years by the voting public.

5. Acknowledgements

The members of the 2021 Council Compensation Review Task Force would like to acknowledge and thank the following for their contribution to the work of this Task Force.

- Members of the public who took the time to fill in the public Council Compensation Survey online and participated in the Public Participation Meeting.
- Council Members who provided responses to the anonymous survey.
- Local media who provided coverage of the activities of the Task Force.
- City of London staff that supported the work of the Task Force throughout the process.

Respectfully submitted:

Dan Ross, Chair

On behalf of the 2021 Council Compensation Review Task Force

Appendix “A”

TERMS OF REFERENCE

2021 COUNCIL COMPENSATION REVIEW TASK FORCE

COMPOSITION

Voting Members: Five members to be chosen by the City Clerk of the City of London and subject to ratification by Municipal Council.

TERM OF OFFICE

The Council Compensation Review Task Force shall commence its work as soon as possible and be disbanded upon submission of its Final Report to the Strategic Priorities and Policy Committee by no later than March 31, 2022.

QUALIFICATIONS

Members of the Task Force will be chosen by the City Clerk and ratified by Municipal Council using all appropriate Council policies and procedures, and be reflective of the relevant principles contained within the Strategic Plan. Within these parameters, the Clerk will have full discretion over the selection process, subject to ratification by Municipal Council, including the determination and assessment of candidate qualifications. Members of the Civic Administration are not eligible to serve as members of the Task Force.

The Chair and Vice-Chair are elected by the Task Force from among its Members, at its first meeting

MEETINGS

The first meeting shall be called by the City Clerk. Subsequent meetings shall be at the call of the Chair, in consultation with the Task Force Clerk.

DUTIES

The Council Compensation Review Task Force reports to the Municipal Council, through the Strategic Priorities and Policy Committee.

The Task Force shall be responsible for reviewing and providing recommendations with respect to the Councillors' compensation, including:

- a) the review of the most recent median full time employment income data for Londoners;
- b) review, consider and continue work on the recommendations of any previous Council Compensation Review Task Force that the Task Force feels are relevant;
- c) making recommendations regarding implementation of any changes in compensation, which may include phasing in and indexing.

GUIDING PRINCIPLES

1. No Councillor should seek to serve in public office solely for financial gain. The key motivation should be to serve and improve the well-being of the citizens of London.
2. The system of remuneration must be transparent, open and easily understandable.
3. Remuneration needs to be sensitive to local market conditions, recognizing that the role of Councillor is neither a full-time nor part-time role, but rather a unique role.

Appendix “A”

4. Fair compensation that is reflective of the legislative responsibilities and day-to-day duties undertaken to fulfil the role of a municipal Councillor.

VACANCIES

The same procedure is followed as for the initial appointment of members to the Council Compensation Review Task Force.

REMUNERATION

No remuneration is paid to the Council Compensation Review Task Force members.



FINAL REPORT OF THE 2016 COUNCIL COMPENSATION REVIEW TASK FORCE

JULY 2017

1. TASK FORCE COMPOSITION AND DUTIES

The Municipal Council chose a different approach to populating the 2016 Council Compensation Review Task Force. The City Clerk was asked to choose the Members for the Task Force, for ratification by Municipal Council, using all appropriate Council policies and procedures. The membership was to be reflective of the relevant principles contained within the City of London's Strategic Plan. Within these parameters, the City Clerk determined appropriate candidate qualifications and undertook a targeted selection process to seek out a well-rounded group of qualified and independently-minded individuals. Members of the Civic Administration were not eligible to serve as members of the Task Force.

Voting Members

Dan Ross (Chair) – Retired lawyer and local business owner

Martin Horak – Associate Professor & Director, Local Government Program, Western University

Mike Moffatt – Assistant Professor, Business, Economics and Public Policy, Richard Ivey School of Business*

Phyllis Retty – Retired Finance and Human Resources Leader

Greg Watterton – Retired Senior Municipal Administrator – Finance

*was unable to complete his term due to other obligations

Task Force Secretary

Linda Rowe – Deputy City Clerk

Additional Staff Resources

Cathy Saunders – City Clerk

Tara Thomas – Manager of Engagement

Meagan Geudens – Communications Specialist

Jen Carter – Manager, Policy & Strategic Issues (Facilitator – Focus Group Session)

Karen Oldham – Manager I – Community Development (Facilitator – Focus Group Session)

Josh Machesney – Co-op Student (research – other municipal jurisdictions)

Emily Feduk – Co-op Student (research – other municipal jurisdictions)

Duties

The duties of the Task Force, as established by Council, were to review and provide recommendations with respect to:

- (a) Councillors' and Deputy Mayors' annual stipend including implementation of any changes in compensation, which may include phasing in and indexing; and
- (b) the process and timeline for future reviews of Council compensation.

2. ACTIVITIES AND RESEARCH

The Task Force held 14 meetings from March 2016 to present. That number does not include an additional Focus Group Session and an Open House Session that were conducted as part of the community engagement process.

Compensation Research Activities

The Task Force collected and analyzed research materials from 16 other municipal jurisdictions. While the Task Force felt it was important to look at municipalities within Ontario, it also believed that there was merit in looking at municipalities of a similar size across Canada, understanding that no two municipalities are entirely the same. A summary of the data that was gathered is provided in Appendix A.

In addition to the above research data, the Task Force also considered the following:

- the allocated responsibilities of the Deputy Mayor selected by the Mayor (Appendix B)
- the legislated role of a Council Member, together with the legislated role of the Head of Council and Municipal Administration, for contextual purposes (Appendix C)
- the current compensation (Appendix D)
- the current policy applicable to compensation adjustments (Appendix E)
- the guiding principles established by the Municipal Council for the Task Force's review (Appendix F)

The Task Force also reviewed the Final Reports of the 2010 Council Compensation Review Task Force and the 2013 Council Compensation Review Task Force in order to gain a better understanding of the analyses, observations and recommendations that arose from prior reviews of Council compensation.

Seeking Input from Council Members

The Task Force surveyed Council Members to seek their perspective on matters within the scope of the Task Force. The identity of the individual respondents was not disclosed to the Task Force in order to avoid any perception of bias and to also encourage thoughtful and honest feedback from the survey participants. A summary of the Council Members' feedback is presented in Appendix G. There was a high response rate by the Council Members.

Seeking Input from the Public

As noted above, the 2016 Task Force engaged the public in two new ways: a Focus Group Session and an Open House. This was in addition to conducting a public survey, which was an outreach initiative that had been undertaken by previous Task Forces.

The Focus Group Session allowed the Task Force to reach out to specific sectors in London, enabling a broader and more diverse perspective on Council compensation. (Appendix H) Participants in the Focus Group Session included the following, though others had been invited but were unable to participate for various reasons:

- Age Friendly London Network
- Argyle Business Improvement Area
- Downtown London Business Improvement Area
- Fanshawe Student Union
- London Arts Council
- London Chamber of Commerce
- London Health Sciences Centre
- London Middlesex Local Immigration Partnership
- London Youth Advisory Council
- Old East Village Business Improvement Area
- Pillar Non-Profit
- St. Josephs Health Care London

- Urban League of London
- Western USC

The Open House offered a less structured forum for providing information directly to interested members of the public, answering questions from the public, hearing comments from the public and an opportunity for members of the public to fill out a hard copy survey if they wished to do so. The Task Force believed that this format would be less intimidating for the public and would hopefully result in higher participation. While the attendance numbers at the Open House were not high, they were almost double the number experienced at the last public participation meeting held on Council compensation.

The survey was developed in such a way as to focus questions on areas upon which the 2016 Task Force wanted public input, without it being an onerous task for the public to complete. The Compensation Survey was available for public input from March 20th to April 3rd, both online and in hard copy. Hard copy survey results were combined with online results to provide a consolidated set of results, included as Appendix I.

In addition to the above, comments were also received via social media, email and hard copy. Those comments are summarized in Appendix J.

General Considerations and Observations

There were three related developments that arose and were considered during the Task Force's review:

- the Municipal Council reduced the number of Deputy Mayor positions from two to one;
- the Federal Government announced that it is considering removing the tax exemption for non-accountable expense allowances to certain municipal office-holders (often referred to as the "1/3 tax free allowance"); and
- the permanent support staff complement in the Councillors' Office was changed from one Executive Assistant position, two Administrative Assistant II positions, one Administrative Assistant I position, and two Co-Op Student positions to one Executive Assistant Position, 4 Administrative Assistant II positions and 1 Co-Op Student, noting that Ward Councillors remain able to engage private contract assistance through their annual expense allocation, as was previously the case.

In terms of general observations as a result of the Task Force's outreach and research initiatives, the following was noted:

- while a review of comparative municipalities is informative, there is a clear desire by the public to have a "made in London" solution that considers local influences;
- the role is one of public service...it is not a career;
- the primary functions of a Council Member are as a strategic manager and as a respondent to constituents;
- there is a general view that a significant number of hours are required to fulfill the role of a Council Member and, while not precluded from other employment, a Council Member's main focus should be fulfilling that role;
- the data results have to be interpreted understanding that the respondents represent a very low percentage of the population;
- consideration needs to be given as to what level of compensation will allow elected individuals to carry out their Council duties to the highest level of their ability;
- while London appears to have a reputation for being static, in reality it has increased its size by 25% since the early 90s and has experienced a shift in demographics and industry;
- there have been regulatory changes which have increased the fiduciary responsibility and personal liability of each individual Council Member; and
- the Internet, email, social media and other emerging technologies have created a substantial change in expected access to Council Members.

Additionally, the Municipal Council set the following guidelines for the Task Force:

- (a) No Councillor should seek to serve in public office solely for financial gain. The key motivation should be to serve and improve the well-being of the citizens of London.
- (b) The system of remuneration must be transparent, open and easily understandable.
- (c) Remuneration needs to be sensitive to local market conditions and to compensation levels in comparable municipalities.
- (d) Fair compensation that is reflective of the legislative responsibilities and day-to-day duties undertaken to fulfil the role of a municipal Councillor and Deputy Mayor.

3. RECOMMENDATIONS

The Task Force's terms of reference explicitly excluded the Mayor's compensation and the benefits (health coverage, life insurance, etc.) for Council Members. As such the Task Force is not making any recommendations regarding those matters.

a) COMPENSATION

RECOMMENDATION #1: That effective with the commencement of the next term of Council, the annual compensation for serving as a Ward Councillor BE SET at the 2016 median full time employment income for Londoners; it being noted that while 2016 data will not be available until the Fall of 2017, based upon the 2011 National Household Survey data, about 35% of Londoners ages 15 years and over worked full year, full time with employment income in 2010 and had a median employment income of \$47,805 and an average employment income of \$57,112.

Rationale:

Effective Date – The Task Force believes that by setting an effective date beyond the term of the Council approving the adjustment to the Ward Councillor compensation, it would create an additional degree of separation between the Council that approves an adjustment and the Council that is impacted by the adjustment. It is further believed that compensation for future Councils should be set well enough in advance of the nomination period to depoliticize the determination of compensation and to ensure potential candidates understand what compensation will be available to them, should they be elected to Council. It is acknowledged that the current compensation for Ward Councillors has not been adjusted since 2013, prior to the current Council holding office, but in light of the comments above, it was felt that it would be most appropriate to apply any compensation increase to the next term of Council. Public feedback also suggested that the current Council should set the compensation for the next Council.

The Task Force considered phasing the increase in over a period of time, but is specifically not recommending that the increase be phased. It is important that Council Members serving for the next Council term are appropriately compensated for the duration of their term, in order to enable them to carry out their duties to the best of their ability throughout their entire term of office, and to mitigate any income barriers to running for office.

Rate of Compensation – The Task Force recognized that the role of a Councillor is unique and, for the purposes of determining compensation, did not consider it necessary to define it as “full time” or “part time” in its deliberations. Rather, it sought to fully understand the time commitment, content and responsibility of the role and what level of compensation was necessary to enable effectiveness and efficiency so that Council Members could perform their duties to the highest level of their ability. While the Task Force's review of comparative municipalities was informative, the public engagement component of the review revealed that there was a clear desire by the public to have a simple, “made in London” solution that considered local influences and was easy to understand.

The Task Force came to the conclusion that the median full time income of Londoners would serve as a reasonable and practical benchmark for the rate of compensation for a Council Member, while being reflective of local economic conditions. Other local

factors would not be as useful for benchmark purposes. As an example, the housing market is notoriously fickle and therefore would not be a solid factor on which to base compensation.

The Task Force gathered information through its public engagement process (see Appendices H – Council Compensation Focus Group Session, I – Public Survey and J – Other Public Comments). Those findings revealed that;

- a) the public often expects Council Members to be available a significant number of hours of the week, recognizing there are ebbs and flows with their workload, and that the Council work should be a priority;
- b) the statutory and discretionary duties are important factors in setting compensation, as is the level of other supports;
- c) the local economy should have a significant bearing on compensation (i.e. “made in London” solution);
- d) compensation should not be an incentive or disincentive; and
- e) other municipalities’ compensation rates should not dictate compensation levels for London’s Council Members.

The Task Force also gathered information through an anonymous survey of Council Members. (see Appendix G). Those findings revealed that:

- a) more time is spent on constituency-related work than meetings;
- b) constituents are communicated with via various means (in-person, e-mail, telephone, written correspondence, social media, etc.)
- c) hours of work tend to be evenings and weekends and fluctuate based upon constituent and meeting demand, as well as each Council Member’s other obligations;
- d) there is a shortage of resources;
- e) it is challenging to balance personal, business and Council demands; and
- f) Council duties are not just conducted at City Hall.

In addition to the above, the Task Force considered the legislated duties of a Council Member (see Appendix C), as well as the many pieces of legislation that Council Members must have varying degrees of familiarity with (e.g. *Municipal Act, 2001*, *Planning Act*, *Canada Anti-Spam Legislation*, *Municipal Freedom of Information and Protection of Privacy Act*, *Accessibility for Ontarians with Disabilities Act*, *Business Corporations Act*, *Environmental Assessment Act*, *Municipal Conflict of Interest Act*, etc.) which, in some instances, carry some personal penalties with them, as well as the broad range of issues that face the local community (e.g. economic, climactic, infrastructure, housing, social services, development, funding, etc.). Those legislative requirements have increased the complexity of a Council Member’s role, in addition to the many challenges associated with a city the size of London.

While the Task Force saw the role of a Council Member as one of public service, it felt strongly that just because the role was regarded as one of “public service” it did not mean that individuals in that role should not be compensated. The Task Force was also of the opinion that the foundation for determining an appropriate level of compensation was, by its very nature, different than an hourly wage job. One should take into consideration the type of duties, comparable roles in other municipalities, London’s own economy, public expectations, legislative expectations, complexity of the role, time commitment, personal liability, as well as the resources required to effectively fulfill the associated duties in order to arrive at a reasonable level of compensation. Ultimately the Council Member role does not constitute an employment relationship, but compensation needs to be set at a level so that it is not a primary motivator to run for office, yet allows someone who runs for public office to serve in that role as effectively as possible, and ensure that income is not a barrier to running for office. While there is often the inclination to default to “pay for performance”, the lens for reviewing compensation should more appropriately be one

of “enablement”, noting that performance assessment will come with each municipal election.

It was very clear that constituents seek the assistance of their Council Member with various day to day concerns such as pot holes and other nuisances in their neighbourhoods, and expect a prompt response on those matters. They also have an expectation that their Council Member will represent the interests of the ward they serve and will keep their constituents advised of any major issues affecting their ward. Findings by this Task Force, and from previous Task Forces, substantiate that the work of a Council Member requires a significant number of hours a week. Furthermore, it appears that the public does not regard this as a 9 AM to 5 PM, Monday to Friday, role. Rather, they expect that Council Members will be available all times of the day, all days of the week. While this expectation may be considered, at times, unrealistic, it does demonstrate that there is a significant time commitment expected of Council Members by the constituents they serve and that Council Members should be visible in the community.

Another observation made by the Task Force was that there was a significant gap in the rate of compensation between the Mayor and a Council Member in the City of London, versus the gap between those roles in other municipalities. The Task Force has made the assumption that the gap in London is reflective of historical expectations of that role, rather than the current reality of how the role has evolved in terms of public expectation, the size and complexity of the City of London, and other legislative influences. The recommended compensation will help reduce that gap.

RECOMMENDATION #2: That NO ACTION BE TAKEN at this time with respect to the provision of additional compensation for the role of Deputy Mayor; it being noted that the level of compensation for this role should be reassessed once the role is more clearly defined and is not reliant on the discretion of each mayor.

Rationale: The current Municipal Council approved a new governance model which put in place two Deputy Mayors: one selected by the Mayor and one selected by the Municipal Council. Part way through the current Council term, the Municipal Council further refined the governance model by eliminating the Deputy Mayor position selected by the Municipal Council.

The current policy regarding the appointment of the Deputy Mayor states “The Mayor shall be solely responsible for determining which of their powers and duties are to be allocated to the Deputy Mayor and may adjust that allocation from time to time, at their discretion.” Primarily due to the ambiguity of the duties of the Deputy Mayor, and considering that the role has been established for a relatively short period of time, the Task Force felt that no action should be taken at this time with respect to additional compensation for this role. However, the Task Force notes that compensation for the Deputy Mayor should be reassessed by Council once the role becomes more clearly defined and there is experience on which to base a recommendation.

Recommendation #3: That NO ACTION BE TAKEN with respect to the provision of additional compensation for Ward Councillors serving as the Chair of a Standing Committee and all Council Members BE ENCOURAGED to serve as Chair throughout the course of their term of office.

Rationale: The Task Force believes that every Council Member should take on the role of Chair at some point through their term of office as a matter of course and, therefore, there should be no monetary incentive or disincentive to assume that role or not.

Recommendation #4: That the current formula for adjusting Council compensation on annual basis BE CONTINUED.

Rationale:

The current policy for the annual adjustment of Council compensation is as follows:

5(32) Remuneration for Elected Officials and Appointed Citizen Members

That a policy be established to adjust the salaries and honorariums of the elected officials and appointed citizen members of local boards and commissions where stipends are paid annually on January 1st by the percentage increase reflected in the Labour Index (monthly Index, Table 3), on the understanding that if such an index reflects a negative percentage, the annual adjustment to the salaries of elected officials and appointed citizen members will be 0%; and on the further understanding that if the Labour Index (monthly Index, Table 3) has increased by a percentage greater than the Consumer Price Index, Ontario, the annual percentage increase in the salaries and honorariums of the elected officials and appointed citizen members will be no greater than the increase in the Consumer Price Index, Ontario. It shall also be understood that in those years where non-union staff wages are frozen, no increase shall be applied.

Having considered the above policy, the Task Force is of the opinion that it remains effective and objective, and continues to ensure that compensation remains reasonable and respectful of local economic conditions. Therefore the Task Force sees no reason to change or discontinue the current policy for annual adjustments.

Recommendation #5: That, notwithstanding that there will be a minor budgetary impact by doing so, the City Clerk BE DIRECTED to bring forward the necessary by-law to eliminate the “1/3 tax free” allowance for Council Members, effective for the next Council term.

Rationale:

As part of its 2017 Budget, the Federal Government has suggested that some tax measures lack strong policy rationale and therefore require adjustment. One of those measures is the 1/3 tax free allowance available to certain municipal office-holders, and others. The Federal Government is proposing that this exemption be discontinued, though this tax policy change has not yet been made. Many Ontario municipalities have already discontinued utilization of the 1/3 tax free allowance on their own initiative, in the spirit of transparency, however London has not yet done so on the basis that removal of the allowance would have a negative, albeit very minor, impact on the local budget.

Unless the Federal Government makes the above-noted tax policy change prior to the next term of Council, which would negate the need for a by-law to eliminate the allowance, the Task Force believes that the time has come for London’s City Council to elect to discontinue the 1/3 tax free allowance and that this change should take effect with the next term of Council. This will help create greater transparency and position the City of London for expected changes to federal tax policy. This change also recognizes the fact that the original purpose of the exemption (i.e. to assist Council Members with any out-of-pocket expenses they incurred in carrying out their duties as a Council Member) has been mitigated over time through the provision of a separate expense allocation for Council Members. If City Council elects to discontinue the 1/3 tax free allowance prior to implementation of the recommended adjustment to compensation, it may wish to consider if an offsetting adjustment to compensation would be in order.

b) FUTURE REVIEWS

Recommendation #6: That a review of Council Compensation BE UNDERTAKEN by an independent body, once per Council term, subject to the following:

- i) the review should be completed no later than six months in advance of the date that nominations are accepted for the next municipal election;
- ii) any adjustments should be effective on the first day of the next Council term;

- iii) the Task Force should, as much as possible, reflect the diversity of the community and ideally the participants should have knowledge in the areas of municipal government, research, statistics, public engagement and compensation;
- iv) the Task Force should be limited to no more than five individuals;
- v) the review should include a review of the major supports required for Council Members to efficiently and effectively carry out their role to the best of their ability as the availability of these supports helps to inform compensation;
- vi) the review should consider if median full time income remains an appropriate benchmark for Council Member compensation;
- vii) the review should consider if the current formula for interim adjustments remains appropriate; and
- viii) public engagement should continue to be a component of the review process and that engagement should be undertaken in a manner which recognizes community preferences and needs.

Rationale:

The Task Force believes that a comprehensive review of Council compensation is not required more frequently than once per Council term to ensure it remains appropriate. Any minor adjustments that may be necessary in the interim would be addressed through the application of a pre-established Council Policy pertaining to annual adjustments. By utilizing an independent body to conduct the review and make its recommendations, the Council effectively distances itself from influencing the recommendations and is able to take advantage of outside expertise.

The Municipal Council can create a further degree of separation by adopting the approach that any increases recommended by a Task Force would not be in effect until the next Council takes office. It is, however, important to have compensation decisions completed sufficiently in advance of the opening of nominations for the next municipal election. While the Task Force stands by the opinion that being a Council Member is a public service and not a “job”, compensation does have a bearing on a person’s ability to effectively and efficiently serve as an elected official. Individuals who are considering running for office should have that information to help them decide if they will run for office or not.

Any Task Force should be reflective of the community it represents, and therefore the diversity of membership is important. Furthermore, there are certain skill sets that are helpful to a review of Council compensation, with some key areas of knowledge being municipal government, research, statistics, public engagement and compensation. In terms of numbers, while it is desirable to have sufficient numbers in order to be able to broaden the diversity and knowledge base on the Task Force, too many participants can negatively impede the progress of the Task Force’s work. Different perspectives and information can be obtained through the public engagement process, without unnecessarily impeding oversight of the review process itself.

As referenced previously, there are resources beyond monetary compensation which affect an individual’s capacity to effectively and efficiently carry out the duties of a Council Member to the best of their ability. Therefore, the Task Force believes there would be merit in taking a holistic look at other major supports beyond compensation (e.g. staff resources and expense allocations) to ensure all supports are complementary to one another and optimally meet the needs of Council Members in order to properly serve their constituents.

While a major review of compensation once every four years is sufficient, the Task Force believes that a policy for annual adjustments is necessary in order to ensure there is an independent mechanism for making interim adjustments that are in keeping with local economic data. That policy should be reviewed by each Task Force to ensure it remains relevant.

While the proposed Task Force composition should be diverse and draw upon a varied knowledge base, this does not preclude the importance of seeking public input and, therefore, public engagement should remain a component of any Task Force’s activities. The manner in which that engagement is done should be in keeping with the best practices of the day.

