



Subject: Council Committees as Local Boards

Report to: Thorold City Council

Recommendations

1. That the Diversity Equity & Inclusion Advisory Committee, and the Environment, Climate Change and Biodiversity Advisory Committee's Terms of Reference **BE AMENDED** to reflect a meeting schedule with six (6) meetings annually;
2. That the following local boards **BE DISBANDED** and their memberships **BE CONVERTED** to Community Liaison Groups:
 - Tourism Advisory Committee
 - Community Events Advisory Committee
 - Lake Gibson Corridor Subcommittee
 - Active Transportation Subcommittee;
3. That the Runway of Recognition Subcommittee **BE DISSOLVED** and that the Terms of Reference **BE REPEALED**; and
4. That the Budgets for the following local boards **BE MOVED** under their respective Departmental Budgets:
 - Active Transportation Subcommittee
 - Age-Friendly Committee
 - Heritage Advisory Committee
 - Darlene Ryan Port Robinson Community Centre Board of Management
 - Allanburg Community Centre Board of Management

Key Facts

- Ontario Superior Court ruled in 2021 that City Committee/Advisory bodies are local boards and must therefore follow Councils Procedural By-law, Codes of Conduct and other legislative requirements.
- Following the example of the City of Ottawa, Clerk's Office staff took certain corrective measures to assist the City remain in compliance with this ruling after the 2022 municipal election.

- Through 2023, Clerks staff have completed a further review, and are recommending certain changes to Council to reduce the risk the City and Council take on by continuing with its current committee structure.
- In response to the City's previous changes, a number of Committee Members have resigned in 2023, finding the requirements to follow strict procedures and staff oversight, overbearing and a barrier to the advisory process.

Budgetary Status

There are no additional budget requirements, increases or decreases associated with this Report. However, there are changes in budgeting that will impact the 2024 budget, but moving certain budget dollars previously allocated to Committees, into either a Departmental budget line item, or into the Community Grant program to facilitate support for community events in 2024 and beyond. While local boards will not be eligible to apply for Community Grants, individuals or community groups will be eligible to apply for these funds to ensure events previously sponsored by local boards may continue.

Analysis

In 2021, the Ontario Superior Court ruled that the City of Hamilton's LGBTQ advisory committee was a local board under the *Municipal Act, 2001*, where it had previously been considered more of an ad hoc, or less formal committee. The reasoning behind the ruling was that the mandate of the advisory committee was within the jurisdiction of the Council, relating to the affairs and purposes of City Business.

As a local board, such committees fall under the City Council's Procedural By-law, and each member under the City's Code of Conduct.

This sets a high degree of expectations when it comes to procedure, decorum and how the work of these advisory committees may proceed in an open, accessible and transparent way. The implications for the City of Thorold being, its Committees of Council would all meet the definition of a local board, and be subject to certain by-laws, policies, rules or procedures, and other oversight mechanisms like the Integrity Commissioner, and holding Open meetings in accordance with *Municipal Act, 2001*.

After the 2022 municipal election, the Clerk's Office put into place a number of administrative controls to bring Council's Committee into compliance with these measures. However, many Committee and Board members were not used to following

as strict a focus on procedure, or the requirements for public transparency of meetings (audio and video recordings, and live streaming of meetings for public participation).

In response to this ruling, the City of Ottawa conducted a complete review of its local boards/advisory bodies, which resulted in a City Report that recommended the following:

- A reduction in local boards to only those which are legislatively required, being the accessibility advisory committee, Community Safety and Well-being, French Language Services and Planning

The Clerk's Office has completed a similar review of the City of Thorold's Local Boards and this report presents Council with recommendations based on that review and the work that the City of Ottawa and Hamilton has already completed.

Runway of Recognition

Staff recommend the Runway of Recognition Subcommittee be dissolved. The work of this committee is more collaborative in nature, and for the purpose of presenting the annual award ceremony. The Committee passed a motion to disband already and wish to continue as a community organization, which is supported by staff to reduce the risks associated with having to run this Subcommittee as a local board. Any budget originally provided by the City to this group, will be transferred to the City's Community Services and Community Grants program. Should the Committee wish to seek financial support from the City in the future, they can apply for funding through the grant program.

