

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: February 21, 2023
TO: Committee of the Whole
FROM: Jeanne Harfield, Clerk & Deputy CAO
SUBJECT: Governance Review – Report #1

RECOMMENDATION:

Motion 1

THAT Committee of the Whole receive this report as information.

Motion 2

THAT Committee of the Whole direct staff to develop a Community Engagement Framework.

Motion 3:

THAT Committee of the Whole recommend that Council approve separating Committee of Adjustment from Property Standards to create two distinct Committees;

AND THAT Property Standards Committee will be called on an as needed basis;

AND THAT Committee of the Whole direct staff to bring forward draft changes to the Property Standards Terms of Reference and By-law for consideration.

Motion 4:

THAT Committee of the Whole recommend that Council approve the amendments to the Committee of Adjustment Terms of Reference and corresponding By-law.

Motion 5:

THAT Committee of the Whole recommend that Council approve the proposed changes to the Heritage Committee Terms of Reference and the Heritage Grant Program By-law 09-16.

Motion 6:

THAT Committee of the Whole direct staff to bring forward proposed edits to the Council and Committee Code of Conduct to be consistent with other municipalities in Lanark County;

AND THAT Committee of the Whole direct staff to make the necessary administrative changes to the Policy HR-03 “Council Staff Relations Policy” to be consistent with corresponding by-laws and policies.

Motion 7:

THAT Committee of the Whole direct staff to proceed with Option _____ for amendments to the Procedural By-law

AND THAT Committee of the Whole direct staff to bring forward the draft Procedural By-law for consideration.

BACKGROUND:

As part of the governance review process, Council will review the following items:

1. Procedural By-law (19-127)
2. Notice By-law (07-78)
3. Community Engagement
4. Terms of References for Statutory Committees
5. Council Code of Conduct
6. Council Staff Relations Policy

The purpose of the governance review is to review key by-laws and policies to ensure that they reflect best practices as well as meet the needs of Council and how you wish to conduct municipal business.

DISCUSSION:

Procedural By-law (19-127)

The current Procedural By-law was approved by Council in December 2019, since then a few amendments have been made namely to permit electronic participation and hybrid meetings. There have also been some amendments to the Inaugural Meeting process which is included as an appendix to the Procedural By-law.

With any option it is important to note that changes to the Planning Act now require the Municipality to refund planning application fees if approvals are not made within the new mandatory decision timeframes. We will therefore need to include flexibility in the Procedural By-law for planning approvals should deadlines become an issue. It should also be noted, more Planning Act changes are anticipated and this could mean more mandatory refunds of application fees on more types of planning matter approvals. The Planning Department will also be amending policies and procedures to include non-statutory public meetings as a step in the approval process and other procedures as a result of provincial changes. With existing changes to the Planning Act as well as any future changes, it is important that the revised Procedural By-law is drafted to provide flexibility for approvals as well as the use of non-statutory Public Meetings.

Option 1 – Make amendments to the existing Procedural By-law

Currently, the Procedural by-law provides that Council meets twice per month with a Committee of the Whole (COW) meeting following immediately afterwards. The recommendations from the COW meeting would then be brought forward at the following Council meeting for approval. In a normal meeting schedule, this would result in a 2 week break between COW recommendations and Council approval. This Procedural By-law has been working well, if Council wishes to continue with this structure, staff will review the by-law and propose amendments that will provide some improvements. Some of the changes would be to provide greater clarity on processes, allow for flexibility, and to ensure that the existing procedural by-law reflects current business practices of the municipality as well as legislation and best practice.

Options 2 – Standing Committees

In 2021, Council underwent a committee review process that looked at how Council utilized committees to conduct business. As part of that exercise, staff and Council reviewed the 2020 Service Delivery Review report which made recommendations on the use of advisory committees and recommended structuring Council business in the business units of the municipality (Corporate Services, Development Services & Engineering, Protective Services and Community Services). The service delivery review report also recommended scaling back the number of advisory committees as many weren't seen to be utilizing staff time effectively or providing Council with the community engagement that was desired. A proposal was put forward to have three different COW meetings with each meeting once per month and Council meeting twice per month. The proposed structure would be as follows:

- First Tuesday – Council meeting followed by COW meeting #1 (Development Services & Engineering (building, planning, public works))
- Second Tuesday – Council meeting followed by COW meeting # 2 (Protective and Community Services (fire, policy, by-law enforcement, recreation, economic development, & culture/community) COW meeting #3 (Corporate Services and Clerks)

This method of conducting business would require 3 different COW agendas and 3 COW chairs as well as the regular Council agendas. Also, staff reports from departments would come forward once per month at the designated COW meeting. For example, planning matters would come forward once per month under Development Services & Engineering. Council approval would still occur two weeks after the COW meeting. The amended Procedural By-law with this structure was brought to Council for approval in January 2022, but it was defeated, however, the intention was that it would be brought forward to the new term of Council for consideration. Should Council wish to proceed with this process, staff is recommending that flexibility be written into the Procedural By-law for time sensitive matters. For example, with Bill 23 and the new timelines for planning matters there may be time pressures to approve certain matters to avoid penalties (refund of building or planning fees).

