

Staff Report



To	Committee of the Whole
Service Area	Corporate Services
Date	Monday, July 5, 2021
Subject	Advisory Committees of Council Governance Policies Update

Recommendation

1. That the Advisory Committee Meeting Procedures and Public Appointment Policy be repealed.
 2. That the Advisory Committees of Council – Meetings Procedures Policy, included as Attachment 2 to the Advisory Committees of Council Governance Policies Update report dated July 5, 2021, be approved.
 3. That the Advisory Committees of Council – Administration Policy, included as Attachment 3 to the Advisory Committees of Council Governance Policies Update report dated July 5, 2021, be approved.
 4. That the Advisory Committees of Council – Public Appointments Policy, included as Attachment 4 to the Advisory Committees of Council Governance Policies Update report dated July 5, 2021, be approved.
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Executive Summary

Purpose of Report

To recommend to Council the approval of new corporate policies, and repeal of current corporate policies, which govern the administration, procedures, and public appointments to Advisory Committees of Council to ensure legislative compliance and consistency with governance best practices.

Taken together, the recommendations contained in this report ensure that Guelph's advisory committee governance structure is accountable, transparent and responsive.

Key Findings

Staff reviewed the two existing governance policies related to advisory committees, the Advisory Committee Meeting Procedures and the Public Appointment Policy, to address Council's direction to conduct a review of advisory committee policies that included establishing a requirement for once-per-term terms of reference (TOR) reviews. Additionally, the review sought to fill existing gaps, clarify language and incorporate best practices. The review resulted in revisions to the two existing policies and creation of a new administration policy.

Draft policies were shared with staff liaisons from March 1 to 12, 2021 and committee members from March 15 to 26, 2021. The policies were revised based

on feedback received and recirculated to committee members and staff liaisons from May 14 to 21, 2021 to seek additional feedback and comments. Proposed updates to these policies include best practices regarding the creation, management and dissolution of advisory committees, clarification of the roles of Council, staff, chairs and committee members, meeting procedures and public appointments.

Significant recommended changes to the policies include:

- Chair approval of agendas.
- Chair's presenting to City Council alongside staff (not as delegates).
- Mandatory once-per-term of Council reporting and annual discretionary reporting from advisory committees.
- Sub-committees/working groups required to comply with all open meeting provisions of the Municipal Act and Procedural By-law.
- Development of advisory committee workplans.
- That, consistent with advisory committee terms of reference and applicant skills, priority for appointments be given to applicants from equity seeking groups.

Changes to draft polices do not include:

- Appointing members of Council to advisory committees.

Financial Implications

None.

Report

Background

There are currently 27 City of Guelph agencies, boards and committees (ABCs). A list of the City's ABCs has been provided as Attachment-1 to this report. Additional details regarding each ABC is contained on the [Boards and Committees webpage](#) on Guelph.ca.

Current polices which govern these ABCs were approved by Council on September 30, 2013, as contained in staff report [CHR-2013-41 Citizen Appointment Policy and Advisory Committee Meeting Procedures](#).

On [November 23, 2020](#), Council directed City Clerk's Office staff to conduct a review of advisory committee policies that included establishing a requirement for once-per-term TOR reviews. Council's direction was considered as part of an existing review of advisory committee policies that City Clerk's Office staff were undertaking in 2021.

Policy Review

To address Council's request, staff undertook a review of the ABC policies to update, revise and create corporate policies that filled existing gaps, clarified language and incorporated best practices to ensure legislative compliance, accountability, transparency and responsiveness.

This review has resulted in one proposed new policy and revisions to two existing policies as identified below. The policies have also been renamed to better reflect the bodies they govern and are now referred to collectively as the Advisory Committees of Council (ACOC) Policies.

- Advisory Committees of Council – Meeting procedures – Attachment-2
- Advisory Committees of Council – Administration (new) – Attachment-3
- Advisory Committees of Council – Public Appointment Policy – Attachment-4

The current policies have been revised to include content regarding the creation, management, reporting and dissolution of advisory committees, clarification of the roles of Council, staff chairs and committee members, management, recruitment and appointment of members and to update meeting procedures.

