

By-Law 2016-16F

**A By-Law of the City of Greater Sudbury Respecting the
Payment of Expenses for Members of Council and Municipal
Employees of the City of Greater Sudbury**

Whereas pursuant to the *Municipal Act 2001*, S.O. 2001, c. 25, the Council of a municipality may, by By-law, provide for the paying of expenses of Members of Council, officers and employees of the municipal corporation;

And Whereas pursuant to the *Municipal Act, 2001* the Council of a municipality may, by By-law, provide for the paying of expenses of a Member of Council or other person who has been appointed by Council to serve as a member of a Local Board, and to a Member of Council who serves as an ex officio member of such Local Board, as are actually incurred as a result of being a member of the Local Board;

And Whereas pursuant to the Employee Handbook, the City of Greater Sudbury provide for the reimbursement on behalf of employees for all reasonable legitimate work related expenses incurred while working on CGS business;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

1. In this By-law and in the attached schedules:

“CAO” means the person appointed as the City’s Chief Administrative Officer and includes his or her authorized designate;

“City” means the municipal corporation of the City of Greater Sudbury or the geographical area as the context requires;

“CFO” means the City’s Chief Financial Officer / Treasurer and includes his or her authorized designate;

“Council” means the Council of the City of Greater Sudbury;

“Local Board” means a local board as defined in s. 1 of the *Municipal Act, 2001*;

“Members of Council” include the Mayor and Councillors;

“Municipal Employee” includes the City’s volunteer firefighters, employees of the Greater Sudbury Police Services Board, unionized employees of the City, non-unionized employees of

the City including Senior Management Team Members, other servants and officers but does not include:

- (a) an employee of a Local Board, other than the Greater Sudbury Police Services Board;
- (b) the City's external auditors; or
- (c) any person or firm engaged by retainer or under contract for the purpose of providing advice or services in respect of legal, planning, engineering, or architectural matters or in respect of any similar professional matters;

"Senior Management Team Member" or "SMT Member" includes each of the persons holding the positions of the City's Chief Administrative Officer, General Manager of Infrastructure Services, General Manager of Assets, Citizen and Leisure Services, General Manager of Health, Social and Emergency Services, Chief Financial Officer / Treasurer, Director of Human Resources and Organizational Development and the Executive Director of Administrative Services / City Clerk; and

"Travel and Business Expense Policy" means the policy created pursuant to subsection 2(1)(c) and includes any amendments to or replacements thereof.

Delegation

2.-(1) The administration of this By-law is assigned to the CFO who is delegated the authority to:

- (a) make all decisions required of the CFO under this By-law;
- (b) perform all administrative functions, necessary for the due administration, implementation and enforcement of this By-law; and
- (c) establish and amend or replace from time to time, such policies, forms and other documents, and such standards, protocols and procedures as the CFO may determine are required to implement and administer this By-law.

(2) The CFO may delegate the performance of any one or more of his or her functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The CFO may continue to exercise any function delegated during the delegation.

General

3. The CFO shall make payments to or on behalf of:

- (a) a Member of Council;
- (b) a Municipal Employee.

in respect of expenses incurred or expected to be incurred by such person as part of his or her assigned duties or otherwise in accordance with this By-law and City policies, such as the Travel and Business Expense Policy.

Part I – Members of Council

General Association Dues

4.-(1) City memberships in organizations and associations such as the Association of Municipalities of Ontario, Federation of Canadian Municipalities, Federation of Northern Ontario Municipalities, and Canadian Urban Transit Association Board may be paid from the Council budget for General Association Dues.

(2) Where a Member of Council has been nominated by or endorsed by resolution of Council to sit on the board of an association or organization of a type referenced in subsection (1), that Member of Council is entitled to be compensated from the Council Travel account for travel related expense costs incurred to attend out of City meetings of that association or organization including meetings of the board.

Staffing for Members of Council

5.-(1) The Mayor is entitled to the services of up to four contract staff positions to provide support to the office of the Mayor, to be paid from the base budget for the office of the Mayor.

