Staff Report to Council

Title: Governance Review Update and Committee Policies

Report Number: Legislative Services-2023-21

Director: Corporate Services

Manager: Legislative Services

Meeting Date:
Wednesday, September 13, 2023

Date to be considered by Council:
Wednesday, September 13, 2023

Recommendation:

That Council approve by By-law the Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy, the Advisory Committees of Council and Local Boards Administration Policy; and further

That Council approve the Committee Terms of Reference Template.

Executive Summary:

This report is to update Council on the work that has been done since Council received the Governance Review Final Report on June 5, 2023, and to introduce policies & template for committees:1. Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy: to ensure that this process is done in a fair and equitable manner.2. Advisory Committees of Council and Local Boards Administration Policy: to provide a framework for the establishment, operation, dissolution and reporting of committees.3.Terms of Reference for Committee template.These policies will help to guide Council in the creation of temporary ad-hoc committees which will provide them with advice on specific matters relating to their strategic plan.

Strategic Priorities:

D.15-Serve, communicate, collaborate and engage with the community to build trust and confidence in municipal services, Council and staff

Financial Considerations:

There are no financial considerations.

Policy:

Municipality of Kincardine Procedural By-law No. 2023-138

Context and Background Information:

On June 5, 2023, Council received the Governance Review Final Report containing twenty-seven (27) recommendations (attached). With the approval of the Municipality of Kincardine Procedural By-law on August 9, 2023, recommendations R6 to R11, and R14 have been completed. With this cornerstone piece in place, staff have completed R15 by creating a new report template with more concise targeted information to assist Council in its decision making.

The next set of building blocks required deal with the following recommendations:

- R13 & R18– Terms of Reference Templates including sections on Committee Membership and Reporting and Communications.

- R17 – A transparent criteria to guide the identification, evaluation, and appointment of public applicants on Council ad hoc committees.

Once these items are in place, staff will provide Council with a listing of recommended ad hoc committees that are geared toward priorities defined in the Integrated Strategy 2.0 including suggested timelines.

Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy

This policy provides a consistent and transparent framework for public appointments to advisory committees of Council and local boards as per recommendation R17. Previously this was found in the Procedure By-law and there was very little detail provided. This policy provides guidelines for various processes including the recruitment and application process, how applications will be reviewed, and recommendations made, confidentiality requirements, resignations, terms of appointment, communications, and removal of a member from a committee.

The process for the review and recommendation of applications will change to make the process more efficient by eliminating the Striking Committee. The process recommended instead will be:

- Clerk will prepare a report for a closed session of Council that summarizes all the applications;

- Clerk will circulate the report with the full applications to Council with the agenda for the closed session;

- Applications will be reviewed in the closed session under Section 239(2) of the Municipal Act (Personal Matters about an identifiable individual);

- Council will come out of closed session and report out in open session and pass a by-law with the names of the appointed applicants;

- Clerk will advise all applicants in writing of the status of their applications.

Advisory Committees of Council and Local Boards – Administration Policy

This policy has been created to help Council in the establishment, operation, and dissolution of Advisory Committees of Council. Previously, there was no such policy in place and the establishment and operation of committees was not well defined. This will help to provide that guidance for Council, staff, volunteers, and the community.

The Policy includes questions that Council should ask itself before establishing an advisory committee, what the terms of reference will include, how the committee will report to Council and how the committee is dissolved.

Utilizing this Policy, Council will meet its objective of having targeted committees created to provide advice on specific questions that Council needs input on.

Terms of Reference Template

The Terms of Reference (TOR) template achieves the recommendations in R13 and R18. TOR's will work in combination with the above noted policies to provide clear direction for committees to understand their role and connection to Council.

The previous TOR templates used were not consistent and focused more on procedure as opposed to outcomes. This new template provides for a focused mandate for the committee with key success factors and performance indicators included. This will allow Council and the Committee to understand exactly what advice Council is requesting from them and when success has been achieved.

It also clearly articulates the reporting structures which were not clearly defined in pervious TOR's and has been a pain point for many committee members.

The template also helps to clearly outline the roles of the various members and member qualifications. Combined with the Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy, members of the public who wish to join a committee will have a clear understanding of what skills and knowledge are required and how the appointment process works. In addition, it will assist Council in its selection process by giving a clear understanding of what is required.

Consultation Overview:

- Survey of 2018-2022 Committee Members - 54% of respondents referenced the selection process as needing improvement; 31% cited poor advertising of opportunities; and 23% cited the lack of information/transparency of the role responsibilities, purpose of committee, etc.

- Stakeholder Engagement – Authors of Governance Review completed Stakeholder engagement with Council, Staff, and former committee of Council members.

- Review of best practices and policies from communities including Town of Tecumseh, City of Cambridge, Township of King, Town of Whitby, City of Guelph, City of Port Colborne

Origin:

Municipality of Kincardine - Governance Review Final Report

Implementation Considerations:

The next steps will be for Staff to provide Council with a listing of recommended ad hoc committees that are geared toward priorities defined in the Integrated Strategy 2.0 including suggested timelines.

Before an ad-hoc committee is approved by Council, staff will provide a report including a draft TOR including a clear, concise mandate for the committee and start and end dates.

Recruitment of Committee members will occur when the TOR for an ad-hoc committee is approved by Council.

For the existing Statutory Committees (Heritage Kincardine and the Accessibility Advisory Committee), new TOR's will be drafted for approval by Council using the TOR template.

Risk Analysis:

The policies and TOR template are designed to mitigate the risks associated with the recruitment and appointment of committee members and the creation of committees. Without policies such as this, the risk exists that members will not be appointed in a transparent and equitable manner causing confusion and conflict with applicants. There is also the risk that Council does not receive the advice required regarding important issues in a timely and efficient manner.

Attachments:

- Governance Review Recommendations
- Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy
- Advisory Committees of Council and Local Boards – Administration Policy
- Draft Terms of Reference Template

Prepared by: Jennifer Lawrie, Manager of Legislative Services/Clerk

Submitted by: Jennifer Lawrie, Manager of Legislative Services/Clerk