



City of
Peterborough

To: Members of the General Committee

From: Jeff Leal, Mayor

Meeting Date: February 20, 2024

Report: Portfolio Chairs By-law, COU24-001

Subject

A report to recommend that Council pass a Portfolio Chairs By-law.

Recommendations

That Council approve the recommendations outlined in Report COU24-001, dated February 20, 2024 of Mayor Jeff Leal as follows:

- a) That Council pass a Portfolio Chairs By-law in the form comprising Appendix A to Report COU24-001; and
- b) That staff report respecting the status and roles of the City's current advisory committees in relation to the opportunities for Portfolio Chairs to establish advisory committees pursuant to section 9 of the proposed Portfolio Chairs By-law.

Executive Summary

- The proposed Portfolio Chairs By-law (Appendix A) aids good governance and is in the City's interests by Council more specifically defining the role of individual members of Council in relation to the City's administration.

Background

Section 224 of the Municipal Act, 2001 establishes broadly as 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.

The Municipal Act, 2001 also defines the roles of the head of Council (Mayor), the municipal administration (staff), the Clerk, the Treasurer and various accountability officers.

The Municipal Act, 2001 does not assign a role to an individual member of Council (Member). Accordingly, absent specifically delegated authority, a Member's role is scoped to being part of the collective, Council, exercising its jurisdiction in its properly constituted meetings.

The City's interests are served by good governance including by Council more specifically defining the role of individual members of Council in relation to the City's administration. The proposed Portfolio Chairs By-law (Appendix A):

- establishes 12 positions as "Co-Chairs" with two assigned to each of 6 "Portfolios" that align with the City's 5 Departments: Community Services, Finance and Corporate Support Services, Infrastructure, Planning and Growth Management, Legislative Services and Municipal Operations (section 6);
- delegates to the Mayor, in consultation with Council, the authority to appoint and revoke the appointment of Members as Portfolio Chairs (section 7);
- defines the roles of a Portfolio Chair (section 8);
- delegates to a Portfolio Chair the authority to strike advisory committees (section 9); and

- outlines Members' responsibilities in relation to third party communications, their relationships to municipal administration and dealing with confidential information (sections 10-13).

The authority to strike advisory committees is delayed (section 17) to permit staff an opportunity to report back respecting the status and roles of the City's current advisory committees (recommendation b) above).

Strategic Plan

Strategic Pillar: Governance and fiscal sustainability

Strategic Priority: Pursue service excellence in governance to support long-term fiscal sustainability of the city while respecting the impact of decisions on taxpayers

The establishment of the Portfolio Chair system will enhance governance by more effectively defining roles and responsibilities.

Engagement and Consultation

The Senior Leadership Team was consulted in the preparation of this report.

Budget and Financial Implications

There are no budget or financial implications directly related to the recommendations in this report.

Attachments

Appendix A: Proposed Portfolio Chair By-law

Submitted by,

Jeff Leal, Mayor

Contact Name/Report Author:

Jeff Leal, Mayor

Phone: 705-742-7777 Ext. 1870

Toll Free: 1-855-738-3755

Email: jleal@peterborough.ca

Appendix A: Proposed Portfolio Chair By-law



The Corporation of the City of Peterborough

By-Law Number 24- [by-law number]

Being a by-law to establish Portfolio Chairs and to delegate authority related thereto.

Recital	1
Short Title	1
Interpretation	1
Definitions	2
Portfolio Chairs Established	3
Roles and Responsibilities of Portfolio Chairs	4
Members' Responsibilities	4
Commissioners and the CAO	5
General	5

Recital

1. The Council of The Corporation of the City of Peterborough considers it appropriate for the effective and efficient administration of the City to establish the positions of Portfolio Chairs and to delegate authority related thereto.

Now therefore, The Corporation of the City of Peterborough by its Council hereby enacts as follows:

Short Title

1. This By-Law may be referred to as the "Portfolio Chairs By-law".

Interpretation

2. Unless otherwise stated:
 - a) a reference to any statute or regulation refers to a statute or regulation of Ontario as it may be amended or replaced from time to time;

- b) a reference to a by-law refers to a by-law of the City as it may be amended or replaced from time to time; and
 - c) a reference to a section, paragraph or clause is a reference to this By-law's section, paragraph or clause.
3. The table of contents and headings in this By-law are for convenience only and do not form part of this By-law.
4. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