(2) The Councillors will be provided with the services of two full-time Municipal Employees to provide administrative and secretarial support, to be paid from the base budget allocated for the Councillors. Services to be provided may include: making travel arrangements, purchasing, preparation of correspondence, scheduling of meetings, filing expense claims, preparation of communication material, support on constituency matters, monitoring matters of interest and other administrative duties.

(3) Additional temporary staffing, such as summer students, may be hired by the office of the Mayor or to assist the Councillors, provided sufficient funds are available in the budget for the Mayor's office or in the base budget for Councillors, as the case may be.

Members of Council – Privileges

6.-(1) The following equipment will be provided by the City, without charge, to each Member of Council for use during their term of office:

- (a) a standard computer and I-pad each loaded with the City's standard software applications, including standard office applications and email in accordance with City Information Technology policies;
- (b) a cellular device; and
- (c) the option of a standard printer/copier.

(2) Members of Council will be provided by the City, without charge, a parking pass to the parking garage at Tom Davies Square for purposes of attending activities related to the duties of office, in accordance with the City's By-law for Remuneration to Members of Council.

(3) During their term of office, Members of Council may book meeting rooms at any City facility at no charge, for the purpose of conducting business related to their duties and the business of the City. Facilities shall be booked in accordance with facility specific policies and use is dependent upon availability.

(4) While acting in their capacity as Members of Council, the Members of Council have the benefit of coverage under the City's insurance policy for general liability, public officials' errors and omissions, 30 day travel and accidental death, injury, and legal fees for conflict of interest allegations under the *Municipal Conflict of Interest Act*.

Mayor's Expenses

7.-(1) The Mayor is provided with an annual budget within the Mayor's Cost Centre in recognition of the Mayor's responsibilities as the Head of Council as set out in the *Municipal Act, 2001*. The Mayor may incur expenses in the Mayor's Cost Centre, which in the judgment of the Mayor are of relevance to the role/duties of the Mayor.

(2) During an election, the Mayor shall only access 10.5/12th of his or her Mayor's Cost Centre Budget.

Councillors Office Expense Budget

8.-(1) Each Councillor is provided with an annual Office Expense Budget from which the Councillor may incur expenses of a type described in Schedule "B" and which, in their opinion, are necessary in the course of carrying out the Councillor's duties. Expenses will be reimbursed only if the expenses incurred are within the limits of a Councillor's annual Office Expense Budget and during an election year are compliant with the City's Policy Regarding the Use of Municipal Resources During an Election Campaign Period then in effect.

(2) In addition to the Office Expense Budget Councillors are provided with a general office supplies budget as well as a cellular phone budget for expenses incurred in the use of equipment provided pursuant subsection 6(1) of this By-law.

(3) During an election, the Councillors shall only access 10.5/12th of their Office Expense Budget.

Part II – Municipal Employees

Provision of Parking Pass – No Charge

9.-(1) The CAO is authorized to provide a parking pass for the Tom Davies Square parking lot without charge to:

- (a) each SMT Member, for his or her use, while such person is an SMT Member; and
- (b) to other Municipal Employees who, in the opinion of the CAO require or should receive the benefit of a free pass, for such time as may be authorized by the CAO. The CAO shall advise the CFO in writing of the name of any such Municipal Employee, the effective date of the authorization and the date of termination or revocation of the authorization.

(2) Where a parking pass for the Tom Davies Square Parking Lot is provided to a Municipal Employee without charge, the CFO shall:

- (a) while the authorization is in effect, record the amount otherwise payable for such parking pass in accordance with the City's Miscellaneous User Fee By-law as a taxable benefit to the Municipal Employee; and
- (b) in every year or part year in which the authorization is in effect, obtain a written declaration from the Municipal Employee in accordance with the Canada

Revenue Agency conditions, confirming the taxable portion of the parking pass based on the Municipal Employee's business requirement to regularly use their own vehicle to perform their duties.

