

Minutes of the Corporate Services Committee meeting held in the Committee Meeting Room, Council Building on Monday, February, 2019 at 9:30 a.m.

Present: Councillor Marks, Chair
Councillor Hurst, Vice-Chair
Councillor Giberson, Member
Councillor Neal, Member
Councillor Nicholson, Member
Mayor Carter, Ex Officio

Also

Present: Councillor Gray
Councillor McConkey
Councillor Kerr (entered the meeting at 9:40 a.m.)
L. Davis, Council-Committee Coordinator
T. Adams, Commissioner, Corporate Services Department
A. Brouwer, City Clerk
J. Conlin, Director, Municipal Law Enforcement and Licensing
K. Alexander, Interim Director, Facilities Management Services
K. Man, Manager, Policy and Research
E. McLean, Policy and Research Analyst
S. McFadyen, Manager, Corporate Communications
C. Rutherford, Manager, Licensing Support Services

Absent: None

Public Agenda

Additional Agenda Items

Moved by Councillor Hurst,
“That additional Correspondence CORP-19-20 from Jeff Davis submitting comments concerning Report CORP-19-13 be added to the agenda for the February 4, 2019 Corporate Services Committee meeting.” Carried

Declarations of Pecuniary Interest

Councillor Neal made a declaration of interest concerning Report CORP-19-12 regarding Corporate Security as the report references the Oshawa Senior Citizens Centres (O.S.C.C.) and as he is currently a member of the Board of Directors as a citizen appointment of the O.S.C.C. he did not take part in discussion or voting on the item.

Presentations

None.

Delegations

None.

Correspondence Requiring Action

CORP-19-20 Jeff Davis Submitting Comments in Opposition to Report CORP-19-13 regarding M.F.I.P.P.A. Overview and Freedom of Information Requests

Moved by Councillor Nicholson,

“That Correspondence CORP-19-20 from Jeff Davis concerning Report CORP-19-13 regarding the Municipal Freedom of Information and Protection of Privacy Act Overview and Freedom of Information requests be tabled to the next meeting of the Corporate Services Committee and that Mr. Davis be invited to attend at that time.” Carried

Referrals From Council and Standing Committees

CORP-19-14 Amendment to Procedure By-law to Permit All Councillors to Add Items to Regular Standing Committee Agendas

“That CORP-19-09 concerning an amendment to the Procedure By-law to add items to regular Standing Committee agendas be referred to the Corporate Services Committee for further review and examination:

1. That Council’s rules of procedure be amended to permit any Member of Council to add matters to regular Standing Committee agendas under ‘Items introduced by Councillors’ by giving written notice to the Standing Committee Chair and Clerk, regardless of whether they are a Member of the Standing Committee or not, subject to the Clerk’s agenda publishing deadline; and,
2. That Council’s rules of procedure be amended to permit any Member of Council to request a matter be added to the ‘Items introduced by Councillors’ section of regular Standing Committee agendas, regardless of whether they are a Member of the Standing Committee or not, should the Member miss the Clerk’s agenda publishing deadline by giving written notice to the Standing Committee Chair and Clerk at the meeting; and,
3. That Council’s rules of procedure be amended to permit discussion of matters included in the ‘Items introduced by Councillors’ section of regular Standing Committee agendas only, without requiring a motion be put on the floor first and not for the balance of items on a Standing Committee agenda; and,
4. That for clarity, only Standing Committee Members be permitted to make a motion at Standing Committee meetings; and,
5. That the two-week notice to the public as set out in Notice By-law 147-2007 be waived.”

Moved by Councillor Hurst,

“That the proposed amendments as set out in motions contained in Items CORP-19-14, CORP-19-15, CORP-19-16, CORP-19-18 and CORP-19-19 be referred to staff for reports back to the Corporate Services Committee on or before December 9, 2019.” Lost on the following vote

Affirmative – Councillors Hurst, Marks and Mayor Carter

Negative – Councillors Giberson, Neal and Nicholson

Absent – None

Moved by Councillor Nicholson,

- “1. That Council’s rules of procedure be amended to permit any Member of Council to add matters to regular Standing Committee agendas under ‘Items introduced by Councillors’ by giving written notice to the Standing Committee Chair and Clerk, regardless of whether they are a Member of the Standing Committee or not, subject to the Clerk’s agenda publishing deadline; and,
2. That Council’s rules of procedure be amended to permit any Member of Council to request a matter be added to the ‘Items introduced by Councillors’ section of regular Standing Committee agendas, regardless of whether they are a Member of the Standing Committee or not, should the Member miss the Clerk’s agenda publishing deadline by giving written notice to the Standing Committee Chair and Clerk at the meeting; and,
3. That Council’s rules of procedure be amended to permit discussion of matters included in the ‘Items introduced by Councillors’ section of regular Standing Committee agendas only, without requiring a motion be put on the floor first and not for the balance of items on a Standing Committee agenda; and,
4. That for clarity, only Standing Committee Members be permitted to make a motion at Standing Committee meetings; and,
5. That the two-week notice to the public as set out in Notice By-law 147 2007 be waived.” Deferred by the following motion