Definitions

5. In this By-law:
- a) "Act" means the Municipal Act, 2001.
 - b) "By-law" means this By-law.
 - c) "City" means The Corporation of the City of Peterborough.
 - d) "CAO" means the City's Chief Administrative Officer.
 - e) "Commissioner" means, as the context requires, the Commissioner of a Department.
 - f) "Confidential Information" includes oral and recorded confidential information including:
 - i) information that, were it recorded, would require a refusal to disclose the record pursuant to MFIPPA;
 - ii) information that, were it recorded, would permit the exercise of discretion to refuse to disclose the record pursuant to MFIPPA;
 - iii) information that could be the subject of a closed meeting pursuant to the Act; and
 - iv) information identified by a Commissioner as confidential.
 - g) "Council" means the City's Council.
 - h) "Department" means, as the context requires, each of the following City Departments:
 - i) Community Services;
 - ii) Finance and Corporate Support Services;
 - iii) Infrastructure, Planning and Growth Management;
 - iv) Legislative Services; and
 - v) Municipal Operations.
 - i) "Mayor" means the City's Mayor.

- j) “Member” means a Member of the City’s Council.
- k) “MFIPPA” means the Municipal Freedom of Information and Protection of Privacy Act.
- l) “Portfolio” means, as the context requires, each of the following six (6) categories of subject matter that is the responsibility of a Department and the Department’s Commissioner as follows:
 - i) the following Divisions within Community Services:
 - (1) Arts and Culture;
 - (2) Library Services; and
 - (3) Social Services;
 - ii) the following Divisions within Community Services:
 - (1) Recreation and Parks; and
 - (2) Fire Services;
 - iii) Finance and Corporate Support Services;
 - iv) Infrastructure, Planning and Growth Management;
 - v) Legislative Services; and
 - vi) Municipal Operations.
- m) “Portfolio Chair” means, as the context requires, each of the positions established pursuant to section 6.

Portfolio Chairs Established

6. The following positions are established:
- a) Co-Chair, Community Services (Arts and Culture, Library Services and Social Services)
 - b) Co-Chair, Community Services (Arts and Culture, Library Services and Social Services)
 - c) Co-Chair, Community Services (Recreation and Parks and Fire Services)
 - d) Co-Chair, Community Services (Recreation and Parks and Fire Services)
 - e) Co-Chair, Finance and Corporate Support Services
 - f) Co-Chair, Finance and Corporate Support Services
 - g) Co-Chair, Infrastructure, Planning and Growth Management
 - h) Co-Chair, Infrastructure, Planning and Growth Management
 - i) Co-Chair, Legislative Services
 - j) Co-Chair, Legislative Services

- k) Co-Chair, Municipal Operations
 - l) Co-Chair, Municipal Operations
7. The Mayor may, from time to time and in consultation with Members, appoint and revoke the appointment of Members as Portfolio Chairs.

Roles and Responsibilities of Portfolio Chairs

8. The roles of a Portfolio Chair are to undertake the following respecting matters related to the Portfolio:
- a) consult with third parties;
 - b) consult with individual Members; and
 - c) consult and share information with the Commissioner including respecting matters under consideration by the Commissioner related to the Portfolio.
9. A Portfolio Chair may, from time to time and subject to sections 11 and 13, strike and dissolve advisory committees comprised of such individuals other than City staff as the Portfolio Chair considers appropriate to advise the Portfolio Chair respecting matters related to the Portfolio.

Members' Responsibilities

10. A Member who is not a Portfolio Chair should share with the Portfolio Chair any third party communications or inquiries relating to the Portfolio.
11. Subject to section 12, a Member must not direct a Commissioner or City staff in any way except pursuant to authority expressly delegated to the Member by:
- a) Council; or by
 - b) the Mayor pursuant to Part VI.1 of the Act.
12. The Mayor may direct City staff in accordance with Part VI.1 of the Act.
13. A Member must not disclose Confidential Information except to:
- a) a Commissioner;
 - b) the CAO;
 - c) another Member; or to
 - d) Council in a properly constituted meeting closed for that purpose.

Commissioners and the CAO

14. A Commissioner and the CAO may disclose Confidential Information to:
- a) the Portfolio Chair;
 - b) the Mayor; and to
 - c) other City staff and third parties for whom or which, in the Commissioner's or the CAO's determination as applicable, the Confidential Information is relevant to the performance of the City staff's or third parties' duties to the City.

General

15. No proceeding for damages or otherwise may be commenced against the City, a Member, or an officer, employee or agent of the City or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.
16. Subject to section 17, this By-law is in effect when it is passed.
17. Section 9 of this By-law is in effect on a day to be determined by Council pursuant to a by-law to amend this section 17.

By-law passed this 26th day of February, 2024.

Jeff Leal, Mayor

John Kennedy, City Clerk