Expenses – Other Business Expenses

10.-(1) The CFO shall make payments to a Municipal Employee for expenses of the type described in the Travel and Business Expense Policy incurred or expected to be incurred by such person for other business expenses in accordance with the Travel and Business Expense Policy.

(2) The CAO is authorized to provide an allowance for internet access from home for:

- (a) each SMT Member, for his or her use, while such person is an SMT Member; and
- (b) each Municipal Employee who, in the opinion of the CAO requires or should receive the benefit of internet access at home, for such time as may be authorized by the CAO. The CAO shall advise the CFO in writing of the name of any such Municipal Employee, the effective date of the authorization and the date of termination or revocation of the authorization.

(3) The CFO may pay the monthly allowance for home internet services to or for the benefit of each eligible person, all in accordance with subsection 10(2) at the rate provided for in Column C on line 1 on Schedule "A" of this B-law as adjusted under Section 15(1).

(4) Despite subsection 10(2) and 10(3) the CAO may, in his or her discretion, authorize the continuation of those arrangements for the direct payment of actual home internet costs which are in effect as of the date of this By-law, and in such instances, the CFO may instead, pay the actual costs incurred by those Municipal Employees for home internet service.

(5) The CFO will record each such allowance or payment provided for in subsections 10(2), 10(3) and 10(4) as a taxable benefit to that Municipal Employee in accordance with the Canada Revenue Agency requirements.

Part III – Members of Council and Municipal Employees

Travel Expenses

Authority to Pay Expenses – Out of Town Travel

11.-(1) The CFO is authorized to make payments to or on behalf of Municipal Employees and Members of Council related to travel outside the City, provided:

- (a) the travel has been approved in accordance with the Travel and Business Expense Policy;
- (b) the expenses are of a type set out in the Travel and Business Expense Policy;
- (c) the procedures set out in the Travel and Business Expense Policy have been followed; and
- (d) where rates are established in this By-law, payment is made in accordance with the rates established herein.

(2) The CFO shall develop, implement, maintain in effect, and update or replace from time to time as necessary, an effective Travel and Business Expense Policy to establish procedures and guidelines for the approval and payment of expenses relating to travel, both within and beyond the geographic limits of the City.

Transportation Costs

12.-(1) In addition to the Mayor, who is entitled to a vehicle allowance pursuant to By-law 2016-15F, Municipal Employees who hold positions with the titles identified in Column B of the chart on Schedule "A" are entitled to a vehicle allowance in the amount set out on the Column C of the same line in the Chart on Schedule "A". The amount payable under this subsection is subject to adjustment in accordance with Section 15 and will be recorded as a taxable benefit in accordance with Canada Revenue Agency requirements.

(2) Municipal Employees and Members of Council who do not receive a vehicle allowance pursuant to subsection 12(1) and who are entitled to be compensated for use of their personal vehicle while engaged in City business, in accordance with this By-law or the Travel and Business Expense Policy, shall be compensated at the rate provided for in column C on line 6 on Schedule "A" to this By-law as adjusted under Section 15. Compensation for use of a personal vehicle for out of town travel shall not exceed an amount equal to the air fare to that

destination. The rate of compensation provided shall be the same for in-City and out of town travel.

(3) Councillors are entitled to claim compensation under subsection 12(2) for travel to Council meetings or Local Board meetings or for any other City related travel within the City, such as site inspections or meetings with residents.

(4) Claims for compensation under subsections 12(1) and (2) shall be submitted in accordance with the Travel and Business Expense Policy.

Meals and Incidentals

13. Claims for compensation for meals and incidentals shall be submitted and approved in accordance with the Travel and Business Expense Policy. Approved claims shall not exceed the per diem rate set out in Column C on Line 7 of the chart on Schedule "A" to this By-law, as adjusted under Section 15 from time to time.