Committees to be Considered Local Boards

The following Committees will be considered to be local boards, and continue to function as an advisory body to Council:

Legislated and Required Boards

- Joint Accessibility Advisory Committee
- Committee of Adjustment

Local Boards

- Age-Friendly Committee
- Diversity Equity and Inclusion Advisory Committee

- Environment, Climate Change and Biodiversity Advisory Committee
- Parks ,Trails and Recreation Advisory Committee
- Road Safety Advisory Committee
- Town & Gown Committee
- Heritage Advisory Committee

Boards of Management

- Darlene Ryan Port Robinson Community Centre
- Allanburg Community Centre

After a review of the Committee/Local Board structure, these groups have been able to function well under the Procedural By-law and continue to work towards their respective Mandates.

However, there is still a great deal of risk accepted by the City and Council by bringing on members of the public to these committees in a volunteer capacity, without any understanding of their expectations and requirements under the Code of Conduct, and the Procedural By-law.

As such, staff are recommending that in January or February, additional training in the procedural by-law and code of conduct to all members of these local boards.

Additionally, staff are recommending that the following two local board's Terms of Reference be amended to reduce their meeting schedule to every other month (meaning six (6) meetings annually). This recommendation is based on the workload, the requirements on staff liaisons, and the additional time for committee working groups to meet and report to the Committee.

Committee Budgets

Responsibilities to the City and Council are to ensure that its local boards are adequately staffed with human resources to manage the procedures of the Committees, work through comprehensive policies and fulsome training to ensure all statutory requirements are being met.

One area where a great deal of risk has been identified are where local boards have been provided individual budgets to manage and control without proper oversight from either Council or Staff. Circumstances have presented themselves in the past where

certain committees were found to have their own bank accounts, conduct fundraising and/or spending outside of the view of the public, in clear violation of legislative requirements.

Given this risk, staff's clear recommendation is to remove all budgets from each individual local board, and transfer those funds to the appropriate department, or community grant program. This allows staff oversight, Council review and approval in a timely fashion, and in the case of boards, which have traditionally run events, the requirement for them to complete appropriate special permit and funding require applications, which come with financial reporting requirements, greater accountability of budgeted dollars and transparency of process.

Along with this, with training provided in the new calendar year, will be a re-focus on the mandate and purpose of each Committee. This will come with new reporting back to Council at the end of each Council term to ensure its local boards are following their approved mandates, and provides Council with the ability to review its local board structure every four years to align with its strategic priorities.

Community Liaison Groups

It is important for Council to understand that there are other options for advisory bodies to continue in a different capacity.

Advisory Committees/Local Boards will continue to have the ability to create working groups. These are ad hoc groups consisting of fewer than a quorum of the local board's membership, for a defined period of time to work outside the committee meeting schedule on a specific project. For example, two committee members working to conduct research on a policy from other municipalities in order to properly advise the committee and Council on next actions for implementing a similar policy.

Details of how this would work are explain in Column two of Appendix 1 to this Report.

Additionally, Council can create what would be known as Community Liaison Groups. This is detailed in Column three of Appendix 1 to this Report. Such groups consist of members of the Community with specific interests that align with City Services or Projects. For example, the ad hoc group used in 2023 to advise staff on the creation of Thorold's Community Market.

A Community Liaison Group reports directly to staff to advise on the community perspective, which staff includes in the process of making recommendations directly to Council. Such groups can meeting in person, regularly, or even virtually, corresponding over email to share recommendations, similar to a public information session.

The groups are chaired by and called to order by departmental staff and do not follow the procedural by-law. This process was also followed by the City of Ottawa after its review in 2023.

Following this, it is the recommendation of staff that the following committees be repealed, and that the memberships be converted to Community Liaison Groups to meet at the request of staff, as required:

- Tourism Advisory Committee
- Community Events Advisory Committee
- Lake Gibson Corridor Subcommittee
- Active Transportation Subcommittee

Impact on the Environment, Climate Change

There are no known environmental or climate change related impacts to this Report.

Alternatives Reviewed

Provide a brief analysis of the possible alternatives and explain why they are not recommended.

Relationship to Strategic Plan

- Service Modernization

Other Pertinent Reports

n/a

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Appendices

Appendix 1 Overall Advisory Body Structure