Stakeholder Engagement

As part of the policy review, City Clerk's Office staff engaged stakeholders who are directly impacted by policy revisions. Committee members and staff liaisons were provided with draft policies to seek their feedback. Feedback received resulted in revisions to the policies which were validated again with stakeholders to ensure the changes reflected the feedback received. City Clerk's Office staff also asked members if they wished to present to City Council regarding the draft policies, alongside side City Clerk's Office staff.

The first engagement opportunity collected feedback through a survey with specific questions identifying the areas in which the policies had received significant revisions. This survey, along with the draft policies, was shared with stakeholders in March 2021. Committee members and staff were invited, over a four-week period, to complete the survey or provide feedback by email or telephone.

The survey offered both specific survey questions and additional open-ended feedback opportunities. The survey questions have been included within the body of this report.

Feedback received directly from committee members and staff via email and telephone was also incorporated.

Following the initial review, a second engagement opportunity was offered, and the revised policies were recirculated to committee members and staff liaisons for a one week commenting period in May 2021.

In summary, the stakeholder engagement period was for a total of five weeks, the survey was open for four weeks to approximately 170 individuals comprised of committee members and staff. There were 35 surveys completed by committee members and 15 surveys completed by staff. In addition, five individuals provided direct comments via email. The survey responses consisted of representatives from various roles and committees.

The second round of engagement resulted in five responses from a mix of committee members and staff.

Recommendations arising from stakeholder engagement and policy review

There were several comments and suggestions received through the stakeholder engagement that lead to changes in the proposed policies. Below is a summary of stakeholder comments from both commenting periods, summarized under the policies they relate to, and City Clerk's Office staff recommended policy revisions.

Revisions which do not require formal policy amendments and can be implemented through internal processes and training provided by the City Clerk's Office have also been identified.

Advisory Committees of Council – Meetings Procedures Policy

The purpose of this policy is to provide ACOCs with meeting procedures that facilitate efficient and effective decision-making processes that are accountable and transparent. The ACOC Meeting Procedures build on the [Procedural By-law](#) to provide instructions for how advisory committee meetings are run.

Summary of Engagement Feedback

Both staff and committee members were supportive of changes made to the Meeting Procedures policy with comments received to the following survey questions:

Do you support sections 3 and 4 “Agenda Items and Agendas” of the Advisory Committees of Council – Meeting Procedures?

Section 3 – Agendas

Members requested:

- A collaborative approach with staff on agenda preparation and approval.
- The ability to provide agenda items for consideration by chairs and staff liaisons.
- That the following be included as standard agenda items for all meetings:
 - First Nations Acknowledgement
 - Business Arising from the Minutes
 - Questions and Information

City Clerk’s Office staff have revised section 3 and recommend the following:

- Requiring that staff liaisons consult with chairs in the preparation of agendas and that chairs be consulted for approval prior to finalization of agendas.
- Granting committee members the ability to submit agenda items to the chair for consideration, in consultation with staff, with all agenda items to be consistent with ACOC TOR and aligned with agenda forecasting and Strategic Plan priorities.
- Including the First Nations Acknowledgement as a mandatory item on all ACOC agendas.

City Clerk’s Office staff have not revised section 3 to include business arising from minutes or questions and information. In order to ensure that committees meetings best support Council and the community, and operate in an efficient and effective manner, committee members who have business arising from minutes should discuss that business with the chair and staff liaison to determine if an agenda item is required.

City Clerk’s Office staff will include agenda items and agenda production as part of an updated training program.

Section 4 – Revised Agendas

Members requested:

- Clarification regarding timelines for the publication of revised agendas.

City Clerk’s Office staff have revised section 4 and recommend the following:

- Requiring that revised agendas include correspondence and list delegates with respect to items already appearing on an agenda and are provided to committee members and posted for the public within three business days of the meeting.