Part IV – General

No Duplication of Recovery

14.-(1) Notwithstanding any other provision of this By-law, no Municipal Employee or Member of Council shall be entitled to be compensated for any expense pursuant to this By-law where such person:

- (a) is entitled to receive or does receive compensation for such expense from any other person or organization or entity; or
- (b) is not actually charged for or does not actually incur an expense which is otherwise compensable.

(2) In the event that the compensation received by the person from a third party for an expense otherwise compensable under this By-law is less than the amount of the expense actually incurred, the person may claim the shortfall as an expense under this By-law, provided however, that the amount paid by the third party and the amount paid under this By-law does not exceed the maximum amount that would be payable had there been no contribution by a third party.

Annual Inflationary Increase

15.-(1) The CFO may, in his or her discretion, adjust the rates of compensation set out in Schedule "A" on January 1st, in any year, by the amount the CFO deems appropriate. In exercising his or her discretion, the CFO may consider previous adjustments or non-adjustments and may consider CPI or Canada Revenue Agency guidelines. The CFO shall inform Council of any such adjustment, and this By-law shall be deemed to have been amended accordingly.

(2) Despite subsection 15(1), the adjustment to the rate of compensation for use of a personal vehicle or for the vehicle allowance shall not exceed the equivalent of the reasonable per kilometre allowance as established by the Canada Revenue Agency.

Reporting

16.-(1) As required by the *Municipal Act, 2001*, an annual statement of Council remuneration and expenses shall be submitted to Council in accordance with the provisions of the Remuneration to Members of Council By-law.

(2) In addition to the annual statement referenced in subsection 16(1), and consistent with the City's by-law on Transparency and Accountability, a quarterly report will be submitted to Council setting out:

- (a) for the Mayor's cost centre:
 - (i) a summary by account with year to date total expenditures and the remaining budget; and
 - (ii) a statement of expense itemizing expenses incurred which are authorized by this By-law, including the name of the payee, the date paid, the amount paid, a general description of the expense and location if applicable for all expenses other than personnel costs and internal recovery charges.

- (b) for each Councillor:
 - (i) year to date total expenditures and the remaining budget for:
 - A. Councillor office expenses;
 - B. mileage; and

- C. cell phone charges; and
- (ii) a statement of expense itemizing expenses incurred which are authorized by this By-law, including the name of the payee, the date paid, the amount paid, a general description of the expense and location if applicable;
- (c) other Councillor expenses:
 - (i) year to date total expenditures and the remaining budget; and
 - (ii) a statement of expense itemizing expenses incurred which are authorized by this By-law, including the name of the payee, the date paid, the amount paid, a general description of the expense and location if applicable for all expenses other than personnel costs and internal recovery charges.
- (d) Council expenses:
 - (i) year to date total expenditures and the remaining budget; and
 - (ii) a statement of expense itemizing expenses incurred which are authorized by this By-law, including the name of the payee, the date paid, the amount paid, a general description of the expense and location if applicable for all expenses other than insurance costs.
- (e) for Municipal Employees, excluding the employees of the Sudbury Police Services Board and the Sudbury Airport Community Development Corporation, a statement of expenses incurred by Municipal Employees pursuant to this By-law, itemizing for each Municipal Employee who was compensated under this Bylaw, the payee, the date paid, the amount paid and a general description of the expense.

Use of Corporate Resources and Funding During an Election

17.-(1) Despite anything else in this By-law, Members of Council shall comply with the limitations and restrictions on expenditures and use of City resources during an election, as set out in the Policy Regarding the Use of Municipal Resources and Funding of Candidates During an Election By-law.

Schedules

18. The following schedules are incorporated into and form a part of this By-law:

Schedule "A" - Rates; and

Schedule "B" - Eligible Expenses – Councillor Office Budgets

Repeal

19.-(1) Sections 1, 2, 3, 4, 5, 7, 8, 9, 9.1 and 9.3 of By-law 2012-258 and any by-law amending By-law 2012-258 are hereby repealed.