For the reasons expressed in this report, the Task Force feels strongly that median full time employment income is an appropriate benchmark for Council compensation and recommends that subsequent Task Forces consider if it remains an appropriate benchmark for Council Member compensation.

c) OTHER RECOMMENDATIONS

There were some common themes that came up during the consultation and research activities of the Task Force which highlighted two matters that did not necessarily fall directly within the mandate of the Task Force. However, the Task Force felt that those areas did have a correlation to compensation and were important enough to warrant bringing them to the attention of the Municipal Council. Those matters included public education, Council Member expense accounts and, other resources available to Council Members in the concept of performance based compensation. Additionally, the Task Force heard strong arguments from a few members of the public urging consideration of performance-based compensation, which warrants reference in this report.

Recommendation #7: That the Municipal Council BE REQUESTED to consider how it can better educate the public with respect to the legislative and non-legislative roles of Council Members.

Rationale:

The Task Force was surprised at how little even those who worked regularly with Council Members understood what Council Members did in their role. Constituents should have ready access to those details as it will help inform their working relationship with their elected representatives, help them to understand how a Council Member can be of assistance, provide a yardstick by which to judge that they are being adequately represented by their Council Member and to inform their own decision making with respect to whether or not they had an interest in serving as a Council Member themselves. Sharing the role of Council Members on the City of London's website and through other outreach opportunities (e.g. information sessions for potential candidates for City Council) could greatly assist in resolving this information gap.

Recommendation #8: That the Municipal Council BE REQUESTED to establish and make publicly available a reasonable timeframe for an initial response to an enquiry made by a constituent to a Council Member so that service standards are available to the public, recognizing that staff support should be utilized in a manner that expedites the response process as much as possible.

Rationale:

It is generally-accepted best practice to establish service standards for outward facing services. With that in mind, it would be helpful for the public to be better informed regarding what service standards are in place for a Council Member's response to a constituent's enquiry. This could be done through information on the Council Members' web page, as well as automated email and phone messaging. The Focus Group participants generally felt that an initial response to a constituent enquiry should be provided within one business day and, depending on the complexity of the enquiry, that initial response could simply provide interim information, including the status of the file, or could, wherever possible, provide a complete response. In order to expedite the response process, Council Members should fully utilize their support staff to assist with responding to constituent enquiries on their behalf, in order to avoid unnecessary delays pending the Council Member's own availability to respond to the enquiry themselves.

Recommendation #9: That opportunities BE EXPLORED to determine what support services might be needed in order to ensure that the right conditions are set for a Council Member to perform their policy and constituency duties to the highest level of their ability.

Rationale: Both public input and Councillor survey results (see Appendices G, H, I and J) substantiate that there is a significant amount of time Council Members are expected to dedicate to performing their policy and constituency duties and that they actually dedicate to those duties. The Focus Group participants tended to believe that hours spent should be closer to 40 hours per week, the public survey results indicated hours spent should be over 20 hours per week and social media/other respondents tended to indicate that hours spent should be over 35 hours per week. Council Members' responses to hours spent on a daily basis suggest they do spend over 20 hours per week and often much more than that. Clearly Council Members are expected to maintain a high degree of communication with their constituents, through a variety of means (including social media), which requires sufficient resources to do so. The business and legislative framework they operate under also requires them to be well informed on a broad range of subjects and places more personal accountability and liability on individual Council Members. Decision making is very often complex and fast-paced, so they must be nimble in their ability to assess and respond to the business needs of the City of London. While the Civic Administration does its best to provide the information Council Members require to make a decision with respect to various agenda matters, it does not negate the need for Council Members to obtain their own data and information in order to satisfy themselves as to an appropriate course of action or to introduce a new idea or approach.

It would be unreasonable to expect a Council Member to respond to every constituent, through a variety of means, undertake all of their own research and to undertake the necessary due diligence to ensure they are meeting the duties associated with their role in a timely and responsible manner. It is therefore important to regularly assess the demands on Councillors to ensure that satisfactory supports are in place to provide responses to constituents within a reasonable time frame, assist with research requirements and allow Council Members sufficient time to ensure they have done their necessary due diligence. That due diligence is not only important in terms of constituent expectations, but also to meet legislative requirements, some of which have very serious personal implications for Council Members. Availability of adequate support staff, support staff qualifications, educational opportunities, technical supports and financial supports are all integral to setting the right conditions for a Council Member to perform their duties to the highest level of their ability.

Recommendation #10: That when a review of the adequacy of staff resources is undertaken, that review BE DONE in conjunction with a review of Council Members' annual expense allocation.

Rationale:

With a view to maximizing the effectiveness and efficiency of Council Members in order to allow them to carry out their duties at the highest level of their ability, it is important to ensure they have the right resources available to them. Currently Council Members have a central support staff, but they are also able to purchase additional support through their annual expense allocation. However, a Council Member could feel that they may be criticized for how much they spend from their annual expense allocation and that may be enough to dissuade them from acquiring the supports they require. It may, therefore, be more effective to consider transferring a certain portion of the annual expense allocation for each Council Member toward enhancing the central staff resource group. Furthermore, a strong central staff resource group may be helpful in terms of continuity of service and knowledge that comes with experience. With the latter in mind, it is suggested that any review of the adequacy of staff resources should be done in conjunction with a review of the Council Members' annual expense allocation. An appropriate balance would see a Council Members' administrative and general operating requirements adequately resourced, with their expense allocation adjusted accordingly.

Recommendation #11: That NO ACTION BE TAKEN with respect to the consideration of a system of performance-based compensation for Council Members.

Rationale:

The Task Force heard strong arguments from a few members of the public urging consideration of performance-based compensation for Council Members. The Task Force does not consider this appropriate given the nature and performance of a

Council Members' duties, the vast differences in experience and approach (quantity versus quality) and the very unique and different demands from constituency to constituency. Accommodation of the above factors would, in the opinion of the Task Force, make it very difficult to create and enforce a system of performance-based compensation in an equitable manner. Performance will inevitably be measured every four years by the voting public.

4. ACKNOWLEDGEMENTS

The members of the 2016 Council Compensation Review Task Force would like to acknowledge and thank the following for their contribution to the work of this Task Force.

- Members of the public who took the time to fill in the public Council Compensation Survey either on-line or in paper form.
- Members of the public who took the time to participate in the Focus Group Session and/or the Open House.
- Other municipalities who provided information regarding their practices.
- Council Members who provided responses to the anonymous survey.
- Local media who provided coverage of the activities of the Task Force, especially their support in helping to publicize the availability of the Public Survey and the Public Participation Meeting.
- City of London staff that supported the work of the Task Force throughout the process.

Respectfully submitted:

Dan Ross, Chair
On behalf of the 2016 Council Compensation Review Task Force

Appendix “C”

TO: Council Compensation Review Task Force

FROM: Ian Collins, Director Financial Services

DATE: November 5, 2021

RE: Median Full-Time Employment Income Data for Londoners


In response to a request from the City Clerk for updated information with respect to the median full-time employment income data, we have in the past relied on the Stats Canada Profile which allowed us to identify the following categories for London, Ontario:

- Median employment income in 2015 for full-year full-time workers \$51,181
- Average employment income in 2015 for full-year full time workers \$60,918




<https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=3539036&Geo2=CD&Code2=3539&SearchText=London&SearchType=Begin&SearchPR=01&B1=All&TABID=1&type=0>

Census Profile, 2016 Census

London, City [Census subdivision], Ontario and Middlesex, County [Census division], Ontario



Topic: Counts Rates

| Characteristic | London, C.Y. Ontario [Census subdivision] | | | Middlesex, C.T.Y. Ontario [Census division] | | |
|-------------------------------------|--|------|--------|--|------|--------|
| | <input type="button" value="Data quality"/> <input type="button" value="Map"/> | | | <input type="button" value="Data quality"/> <input type="button" value="Map"/> | | |
| | <input type="button" value="Change geography"/> | | | <input type="button" value="Change geography"/> | | |
| | Total | Male | Female | Total | Male | Female |
| Counts (unless otherwise specified) | | | | | | |

| | | | | | | |
|---|--------|--------|--------|--------|--------|--------|
| Median employment income in 2015 for full-year full-time workers (\$) <small>25</small> | 51,181 | 55,084 | 47,628 | 51,786 | 55,926 | 47,710 |
| Average employment income in 2015 for full-year full-time workers (\$) <small>26</small> | 60,918 | 66,188 | 54,715 | 61,334 | 66,907 | 54,596 |

These categorizations fit well into the framework that was set out in the 2016 Council Compensation Report.

Unfortunately, although a Census was undertaken this past year, 2021 Census, income data will not be available until July 13, 2022 which is after the deadline for the Council Compensation Review Task Force to provide a recommendation to Municipal Council.

In looking at other data points that are available for London, Ontario, the ranges vary across the board. One site indicates the average London Ontario salary in Canada is \$35,685 (ca.talent.com) per year, where as another site indicates \$67,185 (salaryexpert), and another indicates \$55,000 (payscale).

Based on the information that we are aware of, we believe that Stats Canada data would be the appropriate information to review, however as noted above, the current data is not available, and the 2015 data is outdated.

Appendix “C”

We could look at extrapolating from the 2016 Census Canada by inflating using either the CPI for Ontario for the past 5 years, or even the labour rate, but those are not London centric.

We will also reach out to our Economic Development staff and London Economic Development Corporation to seek their input.

Appendix "D"

Bill No. 584
2018

By-law No. A.-7788-492

A by-law to eliminate the "one-third tax free" allowance for Elected Officials.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London at its meeting on December 20, 2002 passed a resolution declaring Municipal Council's intention pursuant to subsection 255(2) of the *Municipal Act*, R.S.O. 1990 c. M. 45 to continue to have one-third of council remuneration deemed to be expenses incident to the discharge of his or her duties;

AND WHEREAS the Municipal Council of the Corporation of the City of London at its meetings on May 1, 2006, November 15, 2010, and October 27, 2015 further resolved to continue to deem one third of the remuneration paid to members of Council and its local boards expenses incident to the discharge of their duties and therefore tax exempt pursuant to the provisions of subsection 238 of the *Municipal Act, 2001*;

AND WHEREAS subsection 283 (5) of the *Municipal Act, 2001*, S.O. 2001, provides if a resolution of a municipality under subsection 255(2) or (3) of the old Act is not revoked before January 1, 2003, the resolution shall be deemed to be a by-law of the municipality and one-third of the remuneration paid to the elected members of the council and its local boards is deemed as expenses incident to the discharge of their duties as members of the council or local board;

AND WHEREAS subsection 283 (6) of the *Municipal Act, 2001*, S.O. 2001, provides that Council may repeal a by-law under subsection (5);

AND WHEREAS at its meeting held on August 22, 2017, Municipal Council resolved that the "one-third tax free" allowance for Council members be eliminated effective for the next Council term based on recommendations from the 2016 Council Compensation Review Task Force,

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Municipal Council's resolution passed on December 20, 2002 that was deemed to be a by-law of the municipality by subsection 283(5) of the *Municipal Act*, S.O. 2001 is hereby repealed.
2. Municipal Council's resolution passed on December 20, 2002 is hereby revoked.

3. That the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer be authorized to take any and all administrative acts that are necessary to eliminate the one third tax free allowance.

4. This by-law shall come into force and effect on January 1, 2019.

Passed in Open Council on October 16, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – October 16, 2018
Second Reading – October 16, 2018
Third Reading – October 16, 2018

Appendix "E"

| BODY/POSITION | 2015 | 2016 | 2017 | 2018 | 2018-19 adjustment | 2019 | 2020 | 2021 | Comment |
|---|-----------|------------|------------|------------|-----------------------|------------|------------|------------|----------------------------|
| Mayor (paid in their capacity as Head of Council, Chair of the respective committees, Chief Executive Officer of the Corporation and member ex-officio of any local board, commission, or other body) | \$104,258 | \$ 104,258 | \$ 104,258 | \$ 106,030 | \$ 138,025 | \$ 141,200 | \$ 141,200 | \$ 142,188 | City funded |
| Councillors | 33,465 | 33,465 | 33,465 | 34,034 | 51,181 | 52,358 | 52,358 | 52,725 | City funded |
| Chair of Standing Committees (only one chair stipend in a given year to a Councillor) | 1,249 | 1,249 | 1,249 | 1,270 | Stipend eliminated | - | - | - | City funded |
| London Transit Commission (LTC) (effective 1995, no remuneration to Council Members) | 4,648 | 4,704 | 4,789 | 4,870 | | 4,982 | 4,982 | 5,017 | City funds three positions |
| Chair (LTC) additional per year (effective 1995, no remuneration to Council Members) | 863 | 874 | 890 | 905 | | 926 | 926 | 932 | City funds one position |
| Committee of Adjustment (effective 1995, no remuneration paid to Council Members) | 6,788 | 6,870 | 6,994 | 7,113 | | 7,277 | 7,277 | 7,328 | City funds five positions |
| Chair, Committee of Adjustment (additional per year) (effective 1995, no remuneration paid to Council Members) | 883 | 893 | 909 | 925 | | 946 | 946 | 953 | City funds one position |
| Court of Revision (Local Improvements & Drainage) – per meeting attended | 71 | 72 | 73 | 74 | | 76 | 76 | 77 | City funds three positions |
| Chair, Court of Revision (additional per meeting attended) | 11 | 11 | 12 | 12 | | 12 | 12 | 12 | City funds one position |
| Municipal Election Compliance Audit Committee (begins March 6, 2018) - per meeting attended - no annual increase | | | | | | 100 | 100 | 100 | City funds 3-7 positions |
| Hearings Officer (begins May 1, 2020) - per hearing day - no annual increase | | | | | | 100 | 100 | 100 | City funds five positions |
| Middlesex-London Health Unit – per meeting attended (no remuneration to Council Members, HPPA, R.S.O. 1990, c.H.7, s.49(11)) | 147.04 | 149.50 | 152.00 | 151.49 | | | | | |
| Upper Thames River Conservation Authority – per meeting attended (+ mileage at \$ 50/km) | 59.50 | 59.50 | 59.50 | 59.50 | | 59.50 | 59.50 | | |
| Lower Thames Region Conservation Authority – per meeting attended (+ mileage at \$.55/km) | 65 | 65 | 65 | 65 | | 65 | 65 | | |
| Kettle Creek Conservation Authority – per meeting attended (+ mileage at \$.47/km) | 86 | 86 | 86 | 86 | | 86 | 86 | | |
| Plumbers and Drain layers Examining Board | 100 | 100 | 100 | 100 | | 100 | 100 | | |
| Greater London International Airport Authority, \$10,000 retainer + \$800 for each board meeting and \$500 per committee meeting | 10,000 | 10,000 | 10,000 | 10,000 | | 10,000 | 10,000 | | |
| Chair, Greater London International Airport Authority, \$20,000 retainer + \$800 for each board meeting and \$500 per committee meeting | 20,000 | 20,000 | 20,000 | 20,000 | | 20,000 | 20,000 | | |
| London Hydro Inc. Board of Directors (plus \$600 per mtg attended) | 6,000 | 6,000 | 6,120 | 6,212 | | 6,336 | 6,432 | | |
| Chair, London Hydro Inc. (plus \$600 per meeting attended) | 10,000 | 10,000 | 10,000 | 10,353 | | 10,560 | 10,716 | | |
| London Police Services Board (no remuneration for the Mayor, and, effective 1995, no remuneration for other Members of Council) | 7,081 | 7,166 | 7,295 | 7,419 | | 7,590 | 7,590 | \$ 7,643 | |
| Chair, London Police Services Board – additional per year | 837 | 847 | 862 | 877 | | 897 | 897 | \$ 903 | |

2021 Increase – 0.7% for Council, 0.7% for appointed, effective January 1st

Appendix “F”

Remuneration for Elected Officials and Appointed Citizen Members Policy

BY-LAW NUMBER CPOL. -70(a)-408

AS AMENDED BY

Legislative History:

Adopted August 22, 2017 (By-law No. CPOL.-70-302) – review and update of the Council Policy Manual. No substantive change.

Amended July 24, 2018 (By-law No. CPOL.-70(a)-408) – reformatting into the new Council Policy template, review with the gender equity lens and content updates. No substantive change.

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy establishes how the remuneration for City of London elected officials and appointed citizen members of local boards and commissions, where such remuneration is paid by the City of London, is adjusted.

2. Definitions

2.1 Not applicable.

3. Applicability

3.1 This policy shall apply to City of London elected officials and appointed citizen members of local boards and commissions whose remuneration is paid by the City of London.

4. The Policy

4.1 The remuneration for City of London elected officials and appointed citizen members of local boards and commissions, where stipends are paid by the City of London, shall be adjusted annually on January 1st by the percentage increase reflected in the Labour Index (monthly Index, Table 3), on the understanding that:

- a) if such an index reflects a negative percentage, the annual adjustment to the remuneration for City of London elected officials and appointed citizen members will be 0%; and
- b) if the Labour Index (monthly Index, Table 3) has increased by a percentage greater than the Consumer Price Index, Ontario, the annual percentage increase in the remuneration for elected officials and appointed citizen members will be no greater than the increase in the Consumer Price Index, Ontario; and
- c) in those years where non-union staff wages are frozen, no increase shall be applied.

Appendix "G"

Appointment of Deputy Mayor Policy

BY-LAW NUMBER CPOL. -54-286

Legislative History: Adopted August 22, 2017 (By-law No. CPOL.-54-286) – review and update of the Council Policy Manual. No substantive change.

Last Review Date: August 10, 2021

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy establishes the process for the appointment of a Deputy Mayor to assist the Mayor in carrying out their powers and duties and/or act in the place of the head of Council or other member of Council designated to preside at meetings in the municipality's procedure by-law when the head of Council or designated member is absent or refuses to act or the office is vacant. This shall include general business continuity in the absence of, or refusal to act by, the Mayor; attendance at meetings/events on behalf of the Mayor; participation/representation on civic committees, local boards, commissions or agencies and other related organizations and assistance with the Operating and Capital budget process through participation on the Audit Committee.

2. Definitions

2.1 Not applicable.

3. Applicability

3.1 This policy applies to all Ward Councillors.

4. The Policy

4.1 General

- a) All Ward Councillors shall be eligible to serve as Deputy Mayor.
- b) The Deputy Mayor shall be selected by the Mayor, confirmed by a majority vote of the Municipal Council and appointed by by-law.
- c) The Mayor shall be solely responsible for determining which of their powers and duties are to be allocated to the Deputy Mayor and may adjust that allocation from time to time at their discretion.
- d) There shall be no limit to the number of terms a Member of Council can serve as Deputy Mayor.
- e) In the event the head of Council's seat becomes vacant, as defined in section 259 of the *Municipal Act, 2001*, that vacancy shall be filled in accordance with section 263 of the *Municipal Act, 2001*, with the Deputy Mayor to act in the place of the head of Council until such time as the vacant seat is otherwise filled.

4.2 Selection of Deputy Mayor Process

- a) The Mayor's initial selection for Deputy Mayor shall be determined and confirmed at the Inaugural Meeting of Municipal Council, and appointed by by-law.
- b) The term of the Deputy Mayor shall last no longer than the Council term during which the Deputy Mayor was selected.
- c) The Mayor may, at their discretion, change their selection for Deputy Mayor throughout the course of their term as Mayor, in order to allow the Mayor to effectively draw upon the varied skill sets of Council Members.
- d) In the event the Mayor exercises their right under (c) above, any subsequent selection for Deputy Mayor shall be confirmed by Council, and appointed by by-law.

Appendix “H”

Municipal Act, 2001

Role of council

224 It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act. 2001, c. 25, s. 224; 2006, c. 32, Sched. A, s. 99.

Role of head of council

225 It is the role of the head of council,

- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under this or any other Act. 2001, c. 25, s. 225; 2006, c. 32, Sched. A, s. 100.

Appendix "I"

| | |
|-----------------|--|
| TO: | CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING MARCH 19, 2019 |
| FROM: | CATHY SAUNDERS, CITY CLERK |
| SUBJECT: | IMPLEMENTATION - <i>MODERNIZING ONTARIO'S MUNICIPAL LEGISLATION ACT, 2017</i> |

| |
|-----------------------|
| RECOMMENDATION |
|-----------------------|

That, on the recommendation of the City Clerk, with the concurrence of the City Manager and the Managing Director, Corporate Services and City Solicitor, the following actions be taken with respect to the introduction of policies and procedures to implement amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act* as set out in the *Modernizing Ontario's Municipal Legislation Act, 2017*:

- a) the proposed by-law attached as Appendix "A" being "A by-law to repeal and replace By-law No. CPOL.-69-301, as amended, being a By-law entitled "Code of Conduct for Members of Council" and replace it with a new Council policy entitled "Code of Conduct for Members of Council" to incorporate regulations resulting from recent amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*" BE INTRODUCED at the Municipal Council meeting to be held on March 26, 2019;
- b) the proposed by-law attached as Appendix "B" being "A by-law to enact a new Council policy entitled "Code of Conduct for Local Boards" to implement recent amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*" requiring a municipality to establish codes of conduct for local boards BE INTRODUCED at the Municipal Council meeting to be held on March 26, 2019;
- c) the proposed by-law attached as Appendix "C" being "A by-law to enact a Council Policy entitled "The Corporation of the City of London Integrity Commissioner Terms of Reference" to provide for a revised Terms of Reference to address recent amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*" BE INTRODUCED at the Municipal Council meeting to be held on March 26, 2019;
- d) the proposed by-law attached as Appendix "D" being "A by-law to enact a new Council policy entitled "Members of Council Public Registry Declaration of Interest" to implement recent amendments to the *Municipal Conflict of Interest Act*" requiring Members of Council to submit written statements regarding disclosure of interests and the creation of a registry of written statements to be available for public inspection BE INTRODUCED at the Municipal Council meeting to be held on March 26, 2019;
- e) the proposed by-law attached as Appendix "E" being "A by-law to enact a new Council policy entitled "Public Registry Declaration of Interest for Local Boards" to implement recent amendments to the *Municipal Conflict of Interest Act*" requiring Members of Local Boards to submit written statements regarding disclosure of interests and the creation of a registry of written statements to be available for public inspection BE INTRODUCED at the Municipal Council meeting to be held on March 26, 2019; and

- f) the proposed by-law attached as Appendix “F” being “A by-law to enact a new Council policy entitled “Members of Council – Absence – Pregnancy or Parental Leave” to establish a process to recognize a Member of Council’s ability to take pregnancy and parental leave without a Council motion resulting from recent amendments to the *Municipal Act, 2001* BE INTRODUCED at the Municipal Council meeting to be held on March 26, 2019.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Item #3 – October 6, 2015 – Corporate Services Committee
Item #4 – July 18, 2017 – Corporate Services Committee
Item #7 – December 5, 2017 – Corporate Services Committee

BACKGROUND

In the summer of 2015, the Province initiated a consultation process to review a number of pieces of Provincial legislation that affect municipal government, including the *Municipal Act, 2001*, the *Municipal Elections Act, 1996*, and the *Municipal Conflict of Interest Act (MCIA)*.

The provincial review was focused on the following themes:

1. Accountability and Transparency;
2. Municipal Financial Sustainability; and
3. Responsive and Flexible Municipal Government.

The resulting legislation, Bill 68, “An Act to amend various Acts in relation to municipalities” received Royal Assent on May 30, 2017. The short title of this Act is the “*Modernizing Ontario’s Municipal Legislation Act, 2017*”. A number of the resulting amendments came into effect on January 1, 2018, with the remaining amendments coming into effect March 1, 2019.