Do you support section 9 – Roles and Responsibilities of the Advisory Committees of Council – Meeting Procedures?

Members requested:

- To know who holds the role of timekeeper or moderator in meetings.

City Clerk's Office staff are not recommending revisions to section 9.

The role of timekeeper and moderator in meetings is a shared responsibility between the chair and staff.

City Clerk's Office staff will address committee roles and responsibilities as part of an updated training program.

Section 9.1 – The ACOC Chair/Vice-Chair

Members requested:

- Clarification regarding the role of chair. In particular, members requested that the policy identify chairs as the ACOC representative before Council and the public.

City Clerk's Office staff have revised section 9.1 and recommend the following:

- Including the role of chairs as ACOC representatives in communicating with Council and the public.

Section 9.5 – All ACOC Members

Members requested that:

- Staff refrain from interjecting in non-constructive ways with members of the committee.
- Staff should refrain from intervening in the process of committee work and recognize that committees are opportunities to consult with residents.

City Clerk's Office staff recognize that committees serve an important function and that both members and staff have valuable roles in supporting committee work. As such, the proposed revised policy recommends that section 9.5 include the following:

- Members and staff should participate respectfully and supportively in meetings.
- All members and staff shall respect that recommendations reflect the majority view of the ACOC.
- Staff will refrain from intervening in the process of committee work, as long as the work undertaken is within the ACOC TOR.

Training

Staff and committee members commented that they would like to receive training in municipal governance and meeting procedures, with specific training for chairs and new members.

Following approval of the ACOC policies, staff will begin delivering a new training program for staff and ACOC members. This training will include a variety of topics and be based on the needs identified by committee members and staff.

Additional training will be offered on a continual basis to ensure that all committee members and staff have the knowledge and resources they require.

Additional stakeholder comments:

Section 2 Electronic Meetings

Members requested guidance regarding electronic meeting procedures.

[Section 9](#) of the Procedure By-law sets out procedures regarding electronic participation in meetings. City Clerk's Office staff will include best practices regarding electronic meetings as part of updated committee training.

Section 5 – Minutes

Members requested that comments and debate be included in committee minutes.

Staff are not recommending that minutes contain any comments or debate.

[Section 228.1\(a\)](#) of the Municipal Act, notes the Clerk's duty is "to record, without note or comment, all resolutions, decisions and other proceedings". Municipal minutes are designed to reflect the decisions made at a meeting and not the debate or questions that lead to a decision. Accurately capturing details of debate and questions in minutes is time consuming and, unless captured verbatim which requires skilled stenographers, opens minutes to interpretation.

City Clerk's Office staff will include minute taking as part of an updated training program.

Advisory Committees of Council – Administration Policy

The purpose of this policy is to provide a consistent and transparent framework for the establishment, operation, dissolution and reporting of ACOCs.

Summary of Engagement Feedback:

Both staff and committee members were generally supportive of the new ACOC Administration Policy with comments received to the following survey questions:

Do you support the revisions contained in Section 9, "Reporting to Council" of the new Advisory Committees of Council – Administration Policy?

Members requested that:

- In addition to the mandatory once-per-term of Council reporting, annual reports should be prepared and submitted by the ACOC.
- Formal opportunities be provided for ACOC members to present to City Council regarding ACOC advice contained in staff reports.
- Committee advice, resolutions and feedback submitted from ACOCs to City Council be included in their entirety and without revision in staff reports.
- The lack of consistency between policies, committee mandates and terms of reference be corrected.
- The once-per-term and annual ACOC reports to Council include topics such as concerns discussed and process improvements when working with Council.

City Clerk's Office staff have revised section 9 and are recommending the following:

- ACOCs may report (in addition to the mandatory once-per-term of Council reporting) once annually to Council, with reports prepared by the ACOC chair/vice-chair and a member selected by ACOC, if they wish.
- Provision of a formal opportunity for ACOC chairs to present to Council regarding staff reports where ACOC advice, resolutions or feedback have been included. When presenting, the ACOC chair or designate will be listed on the agenda as

presenters and will not be listed as delegates or required to register as delegates.