Moved by Councillor Giberson,

“That CORP-19-14 concerning a proposed amendment to the Procedure By-law be deferred to the Corporate Services Committee meeting on May 27, 2019.” Carried

CORP-19-15 Termination of Administrative or Procedural Directions

“That administrative or procedural directions given by a Council without passage of a motion at City Council shall terminate at the end of the term of Council.”

Moved by Councillor Nicholson,

“That administrative or procedural directions given by a Council without passage of a motion at City Council shall terminate at the end of the term of Council” Deferred by the following motion

Moved by Councillor Hurst,

“That CORP-19-15 concerning administrative or procedural directions be deferred to the Corporate Services Committee meeting on February 25, 2019.” Carried

CORP-19-16 Removal of Watermarks on Confidential Material

“That staff be directed to remove all watermarks from future City Council and Standing Committee documents and that confidential pages continue to be printed on purple pages to delineate their status to members of Council.”

Moved by Councillor Nicholson,

“That the Corporate Services Committee recommend to City Council:

That City Council Referral CORP-19-16 concerning the removal of watermarks on confidential material be received for information.” Carried

CORP-19-17 Information Trail on the Purchase of 199 Wentworth Street East

“That the full information trail on the purchase of 199 Wentworth Street East provided to previous Council, including all legal reports, opinions, appraisals and confidential reports be provided to current members of Council upon their written request.”

Moved by Councillor Nicholson,

“That the Corporate Services Committee recommend to City Council:

That the full information trail on the purchase of 199 Wentworth Street East provided to previous Council, including all legal reports, opinions, appraisals and confidential reports be provided to current members of Council upon their written request.” Carried

CORP-19-18 Amendment to Council’s Procedure By-law Concerning Section 26.10: Motion to Reconsider

“That section 26.10 of the Council’s Procedural Bylaw be amended to read as follows:

26.10 Motion to Reconsider

- a) No Motion may be considered by Council or by a Committee where, in the Chair's determination in consultation with the Clerk, the subject matter of the Motion (the "Matter") has been decided within the twelve (12)month period immediately preceding the Meeting, except pursuant to this section 26.10. The 12 month restriction does not apply to those motions passed by a previous Council which may be reconsidered by a new Council upon their election.
- b) A Member may introduce a Motion to reconsider a Matter.

- c) A Motion to reconsider requires a Two-Thirds Majority Vote, unless the reconsideration is on a matter passed by a previous Council wherein a simple majority of a subsequently elected is sufficient to reconsider the matter. If the reconsideration Motion carries, the Matter is then reopened in its entirety unless the reconsideration Motion specifies otherwise.
- d) A Motion to reconsider is debatable only to the extent of the rationale for reconsidering the Matter and no debate of the Matter itself will be allowed unless the Motion to reconsider carries.”

Moved by Councillor Giberson,

“That City Council Referral CORP-19-18 concerning a proposed amendment to the Procedure By-law related to Section 26.10 Motion to Reconsider be referred to staff for a report back to the Corporate Services Committee on March 25, 2019.” Carried

CORP-19-19 Amendments to Council's Procedure By-law Concerning Sections 6.2 and 6.6: Correspondence and Delegations

“1. That section 6.2. (c) Of Procedural Bylaw 111-17 which currently reads as:

- ‘c) Correspondence that, in the Clerk's determination, relates to staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be placed on an agenda or considered by Council or a Committee and will be referred to staff. Council or the Committee to which the correspondence was addressed will be advised of the Clerk's determination. ‘

Be amended to read as follows:

- "c) Correspondence that, in the Clerk's determination, relates to staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be placed on an agenda of Council or a Committee and will be referred under separate cover to the relevant Council or Committee to which the correspondence was addressed along with a report from the Clerk outlining his reasons as to why the correspondence should be referred to staff and not to Council or Committee. Council or Committee shall determine if the discussion regarding the correspondence shall occur in open or closed session. The final decision as to the disposition of the correspondence shall reside with the Council or Committee.