A complete copy of Bill 68 can be found at the following link:

http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=4374

The purpose of this report is to bring forward for Municipal Council’s consideration the following proposed policies and procedures to implement the regulations set out in Bill 68 that must be in place by March 1, 2019:

1. A revised code of conduct for Members of Council that reflects changes to the *Municipal Act, 2001* and the MCIA and the related revised complaint protocol (Appendix “A”).
2. A new code of conduct for Members of Local Boards, including Business Improvement Areas (“BIAs”), similar to that established for the Members of Council, along with the related complaint protocol (Appendix “B”).
3. A revised Terms of Reference for the expanded and mandatory role of Integrity Commissioners that includes application to the required codes of conduct and the MCIA, as well as responding to requests from Members of Council and members of local boards for advice respecting their obligations under their respective code of conduct and the MCIA, and providing educational information to the Members of Council, members of local boards, the municipality and the public regarding the codes of conduct and the MCIA (Appendix “C”).

4. A new Council Policy that includes the requirement for municipalities to establish a public registry of declarations of pecuniary interest made by Members of Council (Appendix “D”).
5. A new Council Policy that includes the requirement for municipalities to establish a public registry of declarations of pecuniary interest for members of local boards (Appendix “E”).
6. A new Council policy for pregnancy leaves and parental leaves of Members of Council, whereby a member is not required to obtain authorization from Council to be absent for 20 consecutive weeks or less, if the absence is the result of the member’s pregnancy, the birth of a member’s child or adoption of a child (Appendix “F”).

The Legislative Changes – Municipal Act, 2001

Codes of Conduct for Members of Council and Local Boards

Legislation requires municipalities to establish codes of conduct for members of the council and local boards. The City established a Code of Conduct for Members of Municipal Council in September of 2014. The Code does not apply to the City’s local boards:

<http://www.london.ca/city-hall/city-council/Documents/Code%20of%20Conduct.pdf>

As a result of the Bill 68 amendments, a proposed revised “Code of Conduct for Members of Council” and related Complaint Protocol and a proposed “Code of Conduct for Local Boards” and related Complaint Protocol are attached to this report as Appendix “A” and Appendix “B”, respectively, for Municipal Council’s consideration. The proposed “Code of Conduct for Local Boards” applies to all members of local boards and not just those members that are elected officials.

Local Boards

The Code of Conduct for Local Boards would apply to the following entities:

1. Business Improvement Areas (BIAs)
2. Committee of Adjustment

The Code of Conduct for Local Boards does not apply to:

- A board of health;
- A committee of management of a long-term care home;
- A police services board;
- A library board; or
- A municipal corporation

Integrity Commissioner – Mandatory Appointment and Expanded Duties

- The functions to be performed by an Integrity Commissioner have been expanded considerably with the most significant being the application of, advice related to and the power to conduct inquiries under section 5, 5.1 and 5.2 of the MCIA and the power to make an application to a judge for a determination that a member has contravened those sections of the MCIA.
- Municipalities must appoint an Integrity Commissioner for its members of council and local boards.

- New rules will apply related to processes to be followed for inquiries conducted by an Integrity Commissioner.

Currently, the functions of an Integrity Commissioner are limited by the *Municipal Act, 2001* to the:

- a) application of the code of conduct for members of council and of local boards; and
- b) application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and local boards.

Bill 68 expands the functions of the Commissioner to include new matters, noting that these functions are mandatory:

- a) the application of sections 5, 5.1 and 5.2 of the MCIA to members of council and of local boards;
- b) requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member;
- c) requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members;
- d) requests from members of council and of local boards for advice respecting their obligations under the MCIA; and
- e) the provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the MCIA.

One of the most significant amendments in Bill 68 is the new power granted to Integrity Commissioners to conduct inquiries concerning alleged contraventions of section 5, 5.1 or 5.2 of the MCIA by a member of council or a local board:

- a) an Integrity Commissioner may conduct an inquiry into any such matter if made on the application of an elector or a person demonstrably acting in the public interest;
- b) time restrictions apply with respect to when an application may be made and when the Integrity Commissioner must complete the inquiry;
- c) upon completion of the inquiry an Integrity Commissioner may exercise their discretion and apply to a judge for a determination as to whether the member has contravened section 5, 5.1 or 5.2 of the MCIA; and
- d) the costs of an Integrity Commissioner's application to a judge are to be paid by the municipality or the local board.

Bill 68 includes a number of provisions related to the processes used by Integrity Commissioners when conducting inquiries:

- a) requests for advice and responses given by an Integrity Commissioner must be in writing; and

- b) during the period from nomination day to voting day:
- i) no inquiries may be conducted, including inquiries under the MCI Act;
 - ii) an Integrity Commissioner may not report on any contraventions of the Code; and
 - iii) inquiries not completed before nomination day must be terminated.

Under Bill 68, municipalities are required to appoint an Integrity Commissioner to perform the responsibilities noted above. The following rules will apply:

- a) where a municipality has not appointed an Integrity Commissioner, it must make arrangements for those responsibilities to be performed by a Commissioner of another municipality; and
- b) if a municipality has appointed an Integrity Commissioner but has not assigned to them all of the responsibilities set out in section 223.3(1), the municipality must make arrangements for those responsibilities to be performed by an Integrity Commissioner of another municipality.

The Legislative Changes - *Municipal Conflict of Interest Act*

New Statement of Principles

- A statement of principles is added to the Act:

Section 1.1

“Principles

1.1 *The Province of Ontario endorses the following principles in relation to the duties of members of councils and of local boards under this Act:*

- 1. The importance of integrity, independence and accountability in local government decision-making.*
- 2. The importance of certainty in reconciling the public duties and pecuniary interests of members.*
- 3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.*
- 4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.”*

These principles will assist elected officials, the public and the courts in understanding the role of an elected official in promoting confidence in municipal government. Section 1.1 will also guide the courts in interpreting the MCI Act.

New Rules for Disclosure of Pecuniary Interest

- Requirement for members to file a written declaration of pecuniary interest.
- Requirement for municipalities and local boards to establish a registry of members’ pecuniary interests.
- New rules permitting members to participate in discussions where a council is considering suspending a member’s pay as a result of a finding of an Integrity Commissioner.

Members are required to file with the City Clerk or the secretary of the committee or local board as the case may be, a written statement of the pecuniary interest and its general nature. The written statement must be filed at the meeting or as soon as possible afterwards.

In addition to the written statement, members are still required under section 5 to make a verbal disclosure of any pecuniary interest they may have prior to the consideration of the matter at the meeting with all such declarations to be recorded in the minutes of the meeting.

Municipalities and local boards will be required to establish and maintain a registry in which they must keep a copy of each:

- a) declaration of pecuniary interest recorded in the minutes of a meeting; and
- b) written statement of the pecuniary interest filed by a member.

The registry must be available for public inspection in a manner and during the time that the municipality or local board may determine.

New rules apply where a council or local board is considering whether to suspend the remuneration paid to a member as a result of a contravention by the member of the code of conduct. The member may:

- a) take part in any discussion of the matter;
- b) make a submission to council;
- c) attempt to influence the voting on a question with respect to the matter; and
- d) attend any meeting related to the matter that is closed to the public.

The member is not permitted to vote on any question in respect of the matter.

Expansion of prohibited activity where a member has a pecuniary interest

- Expansion of the rule related to prohibited activities where a member has a pecuniary interest to include activities beyond council and committee meetings.

Members who have a direct or indirect pecuniary interest in a matter that is being considered by an officer or employee of a municipality or local board or a person or body who has a delegated power or duty are precluded from using their office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

This rule will not apply to a person or body (ie. Council or an Integrity Commissioner) who is considering the exercise of a delegated power under section 223.4(5) of the *Municipal Act, 2001* to impose a penalty for a contravention of a code of conduct.

Court Applications for Alleged Contraventions to Sections 5, 5.1 or 5.2

- Court proceedings for a determination as to whether a member has contravened the MCIA may be commenced by an elector, an Integrity Commissioner, a municipality or a person acting in the public interest.

Currently, standing to make an application to a judge is limited to an elector. The Bill 68 amendments expand standing to an Integrity Commissioner or a person acting in the public interest. Certain rules related to the timing of the application including time limitations and blackout periods between nomination day and Election Day apply.

Expanded Penalties that may be Imposed by a Judge

If a Judge determines that a member or former member has contravened the MCIA, the Judge may do any or all of the following:

- reprimand the member or former member;
- suspend remuneration paid to the member for a period up to 90 days;
- declare the member's seat vacant;
- disqualify the member or former member from being a member during a period of not more than seven years after the date of the order;
- if the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or if the party's identity is not readily ascertainable, to the municipality.

Proposed Implementation Changes

In order to implement the above noted legislative changes it is recommended that the following documents be adopted by Municipal Council:

1. A revised code of conduct for Members of Council that reflects changes to the *Municipal Act, 2001* and the MCIA and the related revised complaint protocol (Appendix "A").
2. A new code of conduct for Members of Local Boards, including Business Improvement Areas ("BIAs"), similar to that established for the Members of Council, along with the related complaint protocol (Appendix "B").
3. A revised Terms of Reference for the expanded and mandatory role of Integrity Commissioners that includes application to the required codes of conduct and the MCIA, as well as responding to requests from Members of Council and members of local boards for advice respecting their obligations under their respective code of conduct and the MCIA, and providing educational information to the Members of Council, members of local boards, the municipality and the public regarding the codes of conduct and the MCIA (Appendix "C").
4. A new Council Policy that includes the requirement for municipalities to establish a public registry of declarations of pecuniary interests made by Members of Council (Appendix "D").
5. A new Council Policy that includes the requirement for municipalities to establish a public registry of declarations of pecuniary interests for local boards (Appendix "E").

It is noted that the Integrity Commissioner has reviewed the two proposed Codes of Conduct and related Complaint Protocols and the revised Terms of Reference for the Integrity Commissioner and concurs with the recommendation of adoption.

Councillor Eligibility – Absence for Pregnancy or Adoption

Bill 68 also provides that a member does not require authorization from Council to be absent for 20 consecutive weeks or less, if the absence is a result of the member's pregnancy, the birth of a member's child or the adoption of a child by the member.

Attached as Appendix "F" to the Report is a proposed Council Policy entitled "Members of Council – Absence – Pregnancy or Parental Leave" for Municipal Council's consideration.

| | |
|--|---|
| PREPARED AND RECOMMENDED BY: | CONCURRED BY: |
| | |
| CATHY SAUNDERS CITY CLERK | MARTIN HAYWARD, CITY MANAGER |
| CONCURRED BY: | |
| | |
| BARRY CARD MANAGING DIRECTOR, CORPORATE SERVICES AND CITY SOLICITOR | |

APPENDIX “A”

Bill No. xxx
2019

By-law No. CPOL.-_____

A by-law to repeal and replace By-law No. CPOL.-69-301, as amended, being a By-law entitled “Code of Conduct for Members of Council” and replace it with a new Council policy entitled “Code of Conduct for Members of Council” to incorporate regulations resulting from recent amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to repeal and replace By-law No. CPOL-69-301, being a By-law entitled “Code of Conduct for Members of Council” and replace it with a new Council policy entitled “Code of Conduct for Members of Council” to incorporate regulations resulting from recent amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled “Code of Conduct for Members of Council”, attached hereto as Schedule “A” is hereby adopted.
2. By-law No. CPOL.-69-301, as amended, being a By-law entitled “Code of Conduct for Members of Council” is hereby repealed.
3. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on March 26, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 26, 2019
Second Reading – March 26, 2019
Third Reading – March 26, 2019

Schedule “A”

Policy Name: Code of Conduct for Members of Council

Legislative History: Adopted August 22, 2017 (By-law No. CPOL.-69-301); Amended July 24, 2018 (By-law No. CPOL.-69(a)-407), Repealed and Replaced March 26, 2019 (By-law No. CPOL.-_____)

Last Review Date: March 19, 2019

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This Code of Conduct is established under the authority of Part V.1 – Accountability and Transparency of the *Municipal Act, 2001*, as amended.

2. Definitions

In this Code of Conduct:

- 2.1 **Apparent conflict of interest** – shall mean if there is a reasonable perception, which a reasonably well-informed person could properly have, that the Member’s ability to exercise an official power or perform an official duty or function must have been affected by their private interest;
- 2.2 **Child** – shall mean a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of their family;
- 2.3 **Code** – shall mean this Code of Conduct;
- 2.4 **Corporation** - shall mean The Corporation of the City of London;
- 2.5 **Council** - shall mean the Council of The Corporation of the City of London;
- 2.6 **Family member** - shall mean a child, parent or a spouse;
- 2.7 **Member** - shall mean a Member of Council and includes the Mayor;
- 2.8 **Parent** – shall mean a parent who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
- 2.9 **Spouse** - shall mean a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage;

3. Applicability

- 3.1 This Code of Conduct applies to the Mayor and all Members of Council.

4. The Code

Rule 1 - Key Principles and Framework

- 1.1 The Code is to be given a broad, liberal interpretation in accordance with the applicable legislation, the definitions set out herein and its general intent and purposes.
- 1.2 The Code operates together with, and as a supplement to, the following legislation that governs the conduct of Members:

- (i) *Municipal Act, 2001;*
- (ii) *Municipal Conflict of Interest Act;*
- (iii) *Municipal Elections Act, 1996;*
- (iv) *Municipal Freedom of Information and Protection of Privacy Act;*
- (v) *Provincial Offences Act;*
- (vi) *Occupational Health and Safety Act;*
- (vii) *Ontario Human Rights Code;*
- (viii) *Criminal Code of Canada; and*
- (ix) the by-laws and policies of Council as adopted and amended from time to time.

1.3 Members are governed by the *Municipal Conflict of Interest Act* which contains the following principles in relation to the duties of Members:

1. The importance of integrity, independence and accountability in local government decision-making.
2. The importance of certainty in reconciling the public duties and pecuniary interest of Members.
3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.
4. There is a benefit to municipalities and local boards when Members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations and otherwise.

1.4 Members seeking clarification of any part of this Code should consult with the Integrity Commissioner and submit such requests in writing.

1.5 Any advice given by the Integrity Commissioner to a Member shall be in writing and binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.

1.6 In carrying out their responsibilities regarding the Code, the Integrity Commissioner is not limited to looking at the pecuniary interest of the Member and, for clarity, the Integrity Commissioner is specifically authorized to investigate issues of conflict in a broad and comprehensive manner.

Rule 2 - General Rules

2.1 Members shall serve and be seen to serve their constituents in a conscientious, accountable, transparent and diligent manner.

2.2 Members shall be committed to performing their functions with integrity, independence and impartiality and avoid the improper use of the influence of their office, and conflicts of interest, including apparent conflicts of interest.

2.3 Members shall not extend favour in the discharge of their official duties, preferential treatment to family members, organizations or groups in which they or their family members have a direct or indirect pecuniary interest.

2.4 Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

2.5 Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament, the Ontario Legislature, and the by-laws and policies of the Corporation.

2.6 Members shall accurately and adequately communicate the decisions of the Council, even if they disagree with Council's decision, such that the respect for the decision-making processes of Council is fostered.

Rule 3 - Confidential Information

3.1 Members shall hold in strict confidence all information concerning matters dealt with at a meeting closed to the public under the *Municipal Act* or any other Act. For greater certainty, information shall include, without limitation, documents, records, advice received, presented, reviewed or discussed at a closed meeting and any discussion, direction and deliberation during the closed meeting. A Member shall not, either directly or indirectly, disclose, release, make public or in any way divulge any such information or any aspect of a closed meeting to anyone unless expressly authorized by Council or required by law.

3.2 A Member shall not collect, use, or disclose information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

3.3 A Member shall not disclose information that is subject to solicitor-client privilege, unless the privilege has been expressly waived by Council.

3.4 A Member shall not misuse any confidential information such that the release thereof may cause detriment to the Corporation, Council, the public or others or benefit or detriment to themselves or others. For greater certainty, confidential information includes, without limitation, information that a Member has knowledge of by virtue of their position as a Member that is not in the public domain, including emails, and oral and written communications from other Members or third parties.

Rule 4 - Conduct at Meetings and When Representing the Council or the Corporation

4.1 A Member shall conduct themselves with appropriate decorum at all times.

4.2 A Member shall conduct themselves at meetings of Council, committees, agencies, local boards and commissions to which they are appointed by the Council, or by virtue of being an elected official, with decorum in accordance with the provisions of the applicable procedure by-law.

4.3 A Member shall make every effort to participate diligently in the activities of the Council and the committees, agencies, local boards and commissions to which they are appointed by the Council, or by virtue of being an elected official.

Rule 5 - Incompatible Activity

5.1 A Member shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of their official duties in the public interest.

5.2 Without limiting the generality of the foregoing, a Member shall not:

- a) use the influence of their office for any purpose other than for the exercise of their official duties;
- b) act as an agent before Council, any committee, board or commission of Council or the City's Hearings Officer;
- c) use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;

- d) place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
- e) give preferential treatment to any person or organization in which a Member has a financial interest;
- f) influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member has a financial interest;
- g) use the Corporation's property, materials, equipment, services, supplies, facilities, officers, employees, agents or contractors for personal gain, personal purpose or for any private purpose; or
- h) influence or interfere, either directly or indirectly, financially, politically or otherwise with employees, officers or other persons performing duties under the *Provincial Offences Act*.

5.3 A Member shall not allow the prospect of their future employment by a person or entity to detrimentally affect the performance of their duties.

5.4 A Member shall avoid waste, abuse and extravagance in the provision or use of public resources.

5.5 A Member shall expose fraud and corruption of which the Member is aware.

Rule 6 - Conduct Respecting Staff

6.1 A Member shall be respectful of the Corporation's officers, employees, individuals contracted by the Corporation on a purchase of service agreement and students on placements, role to provide advice based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council or a committee.

6.2 No Member shall injure the professional or ethical reputation, or the prospect or practice of an officer or employee of the Corporation, an individual contracted by the Corporation on a purchase of service agreement or a student on placement, and all Members shall show respect for the professional capacities of such persons.

6.3 No Member shall compel or attempt to compel an officer and employee of the Corporation to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.

6.4 No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any officer or employee of the Corporation, individual contracted by the Corporation on a purchase of service agreement or a student on placement with the intent of interfering in that employee's duties, including the duty to disclose improper activity.

6.5 Members shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members.

Rule 7 - Discreditable Conduct

7.1 Members have a duty to treat members of the public, one another, individuals contracted by the Corporation on a purchase of service agreement, students on placement and officers and employees of the Corporation appropriately and without abuse, bullying or intimidation and to ensure that their work environment is safe and free from discrimination and harassment. *The Ontario Human Rights Code* and the *Occupational Health and Safety Act* apply and, where applicable, the Corporation's Workplace Harassment and Discrimination Prevention Policy.

7.2 Upon receipt of a complaint with respect to alleged discreditable conduct of a Member that relates to the Corporation's Workplace Harassment and Discrimination Prevention Policy, the Integrity Commissioner shall forward the information subject to the complaint to Human Resources which, in the event mediation or other informal attempts to resolve the complaint as provided for in the applicable policy are not appropriate or prove ineffective and where Human Resources determines that further inquiry is warranted, will refer it to an external investigator to conduct an independent investigation in accordance with the applicable policy and the Corporation's Formal Investigation Process.

7.3 Upon receipt of the report of the independent investigator, the Integrity Commissioner shall make a determination on the application of this Code of Conduct and the merits of the investigation respecting the conduct of the Member subject to the complaint. The findings of the Integrity Commissioner shall be reported to City Council as per the normal procedure respecting such matters.

Rule 8 - Requirement to Adhere to Council Policies and Procedures

8.1 Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.

Rule 9 - Gifts, Benefits and Hospitality

9.1 No inappropriate gifts and hospitality are allowed that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.

9.2 No Member shall accept, solicit, offer or agree to accept a commission, fee, advance, cash, gift, hospitality, gift certificate, bonus, reward or benefit that is connected directly or indirectly with the performance of their duties of office unless permitted by the exceptions listed in section 3.4 below. No Member shall accept the use of property or facilities, such as a vehicle, office or vacation property at less than fair market value or at no cost.

9.3 For the purpose of this Code a commission, fee, advance, cash, gift, hospitality, gift certificate, bonus, reward or benefit provided with the Member's knowledge to a friend, family member or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties, is deemed to be a gift to that Member.

9.4 Members are not precluded from accepting:

- a) contributions authorized by law;
- b) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- c) food and beverages at banquets, receptions, ceremonies or similar events, if:

- i) attendance serves a legitimate business purpose;
 - ii) the person extending the invitation or a representative of the organization is in attendance; and
 - iii) the value is reasonable and the invitations infrequent;
- d) services without compensation by persons volunteering their time;
- e) food, lodging, transportation, hospitality and entertainment provided by other levels of government, by other local governments, boards or commissions or by a foreign government within a foreign country;
- f) a reimbursement of reasonable expenses incurred in the performance of duties or office;
- g) a reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with municipal associations;
- h) token gifts such as souvenirs, mementos and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the Corporation at an event; and
- i) gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

9.5 A Member shall return any gift or benefit which does not comply with this Code, along with an explanation why the gift or benefit cannot be accepted.

9.6 In the case of exceptions claimed under 3.4 (c), (e), (h) and (i), if the value of the gift, hospitality or benefit exceeds \$300.00, or if the total value of gifts, hospitality or benefits received from one source during the course of a calendar year exceeds \$300.00, the Members shall within 30 days of receipt of the gift, hospitality or benefit or reaching the annual limit, complete a disclosure statement in a form prescribed by the Integrity Commissioner and file it with the Integrity Commissioner. A disclosure statement shall be a matter of public record.

9.7 On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift, hospitality or benefit might, in their opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, they shall call upon the Member to justify receipt of the gift, hospitality or benefit.

Rule 10 - Requirement to Adhere to Council Policies and Procedures

10.1 Members shall adhere to such by-laws, policies and procedures adopted by the Council that are applicable to them.

Rule 11 - Use of Municipal Property and Resources

11.1 In order to fulfil their roles as elected representatives Members have access to municipal resources such as property, equipment, services, staff and supplies. No Member shall use, or permit the use of Corporate land, facilities, equipment, supplies, services, staff or other resources for activities other than purposes connected with the discharge of Council or Corporate business.

Rule 12 - Election-Related Activity

12.1 Members are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and the Policy for the Use of City of London Resources for Municipal Election Purposes. Member shall not solicit, demand or accept the services of any corporate officer and employee, or individual providing services on a contract for service, for re-election purposes during hours in which the officer, employee, or individual providing services under a contract for service, is in the paid employment of the Corporation.

Rule 13 - Integrity Commissioner

13.1 It is a violation of the Code to obstruct the Integrity Commissioner in the carrying out of their duties and responsibilities.

13.2 No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code or against a person who provides information to the Integrity Commissioner in any investigation.

13.3 It is a violation of the Code to destroy any documents or erase any electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the Code.

13.4 The Integrity Commissioner may also recommend that Municipal Council impose one of the following sanctions:

- (a) written or verbal public apology;
- (b) return of property or reimbursement of its value or of monies spent;
- (c) removal from membership of a committee; and
- (d) removal as a chair of a committee.

The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial actions at their discretion.

13.5 Upon receipt of a recommendation from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either:

- (a) a reprimand; or
- (b) a suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days.

13.6 The Integrity Commissioner has the authority to apply sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* and investigate complaints or initiate an investigation of suspected violations of the Act. If the Integrity Commissioner determines that a violation has occurred, the Integrity Commissioner may apply to a judge for determination of the questions of whether a Member has contravened section 5, 5.1 or 5.2 of the Act.

**THE CORPORATION OF THE CITY OF LONDON
CODE OF CONDUCT FOR MEMBERS OF COUNCIL
COMPLAINT PROTOCOL**

AUTHORITY

Section 223.3 of the *Municipal Act, 2001* authorizes a municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the powers and duties assigned by the municipality with respect to the application of the Code of Conduct for Members of Council. Sections 223.4 of the *Municipal Act, 2001* provides that an Integrity Commissioner has certain powers duties and protections.