- That all staff and information reports presented to Council on topics where ACOCs have provided advice shall include all relevant ACOC resolutions and feedback and that recommendations should be unfettered other than in regard to terminology or for procedural reasons.
- That a standard template for ACOC once-per-term Council reporting, referred to in section 9.1(b), includes:
 - that policies, committee mandates and terms of reference were reviewed as part of the ACOC reporting requirements; and
 - any concerns discussed or process improvements possible when working with Council.

Additional stakeholder feedback:

Section 6 - Workplans

Staff requested that the policies include ACOC workplans.

City Clerk's Office staff have revised the policy and recommend the addition of section 6 ACOC workplans to ensure ACOC goals and objectives are aligned with the City's Strategic Plan priorities, Council agenda forecasting and staff workplans.

Members were generally supportive of the concept of workplans, but some expressed concerns relating to the potential of workplans to limit an ACOC's input on items not included on a workplan.

City Clerk's Office staff are recommending ACOC workplan development as an option and not a requirement, in order to ensure that committee activities and advice are efficient and effective for Council and the community.

Section 7 – Sub-committees

Staff raised concerns that ACOCs were creating sub-committees and working groups without staff or the public present and that agendas and minutes were not publicly available.

City Clerk's Office staff are recommending the addition of section 7 to include requirements that:

- Sub-committees/working groups are created by ACOC resolution and include purpose/scope, composition and reporting timelines.
- meetings, agendas, minutes and reporting of sub-committees/working groups is public.

In response, some members commented that sub-committee/work group policy language was too restrictive and that latitude should be afforded to sub-committees that have an ongoing mandate with no final reporting date and that a reporting requirement is cumbersome.

The requirements included in section 7, as originally proposed, provide for an open and transparent decision-making process and are necessary to ensure that sub-committees and working groups comply with legislative requirements for open meetings contained in [section 239\(1\)](#) of the Municipal Act and City's [Procedural By-law](#).

In addition, the requirements of sub-committees/working groups contained in section 7 is consistent with recommendations contained in an Ontario Ombudsman

investigation into [a complaint against the City of Hamilton](#), in which the City was found to have held an advisory committee meeting which was not open to the public. The [Ombudsman recommended](#) that all members “be vigilant in adhering to their individual obligations to ensure compliance with its responsibilities under the Municipal Act.”

General Feedback:

Members requested:

- Access to past committee minutes and agendas.
- Tracking committee items for both reporting and future committee advice or consideration.

City Clerk’s Office staff will include tracking committee items as part of committee training.

City Clerk’s Office staff are recommending that, as committee agendas and minutes are posted publicly on Guelph.ca, requests for older records not posted online will be handled on a case-by-case basis.

Advisory Committees of Council – Public Appointment Policy

The purpose of this policy is to provide a consistent and transparent framework for public appointments to ACOCs.

Summary of engagement feedback:

Both staff and committee members were generally supportive of changes made to the ACOC Public Appointment Policy with comments received to the following survey question:

Do you support the revisions to the “Removal of Members from ACOC” section of the Advisory Committees of Council Public Appointment Policy?

Members expressed concerns with policy language that Council “retains the right to replace an appointed member at any time and for any reason”.

City Clerk’s Office staff are not recommending revisions to section 3, as section 3.1(a) identifies violations which may result in removal of a member by Council and is consistent with [Section 12.4.2 of the Procedural By-law](#).

Additional stakeholder feedback:

Section 1.2 Notice of Vacancies

Members requested that:

- Vacancy notices include when vacancies would be filled.
- Vacancy notices include any additional time expectations of committee members on sub-committees or working groups.

City Clerk’s Office staff have revised the policy and recommend:

- That vacancy notices list the Council meeting date for appointments.

City Clerk’s Office staff are not recommending revisions to include additional time expectations, as this information can be included under the existing “approximate number of meetings per year” section.