2. That section 6.6. (c) of Procedural Bylaw 111-17 which currently reads as:

- "c) Delegations that or who, in the Clerk's determination, relate to staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be placed on an agenda or considered by Council or a Committee and will be referred to staff. Council or the Committee to which the Delegation was intended, as applicable, will be advised of the Clerk's determination."

Be amended to read as follows:

- "c) Delegations that or who, in the Clerk's determination, relate to staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be placed on an agenda of Council or a Committee but will be referred under separate cover to the relevant Council or Committee to which the request to appear as a delegation was intended along with a report from the Clerk outlining his reasons as to why the delegation request should be referred to staff and not to Council or Committee. Council or Committee shall determine if the discussion regarding the delegation request shall occur in open or closed session. The final decision as to the disposition of the delegation request shall reside with the Council or Committee."

3. In the event that motion 2 is not successful, it is my intent to introduce the following:

That section 6.2. (c) of Procedural Bylaw 111-17 Be amended to read as follows:

- "c) Correspondence that, in the Clerk's determination, relates to staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be placed on an agenda or considered by Council or a Committee and will be referred to staff. Council or the Committee to which the correspondence was addressed will be advised of the Clerk's determination. In the event that a person sending correspondence to Council or Committee disagrees with the determination of the Clerk, that person may appeal the Clerk's decision, may attend at the Council or Committee to support their appeal and the final decision as to the disposition of the correspondence shall reside with the Council or Committee."

4. In the event that motion 3 is not successful, it is my intent to introduce the following:

That section 6.6. (c) of Procedural Bylaw 111-17 Be amended to read as follows:

- "c) Delegations that or who, in the Clerk's determination, relate to staff performance, labour relations, ongoing legal proceedings or solicitation of business will not be placed on an agenda or considered by Council or a Committee and will be referred to staff. Council or the Committee to which the Delegation was intended, as applicable, will be advised of the Clerk's determination. In the event that a person making a delegation request to Council or Committee disagrees with the determination of the Clerk, that person may appeal the Clerk's decision, may attend at the Council or Committee to support their appeal and the final decision as to the disposition of the delegation request shall reside with the Council or Committee." "

Moved by Councillor Nicholson,

"That Parts 1 and 2 of City Council Referral CORP-19-19 concerning proposed amendments to the Procedure By-law related to Correspondence and Delegations be referred to staff for a report back to the Corporate Services Committee on May 27, 2019 and that Parts 3 and 4 of City Council Referral CORP-19-19 be tabled." Carried

Reports from Advisory Committees

None.

Reports/Motions Requiring Action

None.

Public Consent Agenda

Moved by Councillor Hurst,

"That all items listed under the heading of Public Consent Agenda for the Corporate Services Committee meeting of February 4, 2019 be adopted as recommended with the exception of Reports CORP-19-02 and CORP-19-13." Carried

Correspondence

None.

Reports

CORP-19-02 Updated Media Relations Guidelines Manual and Media Events, Groundbreaking, Grand Opening and Opening Ceremonies Guidelines Manual

Recommendation (Deferred – See Page 9)

That the Corporate Services Committee recommend to City Council:

1. That City Council reconsider its decision of September 24, 2018 concerning the Media Relations Guidelines Manual and the Media Events, Groundbreaking, Grand Opening and Opening Ceremonies Guidelines Manual; and,
2. That the updated Media Relations Guidelines Manual and Media Events, Groundbreaking, Grand Opening and Opening Ceremonies Guidelines Manual, asset out in Attachments 1 and 2 respectively to Report CORP-19-02, dated January 9, 2019, be endorsed.

CORP-19-11 Review of Durham Region’s Proposed Updated Smoke-Free By-law

Recommendation (Carried – See Page 7)

That the Corporate Services Committee recommend to City Council:

1. That Council forward a copy of Report CORP-19-11 “Review of Durham Region’s Proposed Updated Smoke-Free By-law” providing the City’s comments on the Region’s Proposed Updated Smoke-Free By-law to the Region for consideration; and,
2. That should the Region’s Proposed Updated Smoke-Free By-law be approved:
 - a. That the City support the Region’s efforts by collaborating on communicating the applicable regulatory changes to the public; and,
 - b. That City of Oshawa No Smoking By-law 92-2010 be repealed.

CORP-19-13 Municipal Freedom of Information and Protection of Privacy Act
Overview and Status Report concerning Freedom of Information
Requests

Recommendation (Carried – See Page 9)

That the Corporate Services Committee recommend to City Council:

That Report CORP-19-13 concerning an overview of the Municipal Freedom of Information and Protection of Privacy Act, a status report related to the 2018 Freedom of Information requests and update on the Freedom of Information requests related to the purchase of 199 Wentworth Street East be received for information.