The Code of Conduct for Members of Council was adopted by Council by By-law No. A.-6957-158 on April 30, 2013 and amended by By-law No. CPOL.-_____ on March 26, 2019

This Complaint Protocol was adopted by Council by By-law No. CPOL.-_____ on March 26, 2019.

PART A: INFORMAL COMPLAINT PROCEDURE

Any person or any representative of an organization who has identified or witnessed behaviour or an activity by a Member of Council that they believe is in contravention of the *Code of Conduct for Members of Council* (the "Code") may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the Member that the behaviour or activity contravenes the Code;
- (2) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behavior or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue;
- (5) if applicable, confirm to the Member your satisfaction with the response of the Member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (6) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the Member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

PART B: FORMAL COMPLAINT PROCEDURE:

Integrity Commissioner Requests for Inquiries - Section 1

1. (1) A request for an investigation of a complaint that a Member has contravened the Code (the "complaint") shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier and shall be in writing.
- (2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the Member has contravened the Code. For example, the complaint should include the name of the alleged violator, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.
- (4) Municipal Council may also file a complaint and/or request an investigation of any of its members by public motion.

Initial Classification by Integrity Commissioner - Section 2

2. (1) Upon receipt of the complaint, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or other Council Policies as described in subsection (2).
- (2) If the complaint is not, on its face, a complaint with respect to non-compliance with the Code or the complaint is covered by other legislation or a complaint procedure under another Council Policy, the Integrity Commissioner shall advise the complainant in writing as follows:
 - (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
 - (b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the City Clerk;
 - (c) if the complaint on its face is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure;
 - (d) if the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a Human Rights complaint or similar process, the Integrity Commissioner may, in their sole discretion and in accordance with legislation, suspend any investigation pending the result of the other process; and,
 - (e) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

(3) The Integrity Commissioner may report to Municipal Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

(4) The Integrity Commissioner shall report semi - annually to Municipal Council on complaints not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

Integrity Commissioner Investigation - Sections 3 – 9

3. (1) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

(2) Other than in exceptional circumstances, the Integrity Commissioner will not report to Municipal Council on any complaint described in subsection (1) except as part of a semi- annual or other periodic report.

4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and in so doing, at any time may attempt to settle the complaint.

(2) Upon receipt of a formal complaint pursuant to the Code, and where the Integrity Commissioner determines that the complaint meets the criteria to be investigated, the Integrity Commissioner may elect to conduct an informal investigation, which may include mediation, or alternatively to exercise the powers of a Commission under sections 33 and 34 of the *Public Inquiries Act, 2009* as contemplated by subsection 223.4(2) of the Act.

(3) When the *Public Inquiries Act, 2009* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act, 2009* the provision of the *Public Inquiries Act, 2009* prevails.

5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act, 2009*:

(a) serve the complainant and supporting material upon the Member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten business days; and

(b) serve a copy of the response provided upon the complainant with a request for a written reply within ten business days.

(2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act*, and may enter any City work location relevant to the complaint for the purposes of investigation and settlement.

(3) The Integrity Commissioner shall not issue a report finding a violation of the Code on the part of any Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended penalty and an opportunity either in person or in writing to comment on the proposed finding and any recommended penalty.

(4) The Integrity Commissioner may make interim reports to Municipal Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during an investigation.

(5) If the Integrity Commissioner has not completed an investigation before Nomination Day for a regular election, as set out in the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day.

If an investigation is terminated in accordance with subsection 223.4(7) of the *Municipal Act, 2001*, the Integrity Commissioner shall not commence another inquiry in respect to the matter unless, within six weeks after Voting Day in a regular election, the complainant who made the request or the Member or former Member whose conduct is concerned makes a written request to the Integrity Commissioner that the investigation be commenced.

(6) The Integrity Commissioner shall retain all records related to the complaint and investigation.

6. Notwithstanding any other provisions of this Protocol, in the year of a regular election the following rules apply during the period starting on Nomination Day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996* and ending on Voting Day in a regular election, as set out in section 5 of the Act:

(i) there shall be no requests for an inquiry about whether a Member has contravened the Code applicable to the Member;

(ii) the Integrity Commissioner shall not report to the municipality about whether in their opinion, a Member has contravened the Code applicable to the Member; and,

(iii) the municipality shall not consider whether to impose penalties referred to in subsection 223.4(5) of the *Municipal Act, 2001*, on a Member.

7. (1) The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the intake process has been completed and an investigation has been commenced. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.

(2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Municipal Council outlining the findings, the terms of any settlement or recommended penalty. The City Clerk shall process the report for the next meeting of Municipal Council.

(3) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behavior or activity does not continue.

(4) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Municipal Council except as part of a semi-annual or other periodic report.

8. If the Integrity Commissioner determines that there has been no contravention of the Code or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

9. Notwithstanding any other provision of this Protocol, the Integrity Commissioner shall not make any report to Municipal Council or to any other person during the period of time starting on Nomination Day and ending on Voting Day in any year in which a regular municipal election will be held, as set out in the *Municipal Elections Act, 1996*.

Municipal Council Review – Section 10

10. (1) Municipal Council shall consider and respond to the report within 90 days after the day the report is laid before it.

(2) Municipal Council shall not consider whether to impose sanctions on a Member, where the Integrity Commissioner makes a report to the Municipal Council regarding a contravention of the Code, during the period of time starting on Nomination Day and ending on Voting Day in a year in which a regular election will be held, as set out in the *Municipal Elections Act, 1996*.

(3) In responding to the report, Municipal Council may vary a recommendation that imposes a penalty, subject to section 223.4, subsection (5) of the *Municipal Act, 2001*, but shall not refer the recommendation other than back to the Integrity Commissioner.

(4) Upon receipt of recommendations from the Integrity Commissioner, Municipal Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code impose either of two penalties:

- (a) a reprimand; or
- (b) suspension of the remuneration paid to the member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days.

(5) The Integrity Commissioner may also recommend that Municipal Council impose one of the following sanctions:

- (a) written or verbal public apology;
- (b) return of property or reimbursement of its value or of monies spent;
- (c) removal from membership of a committee; and,
- (d) removal as a chair of a committee.

(6) The Integrity Commissioner has the authority to apply sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* and investigate complaints or initiate an investigation of suspected violations of the Act. If the Integrity Commissioner determines that a violation has occurred, the Integrity Commissioner may apply to a judge for determination of the questions of whether the member has contravened sections 5, 5.1 or 5.2 of the Act.

Confidentiality – Section 11

11. (1) A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the *Municipal Act*, which are summarized in the following subsections.

(2) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.

(3) All reports from the Integrity Commissioner to Council will be made available to the public.

(4) Any references by the Integrity Commissioner in a semi-annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.

(5) The Integrity Commissioner in a report to Council on whether a member has violated the Code shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

APPENDIX “B”

Bill No. xx
2019

By-law No. CPOL.-_____

A by-law to enact a new Council policy entitled
“Code of Conduct for Local Boards”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to enact a new Council Policy entitled “Code of Conduct for Local Boards” in accordance with regulations resulting from recent amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act* requiring municipalities to codes of conducts for local boards;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled “Code of Conduct for Local Boards”, attached hereto as Schedule “A” is hereby adopted.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 26, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 26, 2019
Second Reading – March 26, 2019
Third Reading – March 26, 2019

Schedule “A”

Policy Name: Code of Conduct for Local Boards

Legislative History: None

Last Review Date: March 19, 2019

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This Code of Conduct is established under the authority of Part V.1 – Accountability and Transparency of the *Municipal Act, 2001*, as amended.

2. Definitions

In this Code of Conduct:

- 2.1 **Adjudicative Board** – shall mean a local board as defined in Section 223.1 of the *Municipal Act, 2001* which has the statutory power or right to make a decision;
- 2.2 **Apparent conflict of interest** – shall mean if there is a reasonable perception, which a reasonably well-informed person could properly have, that the Member’s ability to exercise an official power or perform an official duty or function must have been affected by their private interest;
- 2.3 **Child** – shall mean a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of their family;
- 2.4 **Code** – shall mean this Code of Conduct;
- 2.5 **Corporation** - shall mean The Corporation of the City of London;
- 2.6 **Council** - shall mean the Council of The Corporation of the City of London;
- 2.7 **Family member** - shall mean a child, parent or a spouse;
- 2.8 **Local board** – shall mean a local board as defined in section 223.1 of the *Municipal Act, 2001*;
- 2.9 **Member** - shall mean a Member of an adjudicative board or local board;
- 2.10 **Parent** – shall mean a parent who has demonstrated a settled intention to treat a child as a member of their family whether or not that person is the natural parent of the child;
- 2.11 **Spouse** - shall mean a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage.

3. Applicability

- 3.1 This Code of Conduct applies to Members of the City of London’s local boards, including adjudicative boards. Members of Council are bound by the Code of Conduct for Members of Council.

4. The Code

Rule 1 - Key Principles and Framework

1.1 The Code is to be given a broad, liberal interpretation in accordance with the applicable legislation, the definitions set out herein and its general intent and purposes.

1.2 The Code operates together with, and as a supplement to, the following legislation that governs the conduct of Members:

- (i) *Municipal Act, 2001*;
- (ii) *Municipal Conflict of Interest Act*;
- (iii) *Municipal Elections Act, 1996*;
- (iv) *Municipal Freedom of Information and Protection of Privacy Act*;
- (v) *Occupational Health and Safety Act*;
- (vi) *Ontario Human Rights Code*;
- (viii) *Criminal Code of Canada*; and
- (ix) the by-laws and policies of the local board as adopted and amended from time to time.

Rule 2 - General Rules

2.1 Members shall serve and be seen to serve in a conscientious, accountable, transparent and diligent manner.

2.2 Members shall be committed to performing their functions with integrity, independence and impartiality and to avoid the improper use of the influence of their position, and conflicts of interest, including apparent conflicts of interest.

2.3 Members shall not extend favour in the discharge of their official duties, preferential treatment to family members, organizations or groups in which they or their family members have a direct or indirect pecuniary interest.

2.4 Members are expected to perform their duties and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

2.5 Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament, the Ontario Legislature, and the by-laws and policies of the local board.

2.6 Members shall accurately and adequately communicate the decisions of the local board, even if they disagree with the local board's decision, such that the respect for the decision-making processes of the local board is fostered.

Rule 3 - Confidential Information

3.1 Members of local boards may acquire confidential information from a variety of different resources in the course of their work. Confidential information includes information in the possession of, or received in confidence by the local board, that local board is either prohibited from disclosing, or is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act*.

3.2 A Member shall not collect, use, or disclose information in contravention of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

3.3 A Member shall not disclose information that is subject to solicitor-client privilege, unless the privilege has been expressly waived by the local board.

3.4 A Member shall not misuse any confidential information such that the release thereof may cause detriment to the local board, the Corporation, the public or others or benefit or detriment to themselves or others. For greater certainty, confidential information includes, without limitation, information that a Member has knowledge of by virtue of their position as a Member that is not in the public domain, including emails, and oral and written communications from other Members or third parties.

Rule 4 - Conduct at Meetings and When Representing the Local Board

4.1 A Member shall conduct themselves with appropriate decorum at all times.

4.2 A Member shall conduct themselves at meetings with decorum in accordance with the provisions of the applicable procedures.

4.3 A Member shall make every effort to participate diligently in the activities of the local board.

Rule 5 - Incompatible Activity

5.1 A Member shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of their official duties in the public interest.

5.2 Without limiting the generality of the foregoing, a Member shall not:

- i) use the influence of their position for any purpose other than for the exercise of their official duties;
- ii) act as an agent before Council, any committee, board or commission of Council or the City's Hearings Officer;
- iii) use any information gained in the execution of their position that is not available to the general public for any purpose other than for official duties;
- iv) place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
- v) give preferential treatment to any person or organization in which a Member has a financial interest;
- vi) influence any administrative or local board decision or decision-making process involving or affecting any person or organization in which a Member has a financial interest;
- vii) use the Corporation's or local board's property, materials, equipment, services, supplies, facilities, officers, employees, agents or contractors for personal gain, personal purpose or for any private purpose; or
- viii) influence or interfere, either directly or indirectly, financially, politically or otherwise with employees, officers or other persons performing duties under the *Provincial Offences Act*.

5.3 A Member shall not allow the prospect of their future employment by a person or entity to detrimentally affect the performance of their duties.

5.4 A Member shall avoid waste, abuse and extravagance in the provision or use of public resources.

5.5. A Member shall expose fraud and corruption of which the Member is aware.

Rule 6 - Conduct Respecting Staff

6.1 A Member shall be respectful of the local board's or Corporation's officers, employees, individuals contracted by the local board or Corporation on a purchase of service agreement and students on placements role to provide advice based on neutrality and objectivity and without undue influence from any individual Member or faction of the local board.

6.2 No Member shall injure the professional or ethical reputation, or the prospect or practice of an officer or employee of the local board or Corporation, an individual contracted by the local board or Corporation on a purchase of service agreement or a student on placement, and all Members shall show respect for the professional capacities of such persons.

6.3 No Member shall compel or attempt to compel an officer and employee of the Corporation or local board to engage in partisan activities or be subjected to threats or discrimination for refusing to engage in such activities.

6.4 No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any officer and employee of the local board or Corporation, individual contracted by the local board or Corporation on a purchase of service agreement or a student on placement with the intent of interfering in that employee's duties, including the duty to disclose improper activity.

Rule 7 - Discreditable Conduct

7.1 Members have a duty to treat members of the public, one another, individuals contracted by the local board or Corporation on a purchase of service agreement, students on placement and officers and employees of the local board or Corporation appropriately and without abuse, bullying or intimidation and to ensure that their work environment is safe and free from discrimination and harassment. *The Ontario Human Rights Code* and the *Occupational Health and Safety Act* apply and, where applicable, the local board policies.

7.2 Upon receipt of a complaint with respect to alleged discreditable conduct of a Member, the Integrity Commissioner shall forward the information subject to the complaint to Human Resources which, in the event mediation or other informal attempts to resolve the complaint as provided for in the applicable policy are not appropriate or prove ineffective and where Human Resources determines that further inquiry is warranted, will refer it to an external investigator to conduct an independent investigation.

7.3 Upon receipt of the report of the independent investigator, the Integrity Commissioner shall make a determination on the application of this Code of Conduct and the merits of the investigation respecting the conduct of the Member subject to the complaint. The findings of the Integrity Commissioner shall be reported to the local board as per the normal procedure respecting such matters.

Rule 8 - Requirement to Adhere to Council and Local Board Policies and Procedures

8.1 Members shall adhere to such by-laws, policies and procedures adopted by the local board and Council that are applicable to them.

Rule 9 - Gifts, Benefits and Hospitality

9.1 No inappropriate gifts and hospitality are allowed that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.

9.2 No Member shall accept, solicit, offer or agree to accept a commission, fee, advance, cash, gift, hospitality, gift certificate, bonus, reward or benefit that is connected directly or indirectly with the performance of their duties unless permitted by the exceptions listed in section 9.4 below. No Member shall accept the use of property or facilities, such as a vehicle, office or vacation property at less than fair market value or at no cost.

9.3 For the purpose of this Code a commission, fee, advance, cash, gift, hospitality, gift certificate, bonus, reward or benefit provided with the Member's knowledge to a friend, family member or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties, is deemed to be a gift to that Member.

9.4 Members are not precluded from accepting:

- a) contributions authorized by law;
- b) contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- c) food and beverages at banquets, receptions, ceremonies or similar events, if:
 - i) attendance serves a legitimate business purpose;
 - ii) the person extending the invitation or a representative of the organization is in attendance; and
 - iii) the value is reasonable and the invitations infrequent;
- d) services without compensation by persons volunteering their time;
- e) food, lodging, transportation, hospitality and entertainment provided by other levels of government, by other local governments, boards or commissions or by a foreign government within a foreign country;
- f) a reimbursement of reasonable expenses incurred in the performance of duties or office;
- g) a reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with associations;
- h) token gifts such as souvenirs, mementos and commemorative gifts that are given in recognition of service on a committee, for speaking at an event or representing the Corporation or, local board at an event; and
- i) gifts that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of office.

9.5 A Member shall return any gift or benefit which does not comply with this Code, along with an explanation why the gift or benefit cannot be accepted.

9.6 In the case of exceptions claimed under 9.4 (c), (e), (h) and (i), if the value of the gift, hospitality or benefit exceeds \$300.00, or if the total value of gifts, hospitality or benefits received from one source during the course of a calendar year exceeds \$300.00, the Members shall within 30 days of receipt of the gift, hospitality or benefit or

reaching the annual limit, complete a disclosure statement in a form prescribed by the Integrity Commissioner and file it with the Integrity Commissioner. A disclosure statement shall be a matter of public record.

9.7 On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift, hospitality or benefit might, in their opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, they shall call upon the Member to justify receipt of the gift, hospitality or benefit.

Rule 10 - Requirement to Adhere to Council and Local Board Policies and Procedures

10.1 Members shall adhere to such by-laws, policies and procedures adopted by the local board or Council that are applicable to them.

Rule 11 - Use of Municipal or Local Board Property and Resources

11.1 In order to fulfil their position Members have access to municipal or local board resources such as property, equipment, services, staff and supplies. No Member shall use or permit the use of Corporate or local board land, facilities, equipment, supplies, services, staff or other resources for activities other than the purposes connected with the discharger of their position.

Rule 12 - Election-Related Activity

12.1 Members are required to conduct themselves in accordance with the *Municipal Elections Act, 1996* and the local board's policy regarding the use of local board resources during the election campaign period (as required under section 88.18 of the *Municipal Elections Act, 1996*). No Member shall solicit, demand or accept the services of any officer and employee, or individual providing services on a contract for service, for re-election purposes during hours in which the officer, employee, or individual providing services under a contract for service, is in the paid employment of the Corporation;

12.2 The use of local board resources, both actual property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for election office. Election-related activity applies to campaigns for municipal, provincial and federal office.

Rule 13 - Outside Activities

13.1 Members shall not be a director or hold an executive position with any organization whose objectives and mandates are in conflict with, or may reasonably be perceived to be in conflict with, the objectives and mandates of the local board. Before taking on a new executive position, the member shall inform the Chair of the local board and the Integrity Commissioner to obtain advice about the new circumstances.

Rule 14 - Communications with Adjudicative Boards

14.1 Communications with members of an adjudicative board by a party or their representative must be through the board administrator and/or during the appropriate proceeding.

Written communication to the adjudicative board shall be made through the board administrator and shall be copied to all parties or their representatives as appropriate. Oral communications with the adjudicative board shall take place during formal proceedings of the adjudicative board and in the presence of all parties.

Rule 15 - Independent Nature of Adjudicative Boards

15.1 Members of adjudicative boards operate at arms-length from and independently of Council and the Civic Administration. Members should maintain the board's independence and ensure their actions are consistent with the arms-length, quasi-judicial nature of an adjudicative board.

Rule 16 - Integrity Commissioner

16.1 It is a violation of the Code to obstruct the Integrity Commissioner in the carrying out of their duties and responsibilities.

16.2 No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code or against a person who provides information to the Integrity Commissioner in any investigation.

16.3 It is a violation of the Code to destroy any documents or erase any electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the Code.

16.4 Upon receipt of a recommendation from the Integrity Commissioner, the local board may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either:

- a) removal from membership of a committee of the local board;
- b) removal as chair of the local board or a committee of the local board;
- c) written or verbal public apology; and
- d) return of property or reimbursement of its value or of monies spent;.

16.5 The Integrity Commissioner may also recommend that Council revoke the member's appointment to the local board.

16.6 The Integrity Commissioner has the final authority to recommend any of the sanctions above or other remedial actions at their discretion.

**THE CORPORATION OF THE CITY OF LONDON
CODE OF CONDUCT FOR MEMBER OF LOCAL BOARDS
COMPLAINT PROTOCOL**

AUTHORITY

Section 223.3 of the *Municipal Act, 2001* authorizes a municipality to appoint an Integrity Commissioner who reports to council or local board and who is responsible for performing in an independent manner the powers and duties assigned by the municipality with respect to the application of the Code of Conduct for Members of Local Boards.

Section 223.4 of the *Municipal Act, 2001* provides that an Integrity Commissioner has certain powers, duties and protections.

The Code of Conduct for Members of Local Boards was adopted by Council by By-law CPOL.- _____ on March 26, 2019.

This Complaint Protocol was adopted by Council by By-law CPOL.- _____ on March 26, 2019.

PART A: INFORMAL COMPLAINT PROCEDURE

Any person or any representative of an organization who has identified or witnessed behaviour or an activity by a Member of a Local Board that they believe is in contravention of the *Code of Conduct for Members of Local Boards* (the "Code") may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the Member that the behaviour or activity contravenes the Code;
- (2) encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behavior or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) request the Integrity Commissioner to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue;
- (5) if applicable, confirm to the Member your satisfaction with the response of the Member; or, if applicable, advise the Member of your dissatisfaction with the response; and
- (6) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the Member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

PART B: FORMAL COMPLAINT PROCEDURE:

Integrity Commissioner Requests for Inquiries - Section 1

1. (1) A request for an investigation of a complaint that a Member has contravened the Code (the "complaint") shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier and shall be in writing.
- (2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the Member has contravened the Code. For example, the complaint should include the name of the alleged violator, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.
- (4) The Local Board may also file a complaint and/or request an investigation of any of its members by public motion.

Initial Classification by Integrity Commissioner - Section 2

2. (1) Upon receipt of the complaint, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or other Local Board Policies as described in subsection (2).
- (2) If the complaint is not, on its face, a complaint with respect to non-compliance with the Code or the complaint is covered by other legislation or a complaint procedure under another Local Board Policy, the Integrity Commissioner shall advise the complainant in writing as follows:
 - (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
 - (b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the Head under the Act;
 - (c) if the complaint on its face is with respect to non-compliance with a more specific Local Board Policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure;
 - (d) if the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a Human Rights complaint or similar process, the Integrity Commissioner may, in their sole discretion and in accordance with legislation, suspend any investigation pending the result of the other process; and,
 - (e) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

(3) The Integrity Commissioner may report to the Local Board that a specific complaint is not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

(4) The Integrity Commissioner shall report semi - annually to the Local Board on complaints not within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

Integrity Commissioner Investigation - Sections 3 – 9

3. (1) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

(2) Other than in exceptional circumstances, the Integrity Commissioner will not report to the Local Board on any complaint described in subsection (1) except as part of a semi- annual or other periodic report.

4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and in so doing, at any time may attempt to settle the complaint.

(2) Upon receipt of a formal complaint pursuant to the Code, and where the Integrity Commissioner determines that the complaint meets the criteria to be investigated, the Integrity Commissioner may elect to conduct an informal investigation, which may include mediation, or alternatively to exercise the powers of a Commission under sections 33 and 34 of the *Public Inquiries Act, 2009* as contemplated by subsection 223.4(2) of the Act.

(3) When the *Public Inquiries Act, 2009* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act, 2009*, the provision of the *Public Inquiries Act, 2009* prevails.

5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act, 2009*:

(a) serve the complainant and supporting material upon the Member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten business days; and

(b) serve a copy of the response provided upon the complainant with a request for a written reply within ten business days.

(2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act*, and may enter any Local Board or if necessary, City work location relevant to the complaint for the purposes of investigation and settlement.

(3) The Integrity Commissioner shall not issue a report finding a violation of the Code on the part of any Member unless the Member has had reasonable notice of the basis for the proposed finding and any recommended penalty and an opportunity either in person or in writing to comment on the proposed finding and any recommended penalty.