Section 1.5 Eligibility and Qualifications

Section 1(a) - Eligible Age

Staff and members requested the eligible age of 16 be increased to 18 years.

City Clerk's Office staff have not revised section 1(a) and recommend that the eligible age of 16 remain. City Clerk's Office staff believe that maintaining the eligibility age of 16 creates an opportunity for youth who are unable to vote, but nonetheless receive and use City services, to participate in local government.

Section 1(e) Councillor appointments

Members requested that a member of Council be appointed to ACOCs.

City Clerk's Office staff are not recommending revisions to section 1(e) to add a member of Council to ACOCs for the following reasons:

On [November 24, 2008](#) Council passed the following resolution:

That commencing with the 2010-14 term of Council, members of Council no longer be appointed to advisory committees.

On October 24, 2011 Council received the Governance Committee Report titled [City of Guelph Procedural By-law Governing Council and Committee meetings](#), and approved revisions to the City's Procedural By-law which included a section stating "no members of Council shall be appointed to Advisory Committees".

In addition, it is staff's opinion that, based on the role of a councillor as set out in [sec. 224](#) of the Municipal Act (MA) "to evaluate policies and programs", the appointment of elected officials to ACOCs reduces the skill-based nature of committees, may negatively affect committee participation and potentially undermine the role of committees as apolitical advisors to elected officials.

Councillors are permitted to attend advisory committee meetings should they choose to do so. All ACOC agendas and minutes are posted publicly for Councillors to access.

Should City Council wish to proceed with the appointment of members of Council to advisory committees, consideration needs to be given to procedural amendments to the City's Procedure By-law along and ACOCs TORs.

If Council wishes to proceed with the appointment of members to Council to advisory committees, staff recommend passing the following motion:

That the City Clerk be directed to report back to City Council as part of the next Governance Review in the fourth quarter (Q4) of 2022/first quarter (Q1) of 2023, with recommendations and procedural changes to allow for the appointment of members of Council to advisory committees.

Section 2.1 Application Review and Recommendations

Staff requested the following:

- Resources to support committee member selection.
- Recruitment practices that encourage a more diverse group of applicants.

City Clerk's Office staff have revised sections 1.2 and 2.1 and recommend:

- That voluntary disclosure of diversity information, including race, gender and disability, be included on committee applications for all ACOC vacancies.

- That, consistent with ACOC TOR and applicant skills, staff liaisons will give priority to qualified applicants from equity seeking groups.

The City Clerk's Office is committed to ensuring that membership on advisory communities reflects the diversity of the City of Guelph.

On November 23, 2020, City Clerk's Office staff report titled [November 2020, Public Appointments to Advisory Committees, Local Boards, Agencies, Commissions and Associations](#) outlined goals as part of the City of Guelph's [commitment to diversity, inclusion and anti-racism](#). This included the collection and reporting of data on race, gender and disability from appointed ACOC members as part of each appointment cycle. Updated data is contained in the [June 2021 Public Appointments to Advisory Committees of Council staff report](#).

Asking for voluntary disclosure of diversity data on application forms will give staff the ability to prioritize the appointment of members from equity seeking groups who are underrepresented in the current membership.

In addition, the City Clerk's Office has partnered with The Guelph Lab from the University of Guelph's Community Engaged Scholarship Institute on a research project to identify ways that the City's boards and committees can be more inclusive and equitable for community members. This work is currently in the scoping phase, with delivery of a project brief to identify next steps and create a workplan to implement the project. It is anticipated that a report back to City Council with findings and recommendations from the project will be made in Q4 2021.

Section 2.3 Appointees

Members commented that the requirement of an updated application from members seeking reappointment after a four-year term was unnecessary.

City Clerk's Office staff are recommending section 2.3 include the requirement of updated applications by incumbents after a four-year term to ensure that updated information is available to Council and staff when considering reappointments.

Committee budgets

Members requested:

- Use of city transit, parking areas or reimbursement for minor costs to attend meetings.
- Information on committee budgets and financial resources available to carry out committee activities.