Discussion Agenda

Matters Excluded From Consent Agenda

Moved by Councillor Nicholson,
“That Report CORP-19-02 concerning the Media Relations Guidelines Manual and the Media Events, Groundbreaking, Grand Opening and Opening Ceremonies Guidelines Manual be deferred to the Corporate Services Committee meeting of February 25, 2019.”
Carried

Moved by Councillor Giberson,
“That the Corporate Services Committee adopt the recommendation contained in Report CORP-19-13 concerning the Municipal Freedom of Information and Protection of Privacy Act, a status report related to the 2018 Freedom of Information requests and update on the Freedom of Information requests related to the purchase of 199 Wentworth Street East.” Carried on the following vote

Affirmative – Councillors Giberson, Hurst, Marks, Nicholson and Mayor Carter

Negative – Councillor Neal

Absent - None

Items To Be Introduced By Councillors

CORP-19-21 Placement, Use and Regulation of Charity Donation Boxes

Moved by Councillor Hurst
“Whereas in recent Months Canadians have learned about deaths and personal injuries associated with persons being found in clothing donation boxes; and,

Whereas members of our community have also contacted staff and members of Council regarding the placement of clothing donation boxes on private and public properties and have also expressed concerns about excess clothing, oversized items such as furniture and other household goods, as well as garbage that accumulates around the boxes; and,

Whereas there are also some reports that many clothing donation boxes are being placed by personas and/or groups purporting to be registered charities and that the generous donations of the community are actually being sold domestically or off shore rather than being donated or sold at low cost to those in need;

Therefore be it resolved that staff be directed to investigate and report on the placement, use and regulation of donation boxes including but not limited to clothing, and that staff consult with major registered charities and other municipalities to obtain relevant information that will lead to effective regulation and oversight.” Carried

Closed Meeting Agenda

Closed Correspondence Requiring Action

None.

Closed Reports/Motions Requiring Action

None.

Closed Consent Agenda

Closed Correspondence

None.

Closed Reports

CORP-18-12 Corporate Security at City Facilities and Security Incidents

Closed Pursuant to Section 239 (2)(a) of the Municipal Act

Recommendation (Replaced – See Page 11)

That the Corporate Services Committee recommend to City Council:

That Report CORP-19-12 “Corporate Security at City Facilities and Security Incidents” dated January 29, 2019 be considered as part of the 2019 Operating Budget.

Closed Discussion Agenda

Matters Excluded from Closed Consent Agenda

Moved by Councillor Hurst,
“That the meeting recess for 5 minutes in order to shut down the webstream; and,

That the meeting reconvene in a session closed to the public pursuant to Section 239 (2)(a) in order to discuss Report CORP-19-12 concerning Corporate Security at City Facilities.” Carried

The meeting recessed at 11:35 a.m. and reconvened in a session closed to the public at 11:40 a.m. with the following members in attendance: Councillors Giberson, Hurst, Marks, and Nicholson. Also in attendance were Councillors Kerr and McConkey, the Council-Committee Coordinator; the Commissioner, Corporate Services Department; the Interim Director, Facilities Management Services; the Director, Municipal Law Enforcement and Licensing Services; the Manager, Policy and Research; the Manager, Licensing Support Services; and the Policy and Research Analyst.

All other staff and members of the public left the meeting.

Closed meeting discussions took place.

The Committee rose from closed session at 12:29 p.m.

Closed Meeting Report

The following is a summary of the closed portion of the meeting.

The Committee questioned the Commissioner, Corporate Services Department and the Director, Municipal Law Enforcement and Licensing concerning Report CORP-19-12.

The Committee discussed Report CORP-19-12 concerning corporate security at City facilities and security incidents.

Moved by Councillor Hurst,
"That Committee rise from closed session and report." Carried

This concludes the closed meeting report.

Moved by Councillor Hurst,
"That the Corporate Services Committee recommend to City Council:

That Report CORP-19-12 dated January 29, 2019 concerning corporate security at City facilities and security incidents be received for information." Carried by later vote

Moved by Councillor Nicholson,
"That the motion be amended add: 'and, That staff investigate options to pay for the enhanced parking security and report back to the February 8, 2019 budget meeting."
Lost

The vote on the main motion Carried.

Adjournment

Moved by Councillor Giberson,
"That the meeting adjourn." Carried

The meeting adjourned at 12:35 p.m.