(4) The Integrity Commissioner may make interim reports to the Local Board where necessary and as required to address any instances of interference, obstruction or retaliation encountered during an investigation.

(5) If the Integrity Commissioner has not completed an investigation before Nomination Day for a regular election, as set out in the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day.

If an investigation is terminated in accordance with subsection 223.4(7) of the *Municipal Act, 2001*, the Integrity Commissioner shall not commence another inquiry in respect to the matter unless, within six weeks after Voting Day in a regular election, the complainant who made the request or the Member or former Member whose conduct is concerned makes a written request to the Integrity Commissioner that the investigation be commenced.

(6) The Integrity Commissioner shall retain all records related to the complaint and investigation.

6. Notwithstanding any other provisions of this Protocol, in the year of a regular election the following rules apply during the period starting on Nomination Day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996* and ending on Voting Day in a regular election, as set out in section 5 of the Act:

(i) there shall be no requests for an inquiry about whether a Member has contravened the Code applicable to the Member;

(ii) the Integrity Commissioner shall not report to the municipality about whether in their opinion, a Member has contravened the Code applicable to the Member; and,

(iii) the municipality shall not consider whether to impose penalties referred to in subsection 223.4(5) of the *Municipal Act, 2001*, on a Member.

7. (1) The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the intake process has been completed and an investigation has been commenced. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.

(2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to the Local Board outlining the findings, the terms of any settlement or recommended penalty. The secretary of the Local Board shall process the report for the next meeting of the Local Board.

(3) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behavior or activity does not continue.

(4) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Local Board except as part of a semi-annual or other periodic report.

8. If the Integrity Commissioner determines that there has been no contravention of the Code or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

9. Notwithstanding any other provision of this Protocol, the Integrity Commissioner shall not make any report to the Local Board or to any other person during the period of time starting on Nomination Day and ending on Voting Day in any year in which a regular municipal election will be held, as set out in the *Municipal Elections Act, 1996*.

Local Board Review – Section 10

10. (1) The Local Board shall consider and respond to the report within 90 days after the day the report is laid before it.

(2) The Local Board shall not consider whether to impose sanctions on a Member, where the Integrity Commissioner makes a report to the Local Board regarding a contravention of the Code, during the period of time starting on Nomination Day and ending on Voting Day in a year in which a regular election will be held, as set out in the *Municipal Elections Act, 1996*.

(3) In responding to the report, the Local Board may vary a recommendation that imposes a penalty, subject to section 223.4, subsection (5) of the *Municipal Act, 2001*, but shall not refer the recommendation other than back to the Integrity Commissioner.

(4) Upon receipt of recommendations from the Integrity Commissioner, the Local Board may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code impose either of two penalties:

- (a) a reprimand; or
- (b) suspension of the remuneration paid to the member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days.

(5) The Integrity Commissioner may also recommend that Local Board impose one of the following sanctions:

- (a) written or verbal public apology;
- (b) return of property or reimbursement of its value or of monies spent;
- (c) removal from membership of a committee; and,
- (d) removal as a chair of a committee.

(6) The Integrity Commissioner has the authority to apply sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* and investigate complaints or initiate an investigation of suspected violations of the Act. If the Integrity Commissioner determines that a violation has occurred, the Integrity Commissioner may apply to a judge for determination of the questions of whether the member has contravened sections 5, 5.1 or 5.2 of the Act.

Confidentiality – Section 11

11. (1) A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the *Municipal Act*, which are summarized in the following subsections.

(2) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.

(3) All reports from the Integrity Commissioner to Council will be made available to the public.

(4) Any references by the Integrity Commissioner in a semi-annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.

(5) The Integrity Commissioner in a report to Council on whether a member has violated the Code shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

APPENDIX “C”

Bill No. xx
2019

By-law No. CPOL.-_____

A by-law to enact a Council Policy entitled “The Corporation of the City of London Integrity Commissioner Terms of Reference”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to enact a Council Policy entitled “The Corporation of the City of London Integrity Commissioner Terms of Reference” to address recent amendments to the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled “The Corporation of the City of London Integrity Commissioner Terms of Reference”, attached hereto as Schedule “A” is hereby adopted.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 26, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 26, 2019
Second Reading – March 26, 2019
Third Reading – March 26, 2019

Schedule “A”

Policy Name: The Corporation of the City of London

Legislative History: Terms of Reference adopted September 2, 2014

Last Review Date: March 19, 2019

Service Area Lead: City Clerk

1. Policy Statement

This Policy establishes a Terms of Reference for The Corporation of City of London Integrity Commissioner in accordance with section 223.3 of the *Municipal Act, 2001*.

2. Definitions

None.

3. Applicability

This Policy applies to all Members of Council and Local Boards.

4. The Policy

4.1 The Integrity Commissioner is an independent officer, appointed by Council by by-law passed under section 223.3 of the *Municipal Act, 2001*. The Integrity Commissioner reports directly to Council or Local Boards and functions independently of the Civic Administration and Local Board Administration.

4.2 Municipal Council

In accordance with section 223.3(1) of the *Municipal Act, 2001*, the Integrity Commissioner shall carry out the following functions:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

The duties of the Integrity Commissioner with respect to Municipal Council are to:

- a) provide advice to Members of Council on the application of the City's Code of Conduct for Members of Council and any procedures, rules and policies of the municipality governing the ethical behaviour of Members of Council;
- b) provide advice to Members of Council on the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*;
- c) receive and conduct such formal or informal processes as may be appropriate (including inquiries or mediations), in accordance with the Council approved Complaint Protocol, concerning complaints by the Council, or any person that a Member of Council has contravened the City's Code of Conduct for Members of Council, the *Municipal Conflict of Interest Act*, or rules and policies of the municipality governing the ethical behaviour of Members of Council;
- d) report to Council, in writing, where an inquiry under part c) has been conducted and the Integrity Commissioner is of the opinion that a Member of Council has contravened the Code of Conduct for Members of Council and/or and include any recommendations with respect to the inquiry for the Council to consider;
- e) report to Council annually, in writing, summarizing any activities undertaken and advice given; and,
- f) provide such training and written reference materials, upon the request of Municipal Council, for distribution to and use by Members of Council and the public regarding the role of the Integrity Commissioner, the obligations and responsibilities of Members of Council under the City's Code of Conduct for Members of Council and under the *Municipal Conflict of Interest Act*, the meaning of the City's Code of Conduct for Members of Council and any procedures, rules and policies of the municipality governing the ethical behaviour of Members of Council under the City's Code of Conduct for Members of Council and the *Municipal Conflict of Interest Act*.

4.3 Local Boards

The duties of the Integrity Commissioner with respect to Local Boards are to:

- a) provide advice to Members of Local Boards on the application of the City's Code of Conduct for Local Boards and any procedures, rules and policies of the Local Boards governing the ethical behaviour of Members of Local Boards;
- b) provide advice to Members of Local Boards on the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*;
- c) receive and conduct inquiries, in accordance with the Council approved Complaint Protocol for Local Boards, into requests by Local Boards, a Members of the Local Boards or a member of the public about whether a Member of a Local Board has contravened the City's Code of Conduct for Local Boards;

- d) receive and conduct inquiries or initiate inquiries about whether a Member of a Local Board has contravened the *Municipal Conflict of Interest Act*, in accordance with sections 5, 5.1 and 5.2 of the Act;
- e) report to the Local Board, in writing, where an inquiry has been conducted under part c) and the Integrity Commissioner is of the opinion that a Member of the Local Board has contravened the Code of Conduct for Members of Local Boards and include any recommendations with respect to the inquiry for the Local Board to consider;
- f) report to Local Boards, annually, in writing, summarizing any activities undertaken and advice given; and
- g) provide such training and written reference materials, upon the request of Local Boards, for distribution to and use by Members of Local Boards and the public regarding the role of the Integrity Commissioner, the obligations and responsibilities of Members of Local Boards under the City's Code of Conduct for Members of Local Boards and under the *Municipal Conflict of Interest Act*, the meaning of the City's Code of Conduct for Members of Local Boards and any procedures, rules and policies of the Local Boards governing the ethical behaviour of Members of Local Boards under the City's Code of Conduct for Members of Local Boards and the *Municipal Conflict of Interest Act*.

APPENDIX "D"

Bill No. xx
2019

By-law No. CPOL.-_____

A by-law to enact a Council Policy entitled
"Members of Council Public Registry
Declaration of Interest".

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to enact a Council Policy entitled "Members of Council Public Registry Declaration of Interest" in accordance with sections 5.1 and 6.1 of the *Municipal Conflict of Interest Act* requiring Members of Council to submit written statements regarding disclosure of interests and the creation of a registry of written statements to be available for public inspection;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled "Members of Council Public Registry Declaration of Interest", attached hereto as Schedule "A" is hereby adopted.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 26, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 26, 2019
Second Reading – March 26, 2019
Third Reading – March 26, 2019

Schedule "A"

Policy Name: Members of Council Public Registry Declaration of Interest

Legislative History: None

Last Review Date: March 19, 2019

Service Area Lead: City Clerk

1. Policy Statement

This Policy establishes a process to implement the requirement for Members of Council to submit written statements regarding disclosure of interests and the creation of a registry of the written statements to be available for public inspection in accordance with sections 5.1 and 6.1 of the *Municipal Conflict of Interest Act*.

2. Definitions

None.

3. Applicability

This Policy applies to all Members of Council.

4. The Policy

- 4.1 Any Member of Council who discloses an interest in accordance with section 5 of the *Municipal Conflict of Interest Act* shall, as soon as possible afterwards, file a written statement of the interest and its general nature, with the City Clerk.
- 4.2 The City Clerk shall establish and maintain a registry in which shall be kept:
 - a) a copy of each statement filed by a Member of Council under section 5.1 of the *Municipal Conflict of Interest Act*;
 - b) a copy of each declaration of interest recorded by the City Clerk, or designate, under section 6 of the *Municipal Conflict of Interest Act* in the minutes of a meeting that is open to the public.
- 4.3 The registry shall be available for public inspection 8:30 AM to 4:30 PM, Monday to Friday, with the exception of statutory holidays or other periods when City Hall is not open to the public.
- 4.4 The registry shall include a copy of each written statement that a Member of Council files with the City Clerk and a copy of each declaration of interest that the Clerk, or designate records in the minutes.
- 4.5 The registry will be made available for public inspection in both hard copy format and an electronic format uploaded to the City of London's website.

APPENDIX “E”

Bill No. xx
2019

By-law No. CPOL.-_____

A by-law to enact a Council Policy entitled
“Public Registry Declaration of Interest for
Local Boards”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to enact a Council Policy entitled “Public Registry Declaration of Interest for Local Boards” in accordance with sections 5.1 and 6.1 of the *Municipal Conflict of Interest Act* requiring Members of Local Boards to submit written statements regarding disclosure of interests and the creation of a register of written statements to be available for public inspection;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled “Registry Declaration of Interest for Local Boards”, attached hereto as Schedule “A” is hereby adopted.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 26, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 26, 2019
Second Reading – March 26, 2019
Third Reading – March 26, 2019

Schedule "A"

Policy Name: Public Registry Declaration of Interest for Local Boards

Legislative History: None

Last Review Date: March 19, 2019

Service Area Lead: City Clerk

1. Policy Statement

This Policy establishes a process to implement the requirement for Members of Local Boards to submit written statements regarding disclosure of interests and the creation of a registry of the written statements to be available for public inspection in accordance with sections 5.1 and 6.1 of the *Municipal Conflict of Interest Act*.

2. Definitions

None.

3. Applicability

This Policy applies to all Members of Local Boards.

4. The Policy

- 4.1 Any Member of a Local Board who discloses an interest in accordance with section 5 of the *Municipal Conflict of Interest Act* shall, as soon as possible afterwards, file a written statement of the interest and its general nature, with the Secretary of the Local Board.
- 4.2 The Secretary of the Local Board shall establish and maintain a registry in which shall be kept:
 - a) a copy of each statement filed by a Member of a Local Board under section 5.1 of the *Municipal Conflict of Interest Act*;
 - b) a copy of each declaration of interest recorded by the Secretary of the Local Board under section 6 of the *Municipal Conflict of Interest Act* in the minutes of a meeting that is open to the public.
- 4.3 The registry shall be available for public inspection 8:30 AM to 4:30 PM, Monday to Friday, with the exception of statutory holidays or other periods when the Local Board's Office is not open to the public.
- 4.4 The registry shall include a copy of each written statement that a Member of the Local Board files with the Secretary of the Local Board and a copy of each declaration of interest that the Secretary of the Local Board records in the minutes.
- 4.5 The registry will be made available for public inspection in both hard copy format and an electronic format uploaded to the Local Board's website, where applicable.

APPENDIX “F”

Bill No. xx
2019

By-law No. CPOL.-_____

A by-law to enact a Council Policy entitled
“Members of Council – Absence – Pregnancy
or Parental Leave”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to enact a Council Policy entitled “Members of Council – Absence – Pregnancy or Parental Leave” in accordance with Subsections 259(1.1) and 270(1) of the *Municipal Act, 2001* to establish a process to recognize a Member of Council’s ability to take pregnancy or parental leave without a Council motion;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled “Members of Council - Absence – Pregnancy or Parental Leave”, attached hereto as Schedule “A” is hereby adopted.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on March 26, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 26, 2019
Second Reading – March 26, 2019
Third Reading – March 26, 2019

Schedule "A"

Policy Name: Members of Council – Absence – Pregnancy or Parental Leave

Legislative History: None

Last Review Date: March 19, 2019

Service Area Lead: City Clerk

1. Policy Statement

This Policy establishes a process to recognize a Member of Council's ability to take pregnancy and parental leave without a Council motion in accordance with Subsections 259 (1.1) and 270 (1) of the *Municipal Act, 2001* and to provide for delegated authority that would allow legislative and administrative matters to be addressed in a manner that is consistent with the Council Member's wishes while they are on leave.

2. Definitions

None.

3. Applicability

This Policy applies to all Members of Council.

4. The Policy

Any Member of Council shall provide the City Clerk written notice of an absence of 20 consecutive weeks or less as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with Subsections 259 (1.1) and 270 (1) of the *Municipal Act, 2001*.

The written notice shall contain the following information:

- a) an indication of the Member(s) of Council whom they wish to delegate the authority to undertake their Ward responsibility during their absence; and
- b) an indication of the Member(s) of Council whom they recommend Council appoint as a Member of any Committee(s) on which the Councillor sits, on an interim basis for the duration of their absence; and
- c) a recommendation to Council that the City Clerk be delegated the authority to approve the payment of costs from their expense account arising from routine expenses, in consultation with the Member(s) of Council to whom delegation has been given in accordance with a) above, and in accordance with the Council Members' Expense Account Policy, if there is sufficient funds in the expense account to do so.

When such written notice is provided, the City Clerk shall forward the written notice forward for Council consideration immediately following the City Clerk's receipt of the written notice.

Appendix "J"

| | |
|-----------------|--|
| TO: | CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON AUGUST 10, 2020 |
| FROM: | CATHY SAUNDERS CITY CLERK |
| SUBJECT: | COUNCIL PROCEDURE BY-LAW |

RECOMMENDATION

That, on the recommendation of the City Clerk, the following actions be taken with respect to Council Procedure By-law:

- a) the attached proposed by-law (Appendix "A") being "A by-law to amend By-law A-50, as amended, being "A by-law to provide for the Rules of Order and Procedure for the Council of The Corporation of the City of London" to facilitate Members of Council electronic participation in meetings and to amend the Terms of Reference from the Strategic Priorities and Policy Committee to include "anti-racism, diversity, inclusion and anti-oppression" in the Committee's mandate, BE INTRODUCED at the Municipal Council meeting to be held on August 25, 2020; and
- b) subject to the approval of a) above, the attached proposed by-law (Appendix "B") being a by-law to enact a Council Policy entitled "Electronic Participation of Council Members at Council and Standing Committee meetings" BE INTRODUCED at the Municipal Council meeting to be held on August 25, 2020.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

BACKGROUND

Council Members – Electronic Participation

Section 238(2) of the *Municipal Act, 2001*, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

On March 17, 2020, the Provincial Government issued a Declaration of Emergency pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* related to Novel Coronavirus (COVID-19). On March 19, 2020, the Provincial Government passed Bill 187 which put in place amendments to the *Municipal Act, 2001* to provide a municipality with the ability to amend their Procedural By-law to permit meetings to be held electronically during an emergency declared pursuant to the *Emergency Management and Civil Protection Act*. In response to this, the Municipal Council enacted By-law No. A.-50-20007, being "A by-law to provide for the Rule of Order and Procedure for the Council of The Corporation of the City of London" to provide for electronic participation of Members of Council at Council and Standing Committee meeting during a period of a declared emergency" at the meeting held on March 24, 2020.

Bill 187, permitted electronic participation of Council Members which would count towards quorum and provide for the Council Members to vote and participate in both open and closed sessions of the meeting during a declared emergency.

On July 21, 2020, the Provincial Government gave Royal Assent to Bill 197 “An act to amend various statutes in response to COVID-19 and to enact, amend and repeal various statute”. This Bill included further amendments to the *Municipal Act, 2001* to allow for electronic participation of Council Members at meetings without a declaration of an emergency being required.

Council and Standing Committee meetings currently being held are hybrid in nature with some Council Members physically in attendance and some participating remotely. Given the current direction of the Medical Officer of Health to maintain a physical distance of 2 metres (6 feet) from another individual, it would be difficult to accommodate 15 Council Members and City Clerk’s staff in the Council Chambers. It is recommended that the Civic Administration (with the exception of City Clerk’s staff and Information Technology staff) continue to be in remote attendance at meetings until such time as physical distance requirements are lifted.

In response to this legislative change, the Civic Administration recommends that the previous amendments to the Council Procedure By-law put in place by By-law No. A.-50-20007 remain in place should future Declarations of Emergency occur. In addition, due to the physical limitations of the Council Chambers while maintain physical distancing, the Civic Administration recommends that the attached proposed by-law (Appendix “A”) to amend the Council Procedure By-law to facilitate Members of Council electronic participation in meetings outside of a Declaration of Emergency be enacted. The Civic Administration is also recommending that the corresponding Council Policy attached as Appendix “B” to this report be approved.

Council Member – Proxy Voting

Bill 197 also permits a municipality to choose to allow a member of Council to appoint another member of Council to as a proxy in their place if they are unable to attend a meeting subject to the following conditions:

1. A member shall not appoint a proxy unless the proxy holder is a member of the same council as the appointing member.
2. A member shall not act as a proxy for more than one member of Council at any one time.
3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
4. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxy holder shall be counted as one member and shall not be counted as both the appointing member and the proxy holder.
5. A proxy shall be revoked if the appointing member or the proxy holder requests that the proxy be revoked and complies with the proxy revocation process established by the clerk.
6. Where a recorded vote is requested under section 246, the clerk shall record the name of each proxy holder, the name of the member of council for whom the proxy holder is voting and the vote cast on behalf of that member; and
7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under section 259(1)(c).

The Civic Administration does not recommend moving forward with changes related to proxy voting at this time as this matter warrants further review and discussion.

Strategic Priorities and Policy Committee Mandate

Municipal Council, at its meeting held on July 21, 2020, resolved the following with respect to the Council Procedure By-law:

“That the following actions be taken with respect to making anti-racism a strategic priority:

- a) the mandate of the Strategic Priorities and Policy Committee BE AMENDED to include “anti-racism, diversity, inclusion and anti-oppression” as a new bullet point under Strategic Initiatives;
- b) the terms of reference for the Diversity, Inclusion and Anti-Oppression Advisory Committee (DIAAC) be amended to replace “Community and Protective Services” with “Strategic Priorities and Policy Committee”: and,
- c) the Civic Administration BE ENCOURAGED to bring forward initial reports by service area responding to the Municipal Council resolution on 16 June 2020 related to the implementation of the equity and inclusion lens to the most relevant standing committee for each service area (e.g. Development and Compliance Services would report to Planning and Environment Committee; Engineering and Environmental Services would report to Civic Works, and so on).”

The proposed by-law attached as Appendix “A” to this report implements part a) of the above-noted Municipal Council direction.

| |
|--------------------------------------|
| RECOMMENDED BY: |
| |
| CATHY SAUNDERS CITY CLERK |

APPENDIX "A"

Bill No.
2020

By-law No.

A by-law to amend By-law A-50, as amended, being "A by-law to provide for the Rules of Order and Procedure for the Council of The Corporation of the City of London" to facilitate Members of Council electronic participation in meetings and to amend the mandate of the Strategic Priorities and Policy Committee to include "anti-racism, diversity, inclusion and anti-oppression" in the Committee's mandate.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS the Municipal Council enacted the Council Procedure By-law (By-law No. A-50) on May 31, 2016 to provide for the rules of order and procedure for the Council of The Corporation of the City of London;

AND WHEREAS on July 21, 2020 the Province of Ontario enacted Bill 197 "An Act to amend various statutes in response to COVID-19 and to enact, amend and repeal various statutes, including amendments to the *Municipal Act, 2001* to permit meetings to be held electronically on an ongoing basis outside an emergency declared pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, Chapter E.9;

AND WHEREAS the Council of The Corporation of the City of London considers the protection of the health and safety of the public to be a paramount concern;

AND WHEREAS The Corporation of the City of London considers it desirable to be able to provide for the electronic participation of Council Members at Council and Standing Committee meetings when it is deemed necessary to do so;

AND WHEREAS the Council of The Corporation of the City of London deems it desirable to make anti-racism a strategic priority;

AND WHEREAS The Corporation of the City of London considers it desirable to demonstrate the Corporation's commitment to end racism by amending the mandate of the Strategic Priorities and Policy Committee to include "anti-racism, diversity, inclusion and anti-oppression" as a new bullet point under Strategic Initiatives;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Section 5.0 MEETINGS is hereby amended by adding the following new subsection:

5.12 Meetings – Electronic Participation

A Council or standing committee meeting may include electronic participation of members in accordance with Council Policy "Electronic Participation of Council Members at Council and Standing Committee meetings".

2. Section 15.0 COUNCIL – IN CLOSED SESSION, is hereby amended by adding the following new subsection:

15.12 – Meeting In Closed Session – Electronic Meeting Participation

Any part of a meeting held in closed session shall allow for electronic meeting participation by members in accordance with Council Policy “Electronic Participation of Council Members at Council and Standing Committee meetings”.

3. Part 4 – STANDING COMMITTEES, is hereby amended by adding the following new subsection, to Section 26 – MEETINGS:

26.5 – Meetings – Electronic Meeting Participation

All provisions of Sections 5.11 and 15.12 shall apply to Standing Committee Meetings.

4. Schedule “E” – Mandate – Strategic Priorities and Policy Committee, is hereby amended by adding the following matters under “Economic Strategies, Initiatives and Emerging Issues:

- ❖ Anti-racism
- ❖ Diversity
- ❖ Inclusion
- ❖ Anti-oppression

5. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on August 25, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020

APPENDIX "B"

Bill No. ____
2020

By-law No. CPOL.-_____

A by-law to enact a Council Policy entitled
"Electronic Participation of Council
Members at Council and Standing
Committee meetings."

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to enact a Council Policy entitled "Electronic Participation of Council Members at Council and Standing Committee meetings" to set out the parameters for the electronic participation of Council Members at Council and Standing Committee meetings, for both open and closed sessions as provided for in the *Municipal Act, 2001*;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The policy entitled "Electronic Participation of Council Members at Council and Standing Committee meetings", attached hereto as Schedule "A" is hereby adopted.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on August 25, 2020

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020



London
CANADA

Policy Name: Electronic Participation of Council Members at Council and Standing Committee meetings

Legislative History: n/a

Last Review Date: August 10, 2020

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy sets out the parameters for the electronic participation of Council Members at Council and Standing Committee meetings, for both open and closed session. The Council Procedure By-law sets out the parameters for the electronic participation of Elected Officials at Council and Standing Committee meetings during a period of a declared state of emergency.