Option 3 – Approvals in One Night (Council/COW/Council)

A third option for Council's consideration in regards to the Procedural By-law is to revert to a process that was in place between 2017 and 2019. This process was that Council would approve COW recommendations on the same night. The meeting would begin with Council, then dissolve into COW and then return to a Council session to approve the recommendations from COW. This process approved matters quickly which expedited municipal business, however, it did not provide the 2 weeks between COW and Council to review matters more. For staff reports that required further review or consideration, Members of Council would put forward a motion to defer.

With the above-mentioned three options, there are endless variables that can be looked into further after direction is provided. For example, some municipalities only have Council meetings once per month or Council meets on a different night than COW. Some municipalities meet every week with Council one week and COW the next.

Once a main option is chosen staff will schedule meetings with Members of Council to review the proposed draft procedural by-law. Following these meetings staff will bring forward the draft Procedural By-law for review and consideration.

Notice By-law (07-78)

The existing Notice By-law was passed in 2007 and has not gone undergone significant changes since. The notice by-law includes provisions on how the municipality must provide notice to the public for specific matters. The existing by-law is quite outdated and staff is recommending a full review and rewrite of the notice by-law. For example, the existing notice by-law does not make mention of the use of social media or other methods to communicate with the public. Additionally, some of the notice requirements set out in by-law 07-78 contradict notice provisions in other by-laws. The revised Notice By-law will also ensure that it is consistent with other by-laws that include notice provisions while also capturing other methods of notification that the municipality currently uses.

Additionally, Clerks within Lanark County are all facing similar issues with their Notice By-laws being out of date and are working together to share ideas and a best practice review.

Community Engagement

Effective community engagement is an invaluable tool for municipal Councils. In the past, one of the key tools utilized was advisory committees. The Municipality engages with the public in many ways, every day. The public can offer feedback on a single topic or larger plans through opportunities such as participating in a meeting, joining a Municipal advisory group, answering a survey, submitting comments to Council, and by interacting with individual staff. This participation helps strengthen the relationship

between the Municipality and the public, and shapes our policies, programs, and services to meet the needs of all residents. In order to determine how best to engage with the public, staff are recommending the development of a Community Engagement Framework and to also review the existing Communications Plan that was developed in 2017. The goal will be to determine how the Municipality can better support public engagement opportunities with all residents and stakeholders and to build trust and a stronger relationship with the public.

In the past, one of the main tools used to engage with the community was through advisory committees. These committees in some instances worked well, but in others they were not effective which caused frustration for volunteer members, staff and Council. The Municipal Act as well as our Procedural By-law grants authority to Municipal Council to strike and appoint committees of Council. Each committee requires a terms of reference and must adhere to the Procedural By-law. The required procedures for committees of council at times may make flow of business and informal dialogue more rigid. Staff are recommending therefore taking a different approach to advisory committees and engagement to increase the input and the diversity of the responses received. This could include launching focus groups, public information sessions, surveys, tasks forces and more. The municipality has already begun focusing on community engagement either through the new Planning Umbrella initiative or the recent 2023 budget. This year, the budget process included an online survey and budget spotlights to engage with the community. In previous years, the municipality used an advisory committee or held a public meeting to obtain feedback from the community on the budget. On average less than 10 members of the public would provide feedback at a public meeting and the advisory committee was made up of 7-9 volunteer members of the community, plus councillors and staff. This year, the municipality will have heard from 167 individuals through submissions of the budget survey (164 online and 3 paper submissions). The results from this survey will be presented to Council as part of the 2023 budget report. There are many other ways to engage with the public and stakeholders that the municipality can build upon. Staff is therefore recommending the development of an Community Engagement Framework to identify ways in which the municipality can further engagement with the community that will aim to garner diverse and valuable input from across the municipality.

Terms of Reference for Statutory Committees

Mississippi Mills currently has three statutory committees: Heritage Advisory Committee, Committee of Adjustment and Property Standards, and Accessibility Advisory Committee. The terms of reference for these three committees were reviewed in 2018 and more recently by staff.

The Accessibility Advisory committee terms of reference, in staff's opinion, does not require any changes as it is compliant with provincial legislation. We are still actively seeking applications to the committee, currently only 2 have been received. The Planning Staff reviewed the Heritage Advisory Committee and have made some minor edits. The revised draft terms of reference and the proposed revisions to the Heritage

Grant Program By-law are attached. The edits to both, are to ensure that we are compliant with provincial legislation and other minor edits.

Staff are also recommending changes to the Committee of Adjustment and Property Standards. One major change would be to separate the Committee of Adjustment from Property Standards. Committee of Adjustment is governed through legislation in the Planning Act as well as the Committee of Adjustment Municipal By-law. The Property Standards Committee is granted authority through the Ontario Building Code Act and the Municipality's Property Standards By-law. While both are quasi-judicial bodies, they would cover different Acts and by-laws. For this reason, staff are recommending to separate the two committees and only appointing a Property Standards Committee on an as-needed basis. The revised terms of reference for the Committee of Adjustment as well as the revised By-law is attached to this report.