City Clerk's Office staff recognize that additional costs to committee members could be a barrier for committee participation and are recommending that staff report back to Council in Q1 2023 as part of the first Governance Review with recommendations on policies and procedures for the development and maintenance of ACOC budgets. Additionally, the Guelph Lab lead project on addressing systemic barriers for participation may result in recommendations regarding compensation/reimbursement. This work will proceed in tandem with City lead initiatives.

Additional policy changes

City Clerk's Office staff are recommending the following policy revisions:

Section 2.2 ACOC Member Resignations (within twelve months of initial appointment)

City Clerk's Office staff are recommending the addition of section 2.2 to permit staff liaisons to reconsider and recommend appointees from applications retained for committee vacancies occurring within 12 months of an appointment.

Section 3.3 Procedure – Unexplained absences

City Clerk's Office staff are recommending revised procedures for automatic forfeiture of a position by an ACOC member who is absent from three consecutive meetings without being authorized to do so by a resolution of the committee consistent with [section 259.\(1\)\(c\) of the Municipal Act](#).

Section 3.4 Temporary Leaves of Absence

City Clerk's Office staff are recommending the addition of sections 3.4 and 3.4.1 to include temporary leaves of absence consistent with [section 259.\(1.1\) of the Municipal Act](#).

Next Steps

Recommendations from Heritage Guelph Facilitation

At a Council meeting held on [January 25, 2021](#), Council directed staff to "hire an independent facilitator to work on improved relations between staff and members of Heritage Guelph to ensure collaboration on the City's heritage goals and that Council respectfully request that current Heritage Guelph members participate in these facilitated discussions."

In March 2020, City Clerk's Office staff solicited quotations for an independent facilitator. In April 2020, Michael Wildman of [Municipal Government Wayfinders](#) was retained and commenced facilitation work with Heritage Guelph and staff. Mr. Wildman's final report, including a summary of recommendations will be presented at a Special Heritage Guelph meeting on July 26, 2021. Based on the final recommendations contained in the report, further ACOC policy revisions may be required. Any such changes would be brought forward to City Council for consideration and approval.

Policy Approval:

Once Council has approved the ACOC policies, City Clerk's Office staff will begin the following:

- Posting of ACOC policies on Board and Committee page on Guelph.ca;
- Circulation of ACOC policies to all committee members and staff liaisons;
- An updated training program in the third quarter for all ACOC members and staff liaisons; and
- Prioritized TOR reviews for Heritage Guelph and the Municipal Property and Building Commemorative Naming Committee.

Financial Implications

None.

Consultations

Allison, Thornton, Associate Solicitor
ACOC staff liaisons
Agency, board and committee members

Strategic Plan Alignment

Reviewing and updating governance practices and policies to meet the highest standards of accountability and transparency reinforces the Strategic Plan value of integrity by ensuring honest and ethical decision-making at the City of Guelph. In addition, many of the recommendations in this report are based on feedback received from stakeholder engagement including individuals who serve on City boards and committees, seeking their feedback serves to improve how the City communicates with residents and delivers services in accordance with the [Working Together For Our Future Strategic Plan](#) pillar.

Attachments

Attachment-1 List of City of Guelph Agencies, Boards and Committees
Attachment-2 Advisory Committee of Council – Meeting Procedures Policy
Attachment-3 Advisory Committee of Council – Administration Policy
Attachment-4 Advisory Committee of Council – Public Appointment Policy

Departmental Approval

Dylan McMahon, Manager, Legislative Services/Deputy Clerk

Report Author

Donna Tremblay, Board and Committee Coordinator

This report was approved by:

Stephen O'Brien
General Manager, City Clerk's Office/City Clerk
Corporate Services
519-822-1260 extension 5644
stephen.obrien@guelph.ca

This report was recommended by:

Trevor Lee
Deputy Chief Administrative Officer,
Corporate Services
519-822-1260 extension 2281
trevor.lee@guelph.ca