2. Definitions – in accordance with the Council Procedure By-law

2.1 **Electronic Participation** – shall mean the participation of a Council member remotely, via electronic means including telephone, who shall have the same rights and responsibilities as if the Member was in physical attendance.

2.2 **Closed Session** – shall mean any portion of a Council or Standing Committee meeting that is not open to the public, and held in accordance with Section 239 of the *Municipal Act 2001*.

2.3 **Member** – shall mean a member of the Council.

2.4 **Meeting** – shall mean a regular, special or other meeting of the Council or standing committee and shall include meetings in closed session.

3. Applicability

3.1 This policy applies to Council Members.

4. The Policy

4.1 Members may be permitted to participate in Council and Standing Committee by electronic participation, when they are unable to attend the meeting in person.

a) A member requiring to participate electronically shall be required to provide the City Clerk with a minimum of 24 hours' notice of their intention.

b) The meeting Chair shall not be permitted to participate electronically.

c) The permitted participation in meetings electronically shall include closed session for Council and Standing Committees.

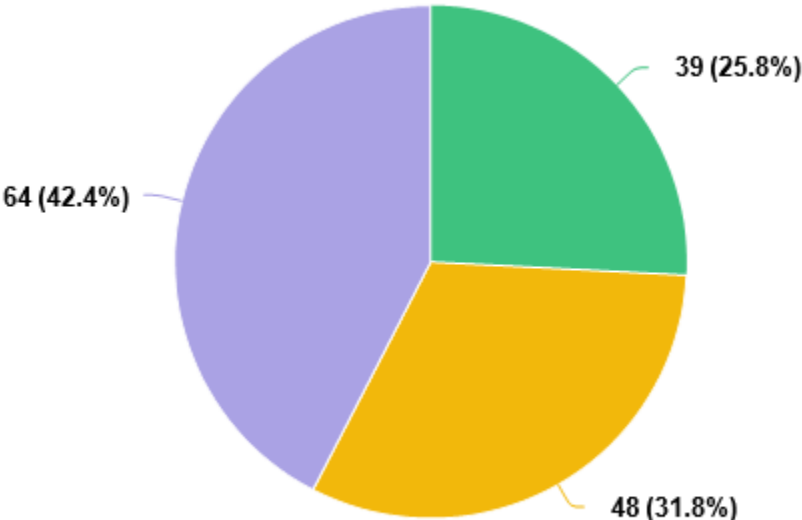
d) Meeting record(s) shall reflect which members attended electronically and which members attended physically.

4.2 The administration of electronic participation shall be at the discretion of the City Clerk, recognizing that technology and requirements will vary from time-to-time. This shall include the means by which Members shall vote.

Appendix "K"

**2021 Council Compensation Survey
Public Survey Response Report**

Question 1: Councillors' current compensation rate is \$52,725 annually. Do you feel Councillors are currently?



Responses:

Overpaid – 39 (25.8%)

Paid Appropriately – 48 (31.8%)

Underpaid – 64 (42.4%)

150 responses, 4 skipped

Appendix “K”

Question 2: Should the current compensation rate, based on median full-time employment income, be changed? If so, how do you suggest the rate be changed.

| Response Time | Response |
|---------------------------|--|
| 2022-01-05 07:29:19 -0700 | I would tie the salary to a senior level administrator in the City. |
| 2022-01-05 07:42:29 -0700 | Based on inflation rate |
| 2022-01-05 07:48:55 -0700 | Should be paid hourly. |
| 2022-01-05 07:54:15 -0700 | This is a part time position. They were elected knowing that and should not transition to full time position. Therefore salary should not change (go higher) especially since Covid has added historic level costs to the system and must be dealt with before granting salary increase to any local Govt officials. |
| 2022-01-05 07:55:55 -0700 | Should be moved to 2020 median wage |
| 2022-01-05 07:58:16 -0700 | should not be more than a 1% change. Keep it fair with many public workers unable to gain more than a 1% wage increase due to Bill 124. |
| 2022-01-05 07:58:44 -0700 | No |
| 2022-01-05 08:08:44 -0700 | No |
| 2022-01-05 08:10:13 -0700 | No, they should be paid average full -time rate of the middle class. Not an average using the higher incomes of Londoners. |
| 2022-01-05 08:12:45 -0700 | NO |
| 2022-01-05 08:20:31 -0700 | \$40,000 |
| 2022-01-05 08:25:53 -0700 | No, they should be paid as directors of a billion dollar organization and expected to work full time on city business. |
| 2022-01-05 08:42:20 -0700 | Do not pay these useless people a penny |
| 2022-01-05 08:52:48 -0700 | Absolutely jot they are compensated fairly |
| 2022-01-05 09:02:44 -0700 | No |
| 2022-01-05 09:07:17 -0700 | Shouldn't be changed |
| 2022-01-05 09:10:15 -0700 | Full time if we want full time representation. |
| 2022-01-05 09:15:44 -0700 | no |
| 2022-01-05 09:42:36 -0700 | Increased to at least \$70k |
| 2022-01-05 10:07:56 -0700 | Should be based on full time employment and should not be allowed to have additional pay for sitting on Boards |
| 2022-01-05 10:20:23 -0700 | I would suggest Councillors receive no less than \$85,000.00 + expenses |
| 2022-01-05 10:47:30 -0700 | What the heck is "median full-time rate" mean. Is that someone who works 20 hrs a week and claims full-time? |
| 2022-01-05 10:56:12 -0700 | no changes |

Appendix “K”

| Response Time | Response |
|---------------------------|---|
| 2022-01-05 11:04:15 -0700 | <p>These are not "normal" jobs, these people work weekends, work into the night, have to represent their constituents, and have to be on a bunch of outside boards that they get no compensation for while helping steer a billion dollar a year municipality. I asked my councillor and he replied that he averages 40-50hrs a week. Setting them at "median" is ridiculous, this is an "executive" job, not a middle of the road job. I don't know what the numbers are. I do know we underpay them significantly compared to similar size cities. They should at least be in the top 25% of median London income, or something comparable to other communities our size. OR, start paying them for all the extra stuff they do on the outside boards, because I know some don't do as much as others.</p> |
| 2022-01-05 11:05:33 -0700 | No |
| 2022-01-05 11:15:59 -0700 | Survey similar sized municipalities and take into account workload. |
| 2022-01-05 11:31:13 -0700 | <p>Median full-time income in London is under average and not keeping pace with cost of living or job demands. Compensation rates for counselors should be representative of executive level income. Perhaps median + additional 50% of median. 65-75% higher than current, at the least.</p> |
| 2022-01-05 11:39:12 -0700 | <p>Needs to be higher to ensure a better, more diverse set of candidates. Should be a mandatory full time role with no other jobs. The pay should be based on the norms for elected positions and should be at least \$80k. Take a look at salaries for MPs and MPPs. The role is similar. Maybe councillors wouldn't continually seek higher office if they were paid more fairly.</p> |
| 2022-01-05 11:44:14 -0700 | <p>No. It seems that several, if not many are not available to constituents of their wards because they have additional full time employment (mine does) and it seems like a conflict of interest, and bothers me that I cannot reach them in a timely manner regarding issues of my ward; accessibility, sidewalk conditions, a dangerous intersection, etc. I am not the only one in my ward that is irritated by our councillor's lack of daytime office hours to be reached, and often have to take to social media to reach him/get his attention after regular business hours. If my taxes are being used towards salary of councillors, and they are being paid for a full time job, they should be accessible during regular business hours (Monday - Friday) and this position should be their priority job.. if it is secondary, it should be deemed a conflict of interest and they should be replaced with someone willing to dedicate full time hours to the position.</p> |
| 2022-01-05 11:44:50 -0700 | Almost 100,000 |
| 2022-01-05 11:51:33 -0700 | Full time 9:00 am to 5:00 pm at minimum wage |

Appendix “K”

| Response Time | Response |
|---------------------------|---|
| 2022-01-05 11:52:00 -0700 | Ostensibly, council role is what you make of it ? I know of some councillors who live / work outside of London, remote into their meetings, almost never have their camera on, contribute little to advancing community issues, and yet are paid the same as some councillors who have no outside employment and are for all intents, full-time. |
| 2022-01-05 11:55:25 -0700 | Yes |
| 2022-01-05 11:59:17 -0700 | Base it on how much involvement councillors have in each project, the importance of each project and the speed it needs be be delivered and how beneficial their project is to Londoners. Tax payers deserve to see London blooming with all the taxes not thrown down the drain with little or no improvement in our city. |
| 2022-01-05 12:05:34 -0700 | The role should be paid as a full-time competitive salary but councilors should not be permitted to hold an additional full-time role. |
| 2022-01-05 12:18:01 -0700 | No. If they became full time, an increase would be appropriate. |
| 2022-01-05 12:52:04 -0700 | How many hours do each councillor work during each week. Many are part time. |
| 2022-01-05 12:54:18 -0700 | If London is a billion dollar company, we should pay those who represent us accordingly, and then we might attract real talent. |
| 2022-01-05 13:00:06 -0700 | I am someone who works for the provincial government and was an administrative employee for 5 years making \$49,000 a year. It just isn't enough \$ in take home amounts when you factor if union dues, pension and health benefits and other taxable pieces within government. My take home after all the deductions was often \$1300 bi weekly. Barely enough to pay rent on my 1 bedroom apartment. I now have a job where my salary is in the mid 70,000 now & my take home is much more livable. People need to consider these things when they say government workers make too much or that they deserve the median of all londoners. The median isn't high enough for the cost of living for most people, especially single income homes or those with dependents. |
| 2022-01-05 13:02:01 -0700 | City councilors should be paid based on an executive rate. The current 14 councilors salaries should equal a minimum of 1% of the yearly operating budget for the city. If the budget is \$1 billion, \$1 million should be divided by the 14 councilors. |
| 2022-01-05 13:35:15 -0700 | Based on comparable councillor salaries |
| 2022-01-05 14:30:06 -0700 | Should be a full time job so paid more like \$80,000 but cannot hold another full time job! London is a big city now and deserves full time councillors. I don't this it should be someone's side gig. |
| 2022-01-05 14:43:01 -0700 | 15% above median full-time employment income of the City of London |
| 2022-01-05 15:07:21 -0700 | It should be raised to the point where good people would be incentivized to run without needing a second job. |
| 2022-01-05 15:58:18 -0700 | No |

Appendix “K”

| Response Time | Response |
|---------------------------|--|
| 2022-01-05 16:01:09 -0700 | 75% percentile |
| 2022-01-05 16:28:06 -0700 | It should be higher because of their work load. |
| 2022-01-05 17:30:37 -0700 | The rate should be set to the median full-time income, however any member of a committee should be paid more based on the extra hours. |
| 2022-01-05 17:35:46 -0700 | A higher wage could be more enticing for those to leave full time employment and become full time councillors. |
| 2022-01-05 18:19:59 -0700 | they should be paid by what s accomplished not by time spent on something |
| 2022-01-05 18:26:17 -0700 | If councillors work full-time, then compensation should be based on median full-time employment income |
| 2022-01-05 18:56:39 -0700 | Should match executive level pay. Or rather than ‘median’ should be middle high level, 75k |
| 2022-01-05 19:04:11 -0700 | It should be enough to live off in this city. I frankly do not understand why there is a stubborn refusal to see city council as a full time job. By underpaying you are limiting it to people who are already wealthy and can afford to take a hit to income (i.e. completely unrepresentative of the people who actually live here). |
| 2022-01-05 19:12:32 -0700 | I like that it is based on something. |
| 2022-01-05 20:16:45 -0700 | Should compensation be based on median full-time employment income, the current compensation rate should be increased to reflect the status of the position. |
| 2022-01-05 22:34:25 -0700 | Not unless you plan on compensating all City of London employees accordingly. |
| 2022-01-06 02:19:53 -0700 | Less money until they stop letting the government lock us down |
| 2022-01-06 02:35:29 -0700 | If they are paid this the current rate there should be no need for an expense budget. That is middle class rate of pay for a medium full time job. Not even a full time job. |
| 2022-01-06 03:05:19 -0700 | Yes as their decisions are the ones that will mostly reflect the future of the median full-time employment income. |
| 2022-01-06 05:18:21 -0700 | Council deals with multi million dollar budgets and the future of our city. It should be a job that attracts the best and brightest, 52K a year won't do that (even if we're very lucky to have some great councillors at this rate.) |
| 2022-01-06 05:45:13 -0700 | Inflation should be accounted for. |
| 2022-01-06 06:05:09 -0700 | While I think higher pay may generate increased interest from more diverse and experienced professionals, I do not think the optics of a large increase would play well with citizens. |
| 2022-01-06 08:07:52 -0700 | Should be based on success rates in the city. Vacancy / business / number of projects proposed - number stalled - success of downtown etc |
| 2022-01-06 08:26:51 -0700 | No it should not be changed |

Appendix “K”

| Response Time | Response |
|---------------------------|--|
| 2022-01-06 09:59:31 -0700 | I do not think the compensation rate should be changed. The median full-time employment income is a subjective measure as it is not consistent across all types of jobs and industries. Councilors should be required to provide proof of excellent performance, based on taxpayer-determined KPIs to justify any increase in their salaries. |
| 2022-01-06 10:29:11 -0700 | Average of same size city councillors. Not median, average. |
| 2022-01-06 10:49:04 -0700 | Councillors should be paid a a full time job |
| 2022-01-06 10:58:13 -0700 | <p>Should be based in a metric system .</p> <p>Look at issues in represented areas create a ticket for problems and how many tickets are brought to resolution in a timely manner . le lack of transportation to jobs in areas of city could be ticket . Is it open closed resolve.</p> <p>Also quality or work . Attendance to meetings , documentation (can be audited for mistakes) ... etc ...</p> <p>They should get around 35,000 a year plus a bonus based of achieving metrics or scores on a KPI .</p> <p>So they can make up to 55k a year with performance bonus</p> |
| 2022-01-06 11:10:08 -0700 | It should be lower because I think it's important to keep councillor roles as part time! If councillors are being stretched thin, maybe it's time to add wards. With London's growing population, it would make sense. |
| 2022-01-06 12:21:37 -0700 | No |
| 2022-01-06 13:39:48 -0700 | Yes. They should be paid by the hour since it is not a full-time job. |
| 2022-01-06 15:22:57 -0700 | No, except to match new median income values. |
| 2022-01-06 18:21:47 -0700 | leave it as it is,, |
| 2022-01-07 08:37:10 -0700 | Councillors should be compensated for extra 'duties' such as boards and committees they are a part of. |
| 2022-01-07 11:20:56 -0700 | <p>Councillors are not doing a "median" job. They are the executive board that runs our city. They should be compensated like an upper management job. The last couple of years has shown the very serious and difficult burden they carry, worrying about the economy and the health of a city of over 400,000 people. That can't, respectfully, be compared to someone running a cash register, or cutting lawns, etc. Pegging them right in the middle with a median income seriously undervalues the importance of the job. They are also the poorest paid of any big city that I could find in Canada. Unlike MPs and MPPs, they also have no support staff of their own. They have do most of it themselves. I don't pretend to know what the formula should be, but these people should be making at least \$75-\$80,000 and probably more. What is the median management pay at city hall, or in the public sector in London? Maybe that's a better measurement?</p> |
| 2022-01-07 11:59:26 -0700 | I think so. They all have other roles in the community and seem to utilize this as supplementary income. This should be about serving the people, not money. I would suggest lowering it to the average part-time income for the year. |

Appendix “K”

| Response Time | Response |
|---------------------------|--|
| 2022-01-07 13:10:19 -0700 | A general increase to the model should occur to better align the salary with the professionals we would hope to see occupy those roles. As it stands those with any form of relevant experience often must suffer a significant pay cut to serve on council. |
| 2022-01-07 13:14:50 -0700 | I feel if a councillor is doing more then other councillors they should be compensated for that, or have to sit on a certain amount of committees If you are a councillor you are getting a fulltime pay you should be putting your full effort into our city and its people You should be paid by how many committees you are involved with You do the bare minimum that should be your salary |
| 2022-01-07 13:19:46 -0700 | London needs to start comparing to larger Canadian cities, and use their model. |
| 2022-01-07 13:59:31 -0700 | I believe the role of a city councillor is more of an executive level of employment, they're managing a major corporation. If we're going to use 'median incomes' of Londoners as a guide, I would suggest the starting mark be at least at the 75% mark, not the 50% mark. |
| 2022-01-07 15:35:33 -0700 | No. |
| 2022-01-07 16:24:25 -0700 | Yes, I would support an increase to attract good candidates |
| 2022-01-07 19:33:18 -0700 | Should be a volunteer position |
| 2022-01-07 19:33:40 -0700 | Should be a fixed rate |
| 2022-01-07 19:37:07 -0700 | No, public tax dollars are better spent on infrastructure and investments in the city, not councillors |
| 2022-01-08 07:14:55 -0700 | Increased |
| 2022-01-08 08:10:57 -0700 | No |
| 2022-01-08 08:53:19 -0700 | \$22/ hour |
| 2022-01-08 09:28:25 -0700 | The rate should be changed to reflect a The scope of the job and should be in line with what other large cities do. |
| 2022-01-08 09:43:07 -0700 | lowered or capped where it is.minimum wage earners dont make 50 grand a year. |
| 2022-01-09 07:04:33 -0700 | YES full time is necessary as to many decisions have been made where Councillors have opted out due to conflict of interest why even have them on board when there vote is not going to count. |
| 2022-01-09 08:35:27 -0700 | To nothing, to serve the City is an honor. They get enough "compensations" from the builders already. Ask XXXXXX. |
| 2022-01-10 21:25:47 -0700 | For most councillors it is part time work and not full time. Perhaps there should be less councillors - such as in Toronto where the numbers were greatly reduced when Doug Ford came in to power. |
| 2022-01-11 06:45:20 -0700 | Match it to other big cities. |

Appendix “K”

| Response Time | Response |
|---------------------------|---|
| 2022-01-11 06:57:46 -0700 | Hard to talk about compensation without talking about the size / scope of council? I have no problems with the adjustment of councillor remuneration upward if the role were full-time, and the number of councillors / wards reduced from 14 to 10 (plus mayor). I would benchmark salary against the mid-point of City of London management wage band for a second-level manager. The only adjustment would be for inflationary / economic adjustment of the wage band. |
| 2022-01-11 07:15:13 -0700 | I think this is a fair method of determining compensation for our representatives |
| 2022-01-11 14:39:25 -0700 | Include the expense account in their total compensation when you make the comparison. Make them keep time sheets to prove they're working and their value for money. |
| 2022-01-12 07:31:37 -0700 | Instead of median full-time rate, base it on 60th percentile. |
| 2022-01-12 15:11:23 -0700 | Based on inflation |
| 2022-01-12 16:17:04 -0700 | Yes, at least to half the increase of full-time employment |
| 2022-01-12 17:27:34 -0700 | 70 000 |
| 2022-01-12 19:39:22 -0700 | It should be noted that this is not a full time job. Median full time employment is generally fit full time positions. |
| 2022-01-13 07:14:36 -0700 | No change. I feel that this position is a way for the councillor to interact with the public in whatever other employment the councillor is engaged in. This has always been considered a part time position and should remain the same for people seeking election. |
| 2022-01-13 07:27:05 -0700 | No |
| 2022-01-13 07:40:43 -0700 | No more than minimum wage for half of a 40-hour work week. |
| 2022-01-13 07:59:54 -0700 | Compensation is too high for part time work, most have other full time work. |
| 2022-01-13 08:03:03 -0700 | If compensation is too high then you will not get a turnover in council members. Council should have a limited number of terms. It would allow for more new ideas by different people and give more opportunities. |
| 2022-01-13 08:07:37 -0700 | Wage should be indexed to inflation, |
| 2022-01-13 12:11:17 -0700 | Council members do more than the average full time employee. They should be paid more that that as well. 1.75 x Median full-time income. |
| 2022-01-13 12:58:34 -0700 | Position should be full time. |
| 2022-01-13 16:32:22 -0700 | No |
| 2022-01-13 17:52:35 -0700 | No |
| 2022-01-13 20:52:19 -0700 | I think median full time income is a good base. However I think it should fluctuate based on if they have a second job and # of hours worked. |
| 2022-01-14 10:47:00 -0700 | No |
| 2022-01-16 15:00:45 -0700 | Competitive wage based on other cities |

115 responses, 39 skipped

Appendix “K”

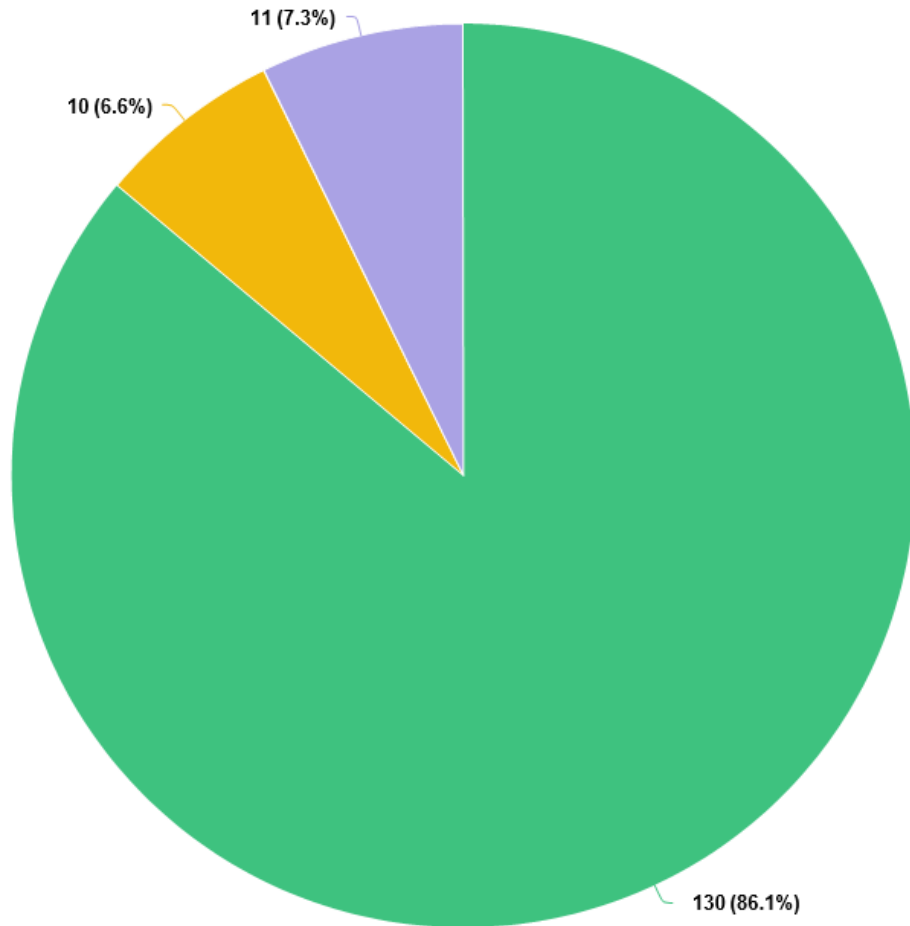
Question 3: What factors are most important to you when setting compensation rates for Council Members? Please rank all answers, with #1 as most important and #6 as least important.

| Option | Average Rank |
|---|---------------------|
| Hours spent on Councillor duties | 2.24 |
| Consistent with local economy, average wage rates, cost of living | 2.70 |
| Nature of duties | 2.95 |
| Attraction and retention | 3.54 |
| Compensation rates of other municipalities | 3.88 |
| Other | 5.08 |

139 responses, 15 skipped

Appendix “K”

Question 4: Should Council Members’ compensation be periodically reviewed by an independent body?