(2) The repeal of the subsections of By-law 2012-258, as amended, identified in subsection 19(1) does not:

- (a) affect the previous operation of any By-law so repealed; or
- (b) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the By-law so repealed.

(3) Despite Subsection 19(1), any amounts which have accrued pursuant to sections in By-law 2012-258, as amended, repealed under subsection 19(1) but which are unpaid as of the date of the repeal of By-law 2012-258 as amended shall continue to be due and payable in accordance with the terms of that By-law as amended.

Effective Date

20. This By-law shall come into full force and take upon passage.

Read and Passed in Open Council this 26th day of January, 2016

_____ Mayor

_____ Clerk

Schedule "A"
to By-Law 2016-16F of the City of Greater Sudbury

Rates

Column A Line number	Column B Description of Rate or Allowance	Column C Rate	Column D By-law reference
1	Monthly Internet Allowance	\$48 per month	Subsection 10(2)
2	Monthly Vehicle Allowance for a Director in lieu of per kilometre compensation for in-City travel	\$422 per month	Subsection 12(1)
3	Monthly Vehicle Allowance for an SMT Member in lieu of per kilometre compensation for in-City travel	\$600 per month	Subsection 12(1)
4	Monthly Vehicle Allowance for the CAO in lieu of per kilometre compensation for in-City travel	\$700 per month	Subsection 12(1)
5	Monthly Vehicle Allowance for the Mayor in lieu of per kilometer compensation for in-City travel	See Remuneration By-law subsection 5(2)	
6	Per Kilometre Rate for Travel both in City and Out of Town	\$0.48 per kilometre	Subsection 12(2)
7	Compensation for Meals and Incidentals for Out of Town Approved Travel	Maximum of \$72.00 per day and where travel is to the United States, the maximum shall be \$72.00 per day in US dollars.	Subsection 13

NOTE: Rates on this Schedule "A" are subject to adjustment in accordance with section 15 of the By-law, and are deemed adjusted in accordance with that section.

Schedule "B"
to By-Law 2016-16F of the City of Greater Sudbury

Eligible Expenses – Councillor Office Expense Budgets

Subject always to the City's Policy Regarding the Use of Municipal Resources During an Election Campaign Period, then in effect, individual Councillors may make expenditures from their office expense budget, which are incurred in the course of engaging in their role as Councillor for the City, provided that the expenditures are within their annual office expense budget for that fiscal year, and within the following categories:

1. Out of town travel, registration fees, mileage, accommodation and meal expenses for conferences, seminars, education and business trips having a direct relationship to municipal concerns or interests and provided these expenses are incurred in accordance with the City's Travel and Business Expense Policy;
2. Office supplies, computer equipment and furniture;
3. Postage and courier services;
4. Books, magazines, and periodicals that are related to the business of the City;
5. Memberships related to a Councillor's work in the community where it advances City business;
6. The design, writing, copy-editing, printing, translation and distribution costs for a newsletter, flyer or other means of communications;
7. Publication of newspaper and other media notices to extend Season Greetings, advertise ward or neighbourhood meetings, extend congratulations to community organizations, and convey Council actions on matters of public interest;
8. Gifts and recognition awards for an individual (maximum of \$100 per individual);
9. Meeting expenses (excluding alcohol) such as snacks, venue set-up and external facilitators;
10. Business hospitality expenses incurred in the conduct of City business for food and beverages (excluding alcohol unless alcohol is included in the event ticket price) related to business meals and/or receptions with constituents, volunteers, business contacts, Municipal Employees, employees of a City agency or board, representatives of other levels of government, international delegations or visitors;

Schedule "B"
to By-Law 2016-16F of the City of Greater Sudbury

Eligible Expenses – Councillor Office Expense Budgets

11. The expenses of a spouse or companion when claiming business expenses when such expense is considered to be necessary for the advancement of the City; and
12. Event tickets or participation fees, to a maximum of two per event, (such as charitable events, fund-raising events, golf tournaments, walkathons).

UNOFFICIAL
CONSOLIDATED
VERSION