

Council Member Administrative Matters, Policies and Procedures

Date: May 30, 2018
To: Executive Committee
From: City Clerk
Wards: All

SUMMARY

This report recommends some new and updated Council Member policies and procedures in response to legislative requirements, and to address gaps in existing policies related to the death of a Council Member and Council Member vacancies. It seeks to:

- Implement a Pregnancy and Parental Leave Policy for Members of Council as required by recent amendments to the City of Toronto Act;
- Implement an administrative amendment to the Constituency Services and Office Budget policy to address the budget formula and carry-over provision for the transition between Council terms as a result of ward boundary changes;
- Formalize the commemorative activities offered by the City of Toronto upon the death of a Council Member; and
- Formalize the practices related to the operation of a Member's Office during a transition period following the death, resignation or ineligibility of a Member.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council adopt the Pregnancy and Parental Leave Policy for Members of Council, as outlined in Attachment 1 to this report.
2. City Council amend the Constituency Services and Office Budget Policy related to office budgets in a year when ward boundary changes take effect, as outlined in Attachment 2 to this report.
3. City Council adopt commemorative activities to be offered upon the passing of a current or former Council Member, included as Attachment 3 to this report.

4. City Council authorize the following officials to provide administrative management of a vacant Council Member office, including, but not limited to, purchasing and staffing matters:
- a. The Deputy Mayor, in the case of a vacancy in the Office of Mayor; and
 - b. The City Clerk, in the case of a vacancy in the Office of City Councillor.

FINANCIAL IMPACT

There is no incremental financial implication associated with approval of these recommendations.

The costs of commemorative activities offered by the City upon the passing of a current or former Member of Council will be absorbed in the operating budgets of the impacted City Divisions, which are primarily the Office of the City Clerk and Facilities, Real Estate, Energy & Environment.

The Interim Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

City Council on January 31, 2017 considered item EX21.3 - Bill 68, Modernizing Ontario's Municipal Legislation Act, 2016 - Implications for the City of Toronto: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX21.3>

City Council on November 8 and 9, 2016 adopted EX18.2 Follow-up Report on the Toronto Ward Boundary Review establishing a new 47-ward structure for the City of Toronto, to take effect with the 2018 municipal election: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX18.2>

COMMENTS

Pregnancy Leave and Parental Leave Policy for Members of Council

Recent amendments to municipal legislation outlined in Bill 68 received Royal Assent May 30, 2017. There are two amendments to the City of Toronto Act related to parental leave and absence from Council due to the birth or adoption of a child of a Member of Council (Member):

1. Section 204(2) of the City of Toronto Act now protects Members from removal from office for absences due to pregnancy, the birth of a child or the adoption of a child for up to 20 consecutive weeks. Specifically, it makes an exception to the provision that a Member who is absent for three successive months without the consent of Council forfeits their office.

There are no policies or procedures that need to be updated as a result of this legislative amendment. At the end of each Council meeting, Council customarily adopts a motion excusing the Members who were absent from the meeting so that the vacancy clause is not triggered. This is no longer required for those Members who are absent due to pregnancy, the birth of a child or the adoption of a child.

2. The Act also provides that Council must adopt a pregnancy and parental leave policy for Members by March 1, 2019. The City does not currently have a pregnancy and parental leave policy for Members of Council. Because Council Members are not employees, they are not eligible for Employment Insurance parental leave benefits, and are not covered under the City's pregnancy and parental leave policies for staff.

The recommended policy for Members is contained in Attachment 1. Highlights of the policy include:

- Under the City of Toronto Act, Council Members are eligible for up to 20 weeks of pregnancy leave or parental leave, without the need to be excused by Council.
- Recognition that all rights and privileges associated with being a Member of Council continue during the leave, including salary and benefits in accordance with Municipal Code Chapter 223, Remuneration for Members of Council.
- Eligible Members notify the City Clerk of their intent to take leave approximately two weeks before the start of the leave, including the expected start and return dates.
- Eligible Members may continue to manage their offices, or may delegate administrative matters to the City Clerk, or the Deputy Mayor in the case of a Mayor's leave.

Pro-rating Councillor office budgets in an election year when ward boundary changes take effect

Section 4.7 of the Constituency Services and Office Budget Policy relates to Councillor Expenses during an election year. Section 4.7(a) must be amended given changes to the Municipal Elections Act as well as to account for changes to the City's ward boundaries. The changes are outlined in Attachment 2.

The current policy provides a budget formula based on a Council term that ends on November 30 of an election year. However, the 2018-2022 term will end on November 14, 2022. The policy should be amended to provide for a pro-rated budget formula based on the number of months, full or partial, in each Council term.

The current policy also provides returning Members of City Council with the carry-over funding from their office budget from the previous term. Changes in the City's ward boundaries may result in Members of City Council from the previous term being re-elected into a different ward from the one they previously served. For this reason, the office budget from the previous term should not be carried forward into the new term in election years when ward boundary changes take effect, as is the case in 2018.

Commemorative activities upon the passing of a Council Member

At the City of Toronto, the City Clerk's Office through Strategic Protocol and External Relations will oversee the administration of commemorative activities that provide the

public, the family, and the City an opportunity to pay tribute to a current or former Member of Council upon their death.

Some of these services are governed by Council-approved policies (e.g. the half-masting of flags), while others are offered based on existing practices and operational procedures (e.g. condolence books). There is currently no overarching Council direction on activities that may be provided upon the death of a Member.

Staff conducted a review of City services that have been provided to commemorate Council Members of the City of Toronto, and its pre-amalgamation municipalities and bodies, and determined the provision of services varied considerably.

Staff also conducted a jurisdiction scan and found that, as a best practice, some Canadian municipalities have developed policies or protocols that formalize the commemorative activities to be provided in the event of a death of an official. For example, the City of Calgary established a Civic Recognition on the Death of a Current or Former Member of Council Policy and the City of Edmonton has established a similar protocol.

This report recommends standardizing the commemorative activities provided by the City upon a death of a current or former Member of Toronto City Council, as outlined in Attachment 3.

Council-approved direction will help ensure that respectful, fair and consistent commemorative activities are offered upon a Member's death. It will also ensure that the City provides activities that respect and balance the wishes of the family with the public and Members of Council's desire to pay tribute the late Member of Council. Commemorative activities offered by the City will be implemented in discussion with the family.

The City Clerk's Office will coordinate with the appropriate City Divisions and City Agencies as required to implement commemorative activities. Impacted City Divisions will absorb costs, including staffing costs, incurred in supporting the provisions of commemorative activities for a Member. Any additional activities other than those offered by the City shall be coordinated and managed by the family.

Operations of a Member's Office during a transition period

Over the past two Council terms there have been a number of Council seat vacancies due to death, resignations or the election of Council Members to the Legislative Assembly of Ontario or the House of Commons.

It is important that a vacant Office continue to operate until the seat is filled by a new Member. The current practice is for the Deputy Mayor, in the case of a vacancy in the office of Mayor, or the City Clerk, in the case of a Councillor vacancy, to take over administrative management of the office operations, including signing off on purchasing and staffing matters during the transition period. These practices should be formally authorized by Council to ensure clarity around roles and responsibilities.

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

- Attachment 1 - Pregnancy and Parental Leave for Members of Council
- Attachment 2 - Amendment to Section 4.7 of the Constituency Services and Office Budget Policy
- Attachment 3 - Commemorative activities upon the Passing of a Council Member