Responses:

Yes – 130 (86.1%)

No – 10 (6.6%)

Not sure – 11 (7.3%)

150 responses, 4 skipped

Appendix “K”

Question 5: Is there anything else you would like the Compensation Committee to consider?

| Response Time | Response |
|---------------------------|--|
| 2022-01-05 07:24:15 -0700 | I doubt any of them put in part time hours, so make it full time and increase their salary accordingly. |
| 2022-01-05 07:42:29 -0700 | No |
| 2022-01-05 07:48:55 -0700 | Consider reducing the number of councilors but make it a full time job. |
| 2022-01-05 07:55:55 -0700 | Should not be paid if they leave for another govt position. |
| 2022-01-05 07:58:16 -0700 | Bill 124 - limits Nurses, Educators etc wage increase - should apply to City Council |
| 2022-01-05 07:58:44 -0700 | Council so not about earning a great living . Many in this community have to survive on this salary |
| 2022-01-05 08:10:13 -0700 | They took an outrageous increase a few years back that they should be holding for a year or two until we get major issues under control. |
| 2022-01-05 08:25:53 -0700 | I'm involved in the city but would never run for council because I could not support my family on the salary offered. |
| 2022-01-05 08:31:29 -0700 | Council should be paid a livable wage, that is competitive especially if the hours are deemed full time. What I don't agree with his |
| 2022-01-05 08:52:48 -0700 | Are they really representing the voters or are there for there own interests. |
| 2022-01-05 09:02:44 -0700 | Councillors should never receive a greater percentage increase than other municipal staff. I would be fine with them getting increases equal to the inside workers negotiated increases. Deduct pay when they fail to attend council or committee meetings. |
| 2022-01-05 09:10:15 -0700 | A full time council watching over our city might help us recover from Covid. |
| 2022-01-05 09:15:44 -0700 | As the city grows full time councillors will be needed. Who will determine when this happens? At the moment there is poor communication from councillors and the public. Councillors shouhld be meeting with all types of community groups There is no way of m |
| 2022-01-05 10:07:56 -0700 | Should have set dates that employee can be absent with pay. Position should be seen as the same as a regular posits and not supplementary income |
| 2022-01-05 10:47:30 -0700 | I would agree to pay them more if they were more fiscally responsible with the tax payer's money. |
| 2022-01-05 10:56:12 -0700 | no |

Appendix “K”

| Response Time | Response |
|---------------------------|---|
| 2022-01-05 11:04:15 -0700 | Whatever you do, bring forward a recommendation that sets council pay at a rate for the term so they don't have to vote on it every year. It is ridiculous London has to have this conversation every year just to let them have a cost of living increase. I would suggest 80% of the median income of London for the entire 4 years, and then have it recalculated once every 4 years for the new council. At 80%, I would think an annual inflation raise could be done away with. I would also support a monthly bonus for each board they have to sit on. I would never do the amount of work my councillor does for the amount we pay him, we're actually exploiting him in my opinion. |
| 2022-01-05 11:05:33 -0700 | No |
| 2022-01-05 11:15:59 -0700 | They don't make enough. In order to attract committed qualified candidates the remuneration should be enough to make it attractive to good candidates. There is also the fact that they are on call pretty much 24/7. Reading and research also likely not take. I to account for the number of hours they have to put in to do a competent job. |
| 2022-01-05 11:31:13 -0700 | <p>Compensation should be base salary + bonus for number of committees a counselor sits on should be considered. They are not all pulling the same weight and time commitments. It's ridiculous they all receive the same pay despite some working harder than others.</p> <p>When will London move to full-time counselors? We are at this stage in terms of size where other municipalities of similar size have full-time counselor positions to devote to demands of the job.</p> |
| 2022-01-05 11:44:14 -0700 | Please see my first answer. I believe that these positions should be held by those who do not have additional full time jobs, and can fulfill their full time position as city councillor first and foremost and be reached during regular business hours. |
| 2022-01-05 11:52:00 -0700 | <p>I fully endorse the idea of full-time councillors, and a supporting salary - perhaps pegged at the mid-point of a City of London Manager II pay scale. Annual increase would be set at the rate of economic increase for that pay grid. Coincident w/ ward boundary adjustment accounting for growth within the city, I would like to see a FT council w/ no more than ten members plus mayor, and a corresponding realignment of ward boundaries updated to reflect the communities of interest of 2022, not an OMB decision from 2005.</p> <p>Attendance; participation on standing committees; other ABCs should also factor into a councillor's compensation.</p> |
| 2022-01-05 11:55:25 -0700 | Stop making it an election issue |
| 2022-01-05 11:59:17 -0700 | Please, please think of those making London their home and how our city can look like any other city especially downtown, the run down buildings, gold shops are an eye sore. I have never experienced a city like this one! We deserve more from our tax dollars rather than city hall lining their pockets constantly and wondering how councillors get compensated -seriously. |
| 2022-01-05 12:05:34 -0700 | Again, it should be a full time role compensated accordingly but individuals should not be able to hold the position in addition to another full time role. 100% of their focus should be dedicated to their role as municipal councilor. |

Appendix “K”

| Response Time | Response |
|---------------------------|--|
| 2022-01-05 12:18:01 -0700 | Full time councillors - citizens deserve councillors 100% dedicated to the job, not using it as secondary employment. |
| 2022-01-05 12:52:04 -0700 | Due to Covid and homelessness, this is not the time to increase salary of councillors. The police are asking for more money and not providing the necessary services to the community neighbourhoods. The money should be used for improvement of life for the people who live here. |
| 2022-01-05 12:54:18 -0700 | Full time council with a 35% pay increase. |
| 2022-01-05 13:02:01 -0700 | City council is elected by the city they represent. I know there are city councilors who take their job seriously and put the effort in. It would be a shame to lose those councilors. I think any governing body in all levels of government who are elected are currently underpaid. To put this in to perspective, there are lower level non-profit organizational staff who make more than a city councilor. |
| 2022-01-05 13:20:12 -0700 | Mainly, it is important that councillors be paid well enough to maintain their independence. |
| 2022-01-05 14:05:42 -0700 | Why in a City of 400K are these not full-time positions? |
| 2022-01-05 14:30:06 -0700 | Please make it a full time job. You shouldn't have councillors who have other six figure positions. London deserves their full attention. |
| 2022-01-05 15:07:21 -0700 | No. I feel like you already know the right answer - you're just hoping enough of us will validate it. |
| 2022-01-05 15:58:18 -0700 | Finding ways to remove current council from having to vote on annual increases |
| 2022-01-05 16:28:06 -0700 | Please pay city councillors more. |
| 2022-01-05 17:13:29 -0700 | Consideration should be given to salary if a Councillor has another job. Part time pay or full time pay should be a factor. |
| 2022-01-05 17:18:19 -0700 | The rest of us are capped at 1% |
| 2022-01-05 18:19:59 -0700 | exactly how much is accomplished or not accomplished and pay accordingly |
| 2022-01-05 18:56:39 -0700 | They should get bonuses or extra pay based on additional committees they involve with. Some don't go into any additional committee's while others are involved in many. Adds time and effort and should be compensated. These are high level positions in a Billion dollar corporation. They should be paid like other top managers in the same corporation. |
| 2022-01-05 19:12:32 -0700 | Council has a tough job. She should be compensated for it in order to attract more than just retired old men. |
| 2022-01-05 19:19:45 -0700 | This also needs to be looked at through a diversity and inclusion lens. |
| 2022-01-05 20:16:45 -0700 | The 24/7/365 nature of the work council members does with the public representing their constituents and the City of London. |
| 2022-01-05 22:34:25 -0700 | If they are issued this based on part time duties, then the city of London employees that work full time should be compensated to reflect this. |

Appendix “K”

| Response Time | Response |
|---------------------------|---|
| 2022-01-06 02:35:29 -0700 | <p>If they want to be paid for what they do, they should be move involved with their ward. I and several neighbors, have spoken to my counselor about neighborhood concerns for them to fall on deaf ears.</p> <p>Also any council with another job that is more then 20 hours a week doesn't deserve a full time job at a council paying this rate. Since they are going to put the council job 2nd to their first part time job prior to being elected. If you want to make 52k a year it's all or none with pay and time.. if any other person did that they would get fire from either job but as a councillor they aren't accountable for thir time doing their job out side of attending meetings</p> |
| 2022-01-06 03:05:19 -0700 | <p>For future surveys, in questions like number 4 here, it would be great to define periodically. It could mean a range of different time periods depending on perspective.Thank you</p> |
| 2022-01-06 05:45:13 -0700 | <p>The reason I put attraction retention so low , is because many people run for this office who aren't qualified. They want to do the job regardless of the remuneration. Yes, I think their “qualifications” should influence the pay, but not all are equally qualified. Being voted in does NOT necessarily mean they are capable or experienced or qualified. So I would leave this as a lower consideration</p> |
| 2022-01-06 08:07:52 -0700 | <p>London has some serious issues and problems. Council is at the heart of these problems. They just can't get it right. There personal polticips often overshadow the cities needs. Our core problems are righ in front of us daily - council needs to be accountable for growth. Core issues. Vacancy. Turning away business. Not creating enough business. Putting 'heritage' first etc. make them accountable for action and getting things down quickly like every other job. Make them work full time for that - many people would. Make them push projects through everyday. Ensure they are global - not only local. Someone that has never seen anything different then the inaction in the city can not bring new dreams and action to our city</p> |
| 2022-01-06 09:59:31 -0700 | <p>Consider the justification of salary increases to councilors against what taxpayers would receive in return. There is already talk of increasing property taxes in 2022, councilors have blown a huge budget on "revitalizing" downtown which has been a bust, and that revitalization has been at the expense of spending money in this city where is it sorely needed. So what exactly have they done to justify an increase in salary and more of our tax dollars? Lots of people in the private and public sector do not receive wage increases simply because of inflation - so how would you rationalize an increase to councilor compensation when their performance does not justify it?</p> |
| 2022-01-06 10:29:11 -0700 | <p>Accountability for poor decisions. For every increase in taxes equals a corresponding decrease in pay.</p> |
| 2022-01-06 10:53:27 -0700 | <p>Not sure your terms of reference permit this but would like to see a model of full time Councillors (perhaps 6 or 8 with new Ward boundaries), sufficient staff and appropriate full time salary.</p> |

Appendix “K”

| Response Time | Response |
|---------------------------|--|
| 2022-01-06 10:58:13 -0700 | The work they put in should be measured in results , quality or work , attendance etc should not be a flat rate . Should be a rate plus performance bonus evaluated by 3rd party |
| 2022-01-06 13:39:48 -0700 | Unless they are working full-time hours, they should not be paid benefits, nor pension. |
| 2022-01-06 15:22:57 -0700 | Councillors who violate public health guidelines should have pay docked at a rate of 100%. |
| 2022-01-07 08:37:10 -0700 | The involvement and hours the councillor provides in actual councillor duties. Our Councillors should be a full time job. |
| 2022-01-07 11:20:56 -0700 | stop making them vote on a couple dollar a month cost of living increase every year. pick a salary that's appropriate for a 4 year contract and then just adjust for inflation each new council, not annually. |
| 2022-01-07 11:59:26 -0700 | I think the council should be served by people whose sole goal is to serve the community. If they have another job, they should make less. I think the current salary is fair if this were the sole focus of every council member. |
| 2022-01-07 13:10:19 -0700 | The role of city councillor is a key block of our electoral construct. Trivializing it to a "part time" position only serves to undermine the work done there, disrupt public trust in the office, and attract candidates looking for a hobby more then fulfilling a duty to the city. Running the city should not have the same time considerations of joining an evening book club. Lives rest on the work being done and the compensation scheme should serve as a reminder of the importance of that work. |
| 2022-01-07 13:14:50 -0700 | I feel strongly for many years we had a councillor who did absolutely nothing I honestly didnt know that this was a part time job and they held other jobs They should be compensated for how much effort and time they commit to their wards |
| 2022-01-07 13:19:46 -0700 | Council should be full time. If you pay and treat the position as a side hustle, you will not get the most out of the person. It's not 1950. |
| 2022-01-07 13:59:31 -0700 | I'd like to see a 'bonus' or 'stipend' offered to city councillors for the extra time and effort they put into board or commission duties . I believe these extra roles take a lot of one's time and that needs to be compensated fairly. |
| 2022-01-07 15:35:33 -0700 | No |
| 2022-01-07 19:37:07 -0700 | With a tax hike of 2.8% and overspending for Covid-19, as well as other critical issues such as homelessness, Councillors are paid enough for the time commitment and nature of the duties. Increasing the rate of pay during a pandemic when others are not even getting a cost of living k crease is unacceptable and fiscally irresponsible. |
| 2022-01-08 07:14:55 -0700 | -An increase in compensation may attract better qualified candidates. -There should be a background check and minimum qualifications/education before a person would be able to run for councilor. |
| 2022-01-08 08:53:19 -0700 | Meeting with the community more often |
| 2022-01-08 09:28:25 -0700 | Productivity should be reviewed and bonuses should be offered. |

Appendix “K”

| Response Time | Response |
|---------------------------|---|
| 2022-01-08 09:43:07 -0700 | what do they actually do for taxpayers? crime is out of control. instead of proper number of police they want to waste money for 10 people to use bike lanes. |
| 2022-01-09 07:04:33 -0700 | NO Councillor allowed to have a second job like working at the University or hospital which makes this a secondary income our city is large and requires full time councillors |
| 2022-01-09 08:35:27 -0700 | Honesty. Can not serve more than 2 periods consecutives. |
| 2022-01-09 10:58:21 -0700 | Make it a full time position (35-40 hours per week) and pay better (\$90,000 plus) so we attract better and dedicated people |
| 2022-01-10 21:25:47 -0700 | Take a look at Toronto City Councillor reductions and see if it is working. Maybe we can get better people to run if we had less councillors - pay a full time wage and not part time job. |
| 2022-01-11 07:15:13 -0700 | People should be able to make a fair living as a Councillor but there is also an element of altruism and civic responsibility that accompanies the role. |
| 2022-01-11 14:39:25 -0700 | When I hear "independent body", I think "friends of these people from high school". I'd like to see accountability for the really disgusting language that many council members have used in the past year or so (calling their constituents idiots, yahoos, etc.). I know it doesn't make me respect this council very much, and when the citizenry doesn't respect government, that has a serious societal cost. Several of our representatives are not worth their pay if we balance those costs. |
| 2022-01-12 07:31:37 -0700 | The problem is that some councillors are quite hard-working and clearly put much time and effort into their duties while others do much less. And I mean this in a non-partisan way. No idea how that can be dealt with except by electorate. It would help if councillors' attendance at all council and committee meetings were readily available. |
| 2022-01-12 15:11:23 -0700 | If council became a full time job (ie: daytime meetings that would make it difficult to have another job) then compensation should reflect that change in order to attract good candidates who are willing to leave their current serve. |
| 2022-01-12 19:39:22 -0700 | Consider changing meetings to regular business hours and making these full time positions. Londoners don't realize the importance of good Councillors. They should be paid accordingly. |
| 2022-01-13 07:14:36 -0700 | Consider the amount of time councilors devote to other committees or political groups that interfere with the councilors position with the City Of London. To many committee engagements will take away from being focused on the Ward the councilor is committed to. Also councilors take an oath to fulfill the responsibilities of the 4yr term and in no way should this enable a councilor to seek election in provincial or federal government while upholding a commitment to the people of this city. |

Appendix "K"

| Response Time | Response |
|---------------------------|--|
| 2022-01-13 07:59:54 -0700 | Compensation committee should consist of ordinary citizens. Attraction and retention is n/a Rates in other communities should not be a factor Compensation should be based on average wage of part time workers. Compensation based on actual time spent in council meetings, not inflated by attendance for social events. Citizens running for elected positions, compensation based on a feeling of civic duty and desire to improve the municipality on behalf of all citizens. Should not run based on the amount of compensation offered. |
| 2022-01-13 12:58:34 -0700 | Position should be a primary job for the rate of pay. Too many part timers |
| 2022-01-13 16:32:22 -0700 | No |
| 2022-01-13 17:52:35 -0700 | No |
| 2022-01-14 10:47:00 -0700 | No |

Appendix “K”

| Response Time | Response |
|---------------------------|---|
| 2022-01-05 11:04:15 -0700 | Whatever you do, bring forward a recommendation that sets council pay at a rate for the term so they don't have to vote on it every year. It is ridiculous London has to have this conversation every year just to let them have a cost of living increase. I would suggest 80% of the median income of London for the entire 4 years, and then have it recalculated once every 4 years for the new council. At 80%, I would think an annual inflation raise could be done away with. I would also support a monthly bonus for each board they have to sit on. I would never do the amount of work my councillor does for the amount we pay him, we're actually exploiting him in my opinion. |
| 2022-01-05 11:05:33 -0700 | No |
| 2022-01-05 11:15:59 -0700 | They don't make enough. In order to attract committed qualified candidates the remuneration should be enough to make it attractive to good candidates. There is also the fact that they are on call pretty much 24/7. Reading and research also likely not take. I to account for the number of hours they have to put in to do a competent job. |
| 2022-01-05 11:31:13 -0700 | Compensation should be base salary + bonus for number of committees a counselor sits on should be considered. They are not all pulling the same weight and time commitments. It's ridiculous they all receive the same pay despite some working harder than others. When will London move to full-time counselors? We are at this stage in terms of size where other municipalities of similar size have full-time counselor positions to devote to demands of the job. |
| 2022-01-05 11:44:14 -0700 | Please see my first answer. I believe that these positions should be held by those who do not have additional full time jobs, and can fulfill their full time position as city councillor first and foremost and be reached during regular business hours. |
| 2022-01-05 11:52:00 -0700 | <p>I fully endorse the idea of full-time councillors, and a supporting salary - perhaps pegged at the mid-point of a City of London Manager II pay scale. Annual increase would be set at the rate of economic increase for that pay grid. Coincident w/ ward boundary adjustment accounting for growth within the city, I would like to see a FT council w/ no more than ten members plus mayor, and a corresponding realignment of ward boundaries updated to reflect the communities of interest of 2022, not an OMB decision from 2005.</p> <p>Attendance; participation on standing committees; other ABCs should also factor into a councillor's compensation.</p> |
| 2022-01-05 11:55:25 -0700 | Stop making it an election issue |
| 2022-01-05 11:59:17 -0700 | Please, please think of those making London their home and how our city can look like any other city especially downtown, the run down buildings, gold shops are an eye sore. I have never experienced a city like this one! We deserve more from our tax dollars rather than city hall lining their pockets constantly and wondering how councillors get compensated - seriously. |

Appendix “K”

| Response Time | Response |
|---------------------------|--|
| 2022-01-05 12:05:34 -0700 | Again, it should be a full time role compensated accordingly but individuals should not be able to hold the position in addition to another full time role. 100% of their focus should be dedicated to their role as municipal councilor. |
| 2022-01-05 12:18:01 -0700 | Full time councillors - citizens deserve councillors 100% dedicated to the job, not using it as secondary employment. |
| 2022-01-05 12:52:04 -0700 | Due to Covid and homelessness, this is not the time to increase salary of councillors. The police are asking for more money and not providing the necessary services to the community neighbourhoods. The money should be used for improvement of life for the people who live here. |
| 2022-01-05 12:54:18 -0700 | Full time council with a 35% pay increase. |
| 2022-01-05 13:02:01 -0700 | City council is elected by the city they represent. I know there are city councilors who take their job seriously and put the effort in. It would be a shame to lose those councilors. I think any governing body in all levels of government who are elected are currently underpaid. To put this in to perspective, there are lower level non-profit organizational staff who make more than a city councilor. |
| 2022-01-05 13:20:12 -0700 | Mainly, it is important that councillors be paid well enough to maintain their independence. |
| 2022-01-05 14:05:42 -0700 | Why in a City of 400K are these not full-time positions? |
| 2022-01-05 14:30:06 -0700 | Please make it a full time job. You shouldn't have councillors who have other six figure positions. London deserves their full attention. |
| 2022-01-05 15:07:21 -0700 | No. I feel like you already know the right answer - you're just hoping enough of us will validate it. |
| 2022-01-05 15:58:18 -0700 | Finding ways to remove current council from having to vote on annual increases |
| 2022-01-05 16:28:06 -0700 | Please pay city councillors more. |
| 2022-01-05 17:13:29 -0700 | Consideration should be given to salary if a Councillor has another job. Part time pay or full time pay should be a factor. |
| 2022-01-05 17:18:19 -0700 | The rest of us are capped at 1% |
| 2022-01-05 18:19:59 -0700 | exactly how much is accomplished or not accomplished and pay accordingly |
| 2022-01-05 18:56:39 -0700 | They should get bonuses or extra pay based on additional committees they involve with. Some don't go into any additional committee's while others are involved in many. Adds time and effort and should be compensated. These are high level positions in a Billion dollar corporation. They should be paid like other top managers in the same corporation. |

Appendix “K”

| Response Time | Response |
|---------------------------|--|
| 2022-01-05 19:12:32 -0700 | Council has a tough job. She should be compensated for it in order to attract more than just retired old men. |
| 2022-01-05 19:19:45 -0700 | This also needs to be looked at through a diversity and inclusion lens. |
| 2022-01-05 20:16:45 -0700 | The 24/7/365 nature of the work council members does with the public representing their constituents and the City of London. |
| 2022-01-05 22:34:25 -0700 | If they are issued this based on part time duties, then the city of London employees that work full time should be compensated to reflect this. |
| 2022-01-06 02:35:29 -0700 | <p>If they want to be paid for what they do, they should be move involved with their ward. I and several neighbors, have spoken to my counselor about neighborhood concerns for them to fall on deaf ears.</p> <p>Also any council with another job that is more then 20 hours a week doesn't deserve a full time job at a council paying this rate. Since they are going to put the council job 2nd to their first part time job prior to being elected. If you want to make 52k a year it's all or none with pay and time.. if any other person did that they would get fire from either job but as a councillor they aren't accountable for thir time doing their job out side of attending meetings</p> |
| 2022-01-06 03:05:19 -0700 | <p>For future surveys, in questions like number 4 here, it would be great to define periodically. It could mean a range of different time periods depending on perspective.</p> <p>Thank you</p> |
| 2022-01-06 05:45:13 -0700 | The reason I put attraction retention so low , is because many people run for this office who aren't qualified. They want to do the job regardless of the remuneration. Yes, I think their “qualifications” should influence the pay, but not all are equally qualified. Being voted in does NOT necessarily mean they are capable or experienced or qualified. So I would leave this as a lower consideration |
| 2022-01-06 08:07:52 -0700 | London has some serious issues and problems. Council is at the heart of these problems. They just can't get it right. There personal polticips often overshadow the cities needs. Our core problems are righ in front of us daily - council needs to be accountable for growth. Core issues. Vacancy. Turning away business. Not creating enough business. Putting 'heritage' first etc. make them accountable for action and getting things down quickly like every other job. Make them work full time for that - many people would. Make them push projects through everyday. Ensure they are global - not only local. Someone that has never seen anything different then the inaction in the city can not bring new dreams and action to our city |