The Building Department is actively working on revisions to the Property Standards By-law which will be brought forward in a separate report. Staff will likely be recommending that the Property Standards Committee be made up of Members of Council and that it be called on an as needed basis. There have only been two requests for an appeal to the Property Standards Committee since 2010.

Council and Committee Code of Conduct

In 2018, the Clerks of Lanark County worked together on implementing a uniform Code of Conduct that would be used by all municipalities within Lanark County, the original code of conduct was drafted in consultation with the Integrity Commissioner. Five years has passed since the original adoption of the Code of Conduct, as such, Clerks in Lanark County met to review the existing Code of Conduct. During the meeting, the Clerk's identified areas that could provide greater clarity such as processes. There will not be any substantial changes to the Code of Conduct and proposed changes will likely be linked to process and procedures, for example, how Integrity Commissioner reports are published, process for placing Integrity Commissioner reports on the agenda, how long reports will be on the municipal website, etc. A staff report with proposed red-lined edits will be brought forward to Council in the future for consideration.

Council Staff Relations Policy

It is a provincial legislative requirement that all municipalities must adopt a Council Staff Relations Policy. The Council Staff Relations policy links to multiple other by-laws and policies. Therefore, it will be updated upon the approved Council Code of Conduct as well as the Procedural By-law.

OPTIONS:

Procedural By-law:

Option 1 – Direct staff to draft revisions to the existing by-law 19-127.

Option 2 – Direct staff to bring forward for consideration a draft Procedural By-law to include standing committees.

Option 3 – Direct staff to bring forward for consideration a draft Procedural By-law to include approving Committee of the Whole motions by Council in the same night.

Community Engagement

Option 1 – Direct staff to develop a community engagement framework and review the existing Communications Plan (recommended)

Option 2 – Maintain status quo and not develop a framework

Statutory Committees Terms of Reference

Heritage Committee:

Option 1 – Recommend that Council approve the recommended amendments to the Heritage Committee Terms of Reference and Heritage Grant Program By-law.
(recommended)

Option 2 – Direct staff to not make any changes to the Terms of Reference or Heritage Grant Program

Committee of Adjustment and Property Standards:

Option 1 – Recommend to Council that the Committee of Adjustment and Property Standards be separate into two distinct committees. Additionally, that the proposed edits to the Committee of Adjustment Terms of Reference and by-laws be approved by Council, and that Staff be directed to bring forward proposed revisions to the Property Standards Committee Terms of Reference and the Property Standards By-law.
(recommended)

Option 2 – Do not separate the committee and keep status quo.

Council Code of Conduct and Council/Staff Relations Policy

Option 1 – Direct staff to bring forward proposed revisions to the Council Code of Conduct to be consistent with municipalities in Lanark County. Also, direct staff to make

necessary changes to the Council-Staff Relations policy to be consistent with changes to related by-laws or polices. (recommended).

Option 2 – Maintain status quo and not make any changes.

FINANCIAL IMPLICATIONS:

No financial implications with this report.

SUMMARY:

Staff have undertaken the initial steps in a governance review process, that looks into polices, by-laws and terms of reference that directly impact the way in which the municipality conducts business and engages with the public. As a result of the review, staff have brought forward options for Committee of the Whole's consideration in relation to the Procedural By-law (maintain status quo with revisions or draft an entirely new Procedural by-law). The Procedural By-law is an important document as it sets out how Council will conduct business and how Members of Council wish to run their meetings. Other items considered as part of the governance review is how to effectively engage with the community through the development of a Community Engagement Framework.

Currently the municipality has appointed community members to Statutory Committees (Heritage, and Committee of Adjustment and Property Standards), the municipality is still waiting for more applicants to the Accessibility Advisory Committee. Staff have reviewed the terms of reference for all statutory committees and have made recommendations to Council to separate Committee of Adjustment and Property Standards into two distinct committees. Additionally, there are proposed edits to the terms of reference for Heritage Advisory Committee and Corresponding By-law. The Building Department will also work on proposed edits to the Property Standards Committee and corresponding By-law.

The Municipal Clerk's Department is working with other Clerks in Lanark County on revisions to the Notice By-law and the Council and Committee Code of Conduct. Staff will bring forward recommended changes for Council's consideration at a future meeting. Once changes have been approved, staff will also make administrative changes to the Policy HR-03 Council – Staff Relations in order to be consistent with related policies and by-laws.

Respectfully submitted by,

Reviewed by:

Jeanne Harfield,
Clerk & Deputy CAO

Ken Kelly,
CAO

ATTACHMENTS:

1. Procedural By-law 19-127
2. Sample Procedural By-law (standing committee structure)
3. Previous Procedural By-law 17-03 (Council/COW/Council)
4. Notice By-law 07-78
5. Draft Heritage Advisory Terms of Reference
6. Draft – Heritage Grant Program By-law edits
7. Current – Committee of Adjustment and Property Standards Terms of Reference
8. Draft Revised – Committee of Adjustment Terms of Reference
9. Draft Committee of Adjustment By-law amendments
10. Draft Property Standards Committee Terms of Reference
11. Accessibility Advisory Terms of Reference
12. Council Code of Conduct
13. Council Staff Relations Policy