Appendix “K”

| Response Time | Response |
|---------------------------|---|
| 2022-01-06 09:59:31 -0700 | Consider the justification of salary increases to councilors against what taxpayers would receive in return. There is already talk of increasing property taxes in 2022, councilors have blown a huge budget on "revitalizing" downtown which has been a bust, and that revitalization has been at the expense of spending money in this city where it sorely needed. So what exactly have they done to justify an increase in salary and more of our tax dollars? Lots of people in the private and public sector do not receive wage increases simply because of inflation - so how would you rationalize an increase to councilor compensation when their performance does not justify it? |
| 2022-01-06 10:29:11 -0700 | Accountability for poor decisions. For every increase in taxes equals a corresponding decrease in pay. |
| 2022-01-06 10:53:27 -0700 | Not sure your terms of reference permit this but would like to see a model of full time Councilors (perhaps 6 or 8 with new Ward boundaries), sufficient staff and appropriate full time salary. |
| 2022-01-06 10:58:13 -0700 | The work they put in should be measured in results , quality or work , attendance etc should not be a flat rate . Should be a rate plus performance bonus evaluated by 3rd party |
| 2022-01-06 13:39:48 -0700 | Unless they are working full-time hours, they should not be paid benefits, nor pension. |
| 2022-01-06 15:22:57 -0700 | Councilors who violate public health guidelines should have pay docked at a rate of 100%. |
| 2022-01-07 08:37:10 -0700 | The involvement and hours the councilor provides in actual councilor duties. Our Councilors should be a full time job. |
| 2022-01-07 11:20:56 -0700 | stop making them vote on a couple dollar a month cost of living increase every year. pick a salary that's appropriate for a 4 year contract and then just adjust for inflation each new council, not annually. |
| 2022-01-07 11:59:26 -0700 | I think the council should be served by people whose sole goal is to serve the community. If they have another job, they should make less. I think the current salary is fair if this were the sole focus of every council member. |
| 2022-01-07 13:10:19 -0700 | The role of city councilor is a key block of our electoral construct. Trivializing it to a "part time" position only serves to undermine the work done there, disrupt public trust in the office, and attract candidates looking for a hobby more then fulfilling a duty to the city. Running the city should not have the same time considerations of joining an evening book club. Lives rest on the work being done and the compensation scheme should serve as a reminder of the importance of that work. |

Appendix “K”

| Response Time | Response |
|---------------------------|---|
| 2022-01-07 13:14:50 -0700 | I feel strongly for many years we had a councillor who did absolutely nothing I honestly didnt know that this was a part time job and they held other jobs They should be compensated for how much effort and time they commit to their wards |
| 2022-01-07 13:19:46 -0700 | Council should be full time. If you pay and treat the position as a side hustle, you will not get the most out of the person. It's not 1950. |
| 2022-01-07 13:59:31 -0700 | I'd like to see a 'bonus' or 'stipend' offered to city councillors for the extra time and effort they put into board or commission duties . I believe these extra roles take a lot of one's time and that needs to be compensated fairly. |
| 2022-01-07 15:35:33 -0700 | No |
| 2022-01-07 19:37:07 -0700 | With a tax hike of 2.8% and overspending for Covid-19, as well as other critical issues such as homelessness, Councillors are paid enough for the time commitment and nature of the duties. Increasing the rate of pay during a pandemic when others are not even getting a cost of living k crease is unacceptable and fiscally irresponsible. |
| 2022-01-08 07:14:55 -0700 | -An increase in compensation may attract better qualified candidates. -There should be a background check and minimum qualifications/education before a person would be able to run for councilor. |
| 2022-01-08 08:53:19 -0700 | Meeting with the community more often |
| 2022-01-08 09:28:25 -0700 | Productivity should be reviewed and bonuses should be offered. |
| 2022-01-08 09:43:07 -0700 | what do they actually do for taxpayers? crime is out of control. instead of proper number of police they want to waste money for 10 people to use bike lanes. |
| 2022-01-09 07:04:33 -0700 | NO Councillor allowed to have a second job like working at the University or hospital which makes this a secondary income our city is large and requires full time councillors |
| 2022-01-09 08:35:27 -0700 | Honesty. Can not serve more than 2 periods consecutives. |
| 2022-01-09 10:58:21 -0700 | Make it a full time position (35-40 hours per week) and pay better (\$90,000 plus) so we attract better and dedicated people |
| 2022-01-10 21:25:47 -0700 | Take a look at Toronto City Councillor reductions and see if it is working. Maybe we can get better people to run if we had less councillors - pay a full time wage and not part time job. |
| 2022-01-11 07:15:13 -0700 | People should be able to make a fair living as a Councillor but there is also an element of altruism and civic responsibility that accompanies the role. |

Appendix “K”

| Response Time | Response |
|---------------------------|--|
| 2022-01-11 14:39:25 -0700 | When I hear "independent body", I think "friends of these people from high school". I'd like to see accountability for the really disgusting language that many council members have used in the past year or so (calling their constituents idiots, yahoos, etc.). I know it doesn't make me respect this council very much, and when the citizenry doesn't respect government, that has a serious societal cost. Several of our representatives are not worth their pay if we balance those costs. |
| 2022-01-12 07:31:37 -0700 | The problem is that some councillors are quite hard-working and clearly put much time and effort into their duties while others do much less. And I mean this in a non-partisan way. No idea how that can be dealt with except by electorate. It would help if councillors' attendance at all council and committee meetings were readily available. |
| 2022-01-12 15:11:23 -0700 | If council became a full time job (ie: daytime meetings that would make it difficult to have another job) then compensation should reflect that change in order to attract good candidates who are willing to leave their current serve. |
| 2022-01-12 19:39:22 -0700 | Consider changing meetings to regular business hours and making these full time positions. Londoners don't realize the importance of good Councillors. They should be paid accordingly. |
| 2022-01-13 07:14:36 -0700 | Consider the amount of time councilors devote to other committees or political groups that interfere with the councilors position with the City Of London. To many committee engagements will take away from being focused on the Ward the councilor is committed to. Also councilors take an oath to fulfill the responsibilities of the 4yr term and in no way should this enable a councilor to seek election in provincial or federal government while upholding a commitment to the people of this city. |
| 2022-01-13 07:59:54 -0700 | Compensation committee should consist of ordinary citizens. Attraction and retention is n/a Rates in other communities should not be a factor Compensation should be based on average wage of part time workers. Compensation based on actual time spent in council meetings, not inflated by attendance for social events. Citizens running for elected positions, compensation based on a feeling of civic duty and desire to improve the municipality on behalf of all citizens. Should not run based on the amount of compensation offered. |
| 2022-01-13 12:58:34 -0700 | Position should be a primary job for the rate of pay. Too many part timers |
| 2022-01-13 16:32:22 -0700 | No |
| 2022-01-13 17:52:35 -0700 | No |
| 2022-01-14 10:47:00 -0700 | No |

67 responses, 87 skipped


COUNCIL COMPENSATION REVIEW TASK FORCE (CCRTF)

PUBLIC PARTICIPATION MEETING
MARCH 9, 2022 AT 10:00 AM

Reports to Council through Strategic Priorities and Policy Committee

The Task Force is responsible for reviewing and providing recommendations on Councillors' compensation, including:

- a) the review of the most recent median full time employment income data for Londoners;
- b) review, consider and continue work on the recommendations of any previous Council Compensation Review Task Force that the Task Force feels are relevant;
- c) making recommendations regarding implementation of any changes in compensation, which may include phasing in and indexing.



WHAT ARE
THE
DUTIES OF
THE
CCRTF?

GUIDING PRINCIPLES

COUNCIL COMPENSATION REVIEW TASK FORCE

1. No Councillor should seek to serve in public office solely for financial gain. The key motivation should be to serve and improve the well-being of the citizens of London.
2. The system of remuneration must be transparent, open and easily understandable.
3. Remuneration needs to be sensitive to local market conditions, recognizing that the role of Councillor is neither a full-time nor part-time role, but rather a unique role.
4. Fair compensation that is reflective of the legislative responsibilities and day-to-day duties undertaken to fulfil the role of a municipal Councillor.



CURRENT COUNCIL COMPENSATION

- Stipends for elected officials and appointed citizen members of local boards and commissions are to be adjusted annually retroactively to January 1st by the percentage increase reflected in the Labour Index¹, on the understanding that:
 - if such an index reflects a negative percentage, the annual adjustment to the salaries of the elected officials and appointed citizen members will be 0%;
 - on the further understanding that if the Labour Index has increased by a percentage greater than the Consumer Price Index, Ontario, the annual percentage increase in the salaries and honorariums of the elected officials and appointed citizen members will be no greater than the increase in the Consumer Price Index, Ontario; and
 - the escalator for annual adjustment purposes shall not be applied in those years where the non-union staff wages are frozen.

NOTE: (1) Labour Index is defined as Stats Canada Table: 14-010-0213-01 “Fixed weighted index of average hourly earnings for all employees by industry, monthly”

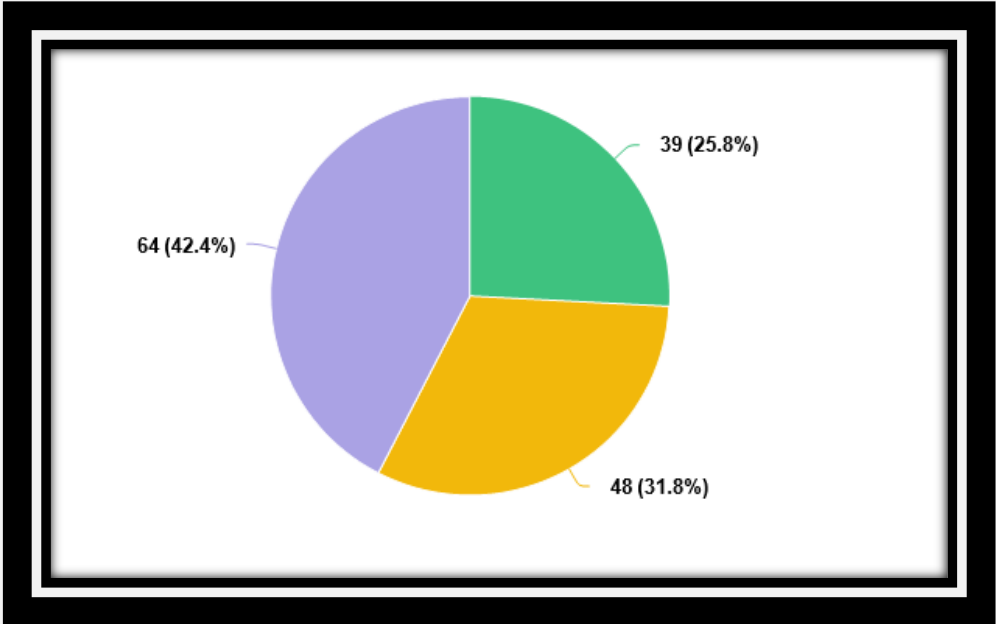
PUBLIC SURVEY RESPONSE

Councillors' current compensation rate is \$52,725 annually

Do you feel Councillors are currently?

- Overpaid – 39 (25.8%)
- Paid Appropriately – 48 (31.8%)
- Underpaid – 64 (42.4%)

- *Source: Council Compensation Survey from Get Involved*
- *150 responses, 4 skipped*



CURRENT COUNCIL TERM COMPENSATION

- Total Increase from 2018 to 2021 \$1,544
- Average yearly increase over three years \$514.67
- Average 1% increase each year

- *Note for 2022: Statistics Canada had not released the Labour Index numbers at time of preparing this presentation.*

| Year | Compensation | Percentage % | Amount \$ |
|--------------|--------------|--------------|-----------------|
| 2018 | \$ 51,181 | start | start |
| 2019 | \$ 52,358 | 2.30 % | \$ 1,177 |
| 2020 | \$ 52,358 | 0.00 % | \$ 0 |
| 2021 | \$ 52,725 | 0.70 % | \$ 367 |
| Total | | | \$ 1,544 |

PROPOSED COUNCIL COMPENSATION

- a. to continue annual compensation for Councillors based on the most recent median full time employment income for Londoners determined from census data published by Statistics Canada with annual compensation adjustments thereafter to be based on the average annual variation in median full time employment income over the most recent census period as opposed to the Labour Index or CPI
- b. that the annual adjustment in Councillor compensation be automatic and administered by Civic Administration

PROPOSED COUNCIL COMPENSATION

BASED ON VARIATIONS TO THE MEDIAN EMPLOYMENT INCOME

2011 Census Data

- Median employment income in 2010 for full-year full-time workers
 - \$ 47,805

2016 Census Data

- Median employment income in 2015 for full-year full-time workers
 - \$ 51,181
- Average of 1.374% increase or \$675 each year between 2011 and 2016

PROPOSED COUNCIL
COMPENSATION
BASED ON PREVIOUS
CENSUS PERIOD
(2011-2016)

- Total Increase from 2018 to 2021 \$2,139 based on variations to the median rather than cost of living
- Average yearly increase over three years \$713.
- 1.374% increase each year

| Year | Compensation | Percentage % | Amount \$ |
|--------------|--------------|--------------|-----------------|
| 2018 | \$ 51,181 | start | start |
| 2019 | \$ 51,884 | 1.374 % | \$ 703 |
| 2020 | \$ 52,597 | 1.374 % | \$ 713 |
| 2021 | \$ 53,320 | 1.374 % | \$ 723 |
| | | | |
| Total | | | \$ 2,139 |

COMPARISON BETWEEN CURRENT AND PROPOSED METHODS

CURRENT METHOD

LABOUR INDEX / CPI

| Year | Compensation | Percentage % | Amount \$ |
|--------------|--------------|--------------|-----------------|
| 2018 | \$ 51,181 | start | start |
| 2019 | \$ 52,358 | 2.30 % | \$ 1,117 |
| 2020 | \$ 52,358 | 0.00 % | \$ 0 |
| 2021 | \$ 52,725 | 0.70 % | \$ 367 |
| | | | |
| Total | | | \$ 1,544 |

PROPOSED METHOD

VARIATIONS TO THE MEDIAN

| Year | Compensation | Percentage % | Amount \$ |
|--------------|--------------|--------------|-----------------|
| 2018 | \$ 51,181 | start | start |
| 2019 | \$ 51,884 | 1.374 % | \$ 713 |
| 2020 | \$ 52,597 | 1.374 % | \$ 713 |
| 2021 | \$ 53,320 | 1.374 % | \$ 723 |
| | | | |
| Total | | | \$ 2,149 |

PROPOSED COUNCIL COMPENSATION CONSIDERATIONS

- the most recent median full time employment income for Londoners from the 2021 Census will be available **July 13, 2022**
 - **This data would start the new rate on remuneration for elected officials January 1, 2023**
- update to Council Policy – Remuneration for Elected Officials and Appointed Citizen Members Policy would be required

NEXT STEPS



The CCRTF will hold Public Participation Meeting on **March 9, 2022, at 10:00 AM**



The CCRTF review all public comments/input and provide direction on Final Report at its meeting **March 25, 2022, at 2:00 PM**



The CCRTF will submit their Final Report Strategic Priorities and Policy Committee on **April 5, 2022, at 4:00 PM**



FEEDBACK / COMMENT



Appendix "M"

2021 Council Compensation Survey
Councillor Survey Response Report

On average, how many hours per week did you spend on (in hours)?

| Response | #1 | #2 | #3 | #4 | #5 | #6 | #7 | #8 | #9 |
|--|-----|-----|----|---|------|-----|---|----|------------------|
| Emails | 11 | 11 | 10 | 8 | 5 | 8 | 14 | 15 | 3 |
| Phone calls / constituent meetings | 5 | 7 | 5 | 3 | 5 | 0.5 | 8 | 3 | 2 |
| Staff meetings | 0.5 | 4 | 6 | 3 | 3 | 1 | 2 | 5 | 1 |
| Meeting preparation: reading reports / agendas | 1 | 4 | 10 | 6 | 6-10 | 6 | 6 | 5 | 2 |
| Meeting preparation: research | 0.5 | 1 | 2 | 2 | 5 | 1 | 2 | 4 | 6 |
| Attending Council / Committee meetings | 5 | 4 | 8 | 8 | 6-10 | 6 | 8 | 7 | 6 |
| Improvement Initiatives: Research / Planning / Meeting | 0.5 | 1 | 1 | 1 | 2 | 1 | 2 | 5 | 2 |
| Attending agency / board / commissions meetings | 2 | 2.5 | 3 | 8 | 3 | 2 | 2 | 3 | 3 |
| Attending events | 1 | 2 | 0 | 0 since March 2020 | 5 | 0.5 | 1 | 1 | 4 (pre-covid) |
| Travel | 0 | 1 | 0 | 0 since March 2020 | 0 | 0.5 | 2 | 1 | 2 (pre-covid) |
| Social media / website / blogs | 0 | 6 | 8 | 1 | 5 | 0.5 | 14 | 7 | 2 |
| Mentoring | 1 | 0.5 | 3 | 0.5 | 0 | 0 | 0 | 0 | 0.25 |
| Correspondence | 1 | 0 | 2 | text messages - 2 | 1 | 35 | Included in Email & Social Media hours--99% of Correspondence is electronic | 3 | 1 |
| Other assigned duties (Task Forces, Deputy Mayor, chairing a Standing Committee, etc.) | 0.5 | 7 | 0 | included in staff meetings and preparation for meetings | 1 | 2 | 1 | 0 | 1 |
| Advocacy efforts | 1 | 1 | 2 | 0.5 | 6 | 0.5 | 1 | 3 | 1 |

Appendix "M"

Question 16: In your opinion, should annual indexing be Automatic, Reviewed and Determined by Council, or Other?

| Response | In your opinion, should annual indexing be: |
|----------|---|
| #1 | Reviewed and determined by Council |
| #2 | Automatic |
| #3 | Automatic |
| #4 | Automatic |
| #5 | Automatic |
| #6 | Automatic |
| #7 | Automatic |
| #8 | Automatic |
| #9 | Councillors should not get a raise for 4 years, but the base amount should be the average of four years pay including the estimated inflationary amounts for years 2-4. In this way, the raise will not be an annual controversial virtue-signalling event. |

Appendix “M”

Question 17: Do you support the annual indexing of the compensation rate based on the change in annual median full-time employment income for Londoners from the last census period (sourced from Statistics Canada)? (the median full-time employment income increased 7.87% between 2011 and 2016)

| Response | Do you support the annual indexing of the compensation rate based on the change in annual median full-time employment income for Londoners from the last census period (sourced from Statistics Canada)? (the median full-time employment income increased 7.87% between 2011 and 2016) |
|----------|---|
| #1 | Yes |
| #2 | No |
| #3 | Yes |
| #4 | No |
| #5 | Not sure |
| #6 | Yes |
| #7 | Yes |
| #8 | Yes |
| #9 | Yes |

Appendix “M”

Question 18: Is there anything else you would like the Council Compensation Review Task Force to consider?

| Response | Is there anything else you would like the Council Compensation Review Task Force to consider? |
|----------|--|
| #1 | I have found that the more experienced I become the better I am able to prioritize my time. You can spend 30 hrs a week or 70 hrs a week depending on issues in your ward and if you want to do more. I think some wards are more demanding than others. I would encourage additional administration staff to assist as well as hiring your own administrator through your expense account to assist. A major part of my job is also giving back to the community. |
| #2 | Re Question 17: It is not the "median full-time" job in the City of London. It is likely in a higher percentile of that measure given the time, responsibility, risk, loss of privacy, and scope of duties. Once properly set, indexing it according to a percentile of this measure makes sense. This only need to happen once per term (in other words, it only needs to change once every 4 years). |
| #3 | London needs a full time council. |
| #4 | Make recommendations on compensation based on share of workload. Many councillors do not sit on outside boards and not all boards have equal workloads. Many sit on standing committees that meet the fewest and have lightest workload. |
| #5 | thanks. |
| #6 | Skipped |

Appendix “M”

| Response | Is there anything else you would like the Council Compensation Review Task Force to consider? |
|----------|---|
| #7 | <p>I actually do not feel the median income is the correct point at which to set a councillor's compensation. Consider, councillor's currently make less than their own admin assistants...where else in any workplace would you find that?</p> <p>We do--those who actually do the job properly--as much or more communicating directly to the public than the communications staff and are compensated roughly half as well, though held far more accountable for it. Another example of the disparity.</p> <p>If staff were compensated the way council is, it would be called exploiting employees. Before sharing other comments, I want to emphasize my answer to question 16. It is ridiculous to have council vote every year on it's annual indexing raise. It is a political circus and distraction for the council and the residents of London. If we consider council compensation like a 4 year workplace contract the public hired councillors for, the contract should be honoured without debate. I can't think of another workplace where the terms of a set period of time contract are reviewed repeatedly during the term of the contract.</p> <p>The Task Force has previously noted the role is "unique" and neither full-time, nor part-time. That is true. It is a 7 day a week job, sometimes 24/7. It is also a critical job with considerable responsibility, not a "median" job that one clocks in and clocks out of. We are responsible to represent, consider the interests and well-being of our 26,000-35,000 (depending on the Ward) direct ward constituents and the 400,000+ residents of the city as a whole. How many "median" jobs have the weight of responsibility for 25,000, let alone 400,000 jobs? Whether it is a fire in an apartment, or a shooting, or seeing someone sleeping in a doorway, or a global pandemic, there can be many sleepless nights of concern for the people we're sent to represent and be responsible to.</p> <p>These are not "median" roles and should not be viewed or compensated as such. They should be viewed as "management" or "executive" roles and compensated as such. While the role is one of public service and should not be done solely for the salary, it is also one that should be the sole focus of the individual and not require a second job in order to keep food on the table and the mortgage paid.</p> <p>Consideration for the time councillors spend on the outside agencies, boards and commissions of the municipality also requires agenda report reading and prep time, research time etc. It is not limited to just the meetings. More importantly, because some councillors hold down outside jobs for more income, they repeatedly indicate they cannot/will not serve on these ABCs in an equitable way because it interferes with there work schedules. We cannot leave those positions vacant, so the result is councillors who are only working as councillors have to carry a heavier workload. There are councillors carrying 0, 1, or 2 ABC positions, while others are carrying 5, 6, or 7. This is a direct result of poor pay and outside work making one's council duties secondary to the other job.</p> <p>For the purposes of this survey, I'm including my agenda/prep/meeting time for my ABCs in my response to average hours.</p> <p>Reflecting the executive leadership role a councillor has should be recognized as "full-time" and compensated at a more appropriate level. Having spoken to some of my own constituents about this, perhaps a better marker point would be the 75th percentile of the median income, or at minimum the median income of city hall staff.</p> <p>The job is grossly underpaid. It is little wonder councillors leave to seek higher office (and higher income), or that many community members when approached to consider running indicate they would never consider doing so because they would have to give up their current income and take a massive pay reduction. When compared to other large Canadian municipalities, London council is the poorest compensated among them.</p> <p>This issue will continue to come up until the compensation is actually fixed in a meaningful way.</p> |
| #8 | |

Appendix “M”

| Response | Is there anything else you would like the Council Compensation Review Task Force to consider? |
|----------|---|
| #9 | <ol style="list-style-type: none">1. In addition to the median, please have the mean income also available as a reference point.2. There are reports that show the income for other municipalities and whether or not they are full or part-time. These may be helpful.3. There is a possibility that the role will become a full-time day job with councillors available for work from 9:30 to 4:30. We might therefore need a figure for full-time work that is in alignment with other municipalities our size (all of which have full-time councillors).4. In the full-time scenario councillors will be expected to spend more time, say 2-4 hours per week in additional working groups. The SPPC meeting will be during the day as well as portions of the other standing committees where public input is not required.5. I also see an additional 1 hour per week possible when the city establishes its own newsroom which has been planned for quite a while.6. Many thanks for your work and effort. |