



Date: February 14, 2022
To: Mayor and Council
Author: Paula Parker, Town Clerk
RE: Committee of the Whole (COTW) – Terms of Reference
Report No.: LS-2022-02

RECOMMENDED ACTION

1. That Council reconsider motion 451-2021;
2. That motion 451-2021 be amended by adding the words “with the exception of Committee of the Whole”;
3. That council pass the amended motion 451-2021:

That Council approves and directs that Committees, with the exception of Committee of the Whole, shall not direct staff but may make recommendations to Council requesting staff support. It is then up to Council to direct staff through the CAO. Where a committee requires regular annual staff support, such as for special events, the committee shall make its request to Council for the allocation of staffing resources; and,

4. That the Committee of the Whole Terms of Reference **BE ADOPTED**, as presented.

BACKGROUND

Council, at its July 12, 2021 Regular Meeting, passed the following motions:

443-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council approves the creation of a Committee of the Whole (“COTW”) composed of all members of Council.

- i. This committee to hold its inaugural meeting in September 2021. This committee to meet monthly on the third Monday of each month, except in March,

July, August, and December, or otherwise shall have special meetings at the call of the chair.

ii. This committee shall be chaired by the Deputy Mayor.

iii. This committee shall replace the Tourism & Economic Development Committee, Parks, Recreation, Arts & Culture Committee, Striking Committee, Planning Advisory Committee, Personnel Committee and Mettawas Waterfront Park Fundraising Committee.

iv. COTW meetings will be open to the public, except when permitted to be in camera (closed session) as permitted by the Municipal Act, 2001.

v. The Procedural Bylaw be amended to allow the chair of COTW to relax the rules to allow for longer delegations, flexibility on registering for a delegation, and more informal discussion among the public, staff and members of Council.

vi. COTW shall be an advisory Committee of Council without authority.

451-2021

Moved By Councillor Larry Patterson

Seconded By Deputy Mayor Gord Queen

That Council approves and directs that Committees shall not direct staff but may make recommendations to Council requesting staff support. It is then up to Council to direct staff through the CAO. Where a committee requires regular annual staff support, such as for special events, the committee shall make its request to Council for the allocation of staffing resources.

The July 12, 2021 report from the CAO also highlighted the following advantages of COTW:

- Allows all members of Council to hear matters, as opposed to having only a few members of Council participate in some committees
- COTW can spend more time on a single issue than is available in a typical busy Council meeting
- COTW can devote more time to delegations and presentations than is available in a typical busy Council meeting
- COTW can allow for more flexibility in the rules of procedure to allow for discussion and learning in a manner that fosters better understanding
- COTW can allow members of Council to discuss and debate an issue without the pressure of making a final decision since final decisions can only be made at a later date in a Council meeting. This allows for some time for reflection before making major decisions
- COTW will allow for senior administration, including the CAO and Directors when needed, to be present at the COTW meeting in a way that is not currently possible

On September 20, 2021, the Committee of the Whole inaugural meeting was held. The Deputy Mayor chaired the meeting and Councillor DeYong was nominated and elected as Vice-Chair.

On September 27, 2021 Council passed By-law 77-2021 being the Procedural By-law to govern the calling, place and proceedings of meetings of Council and Committees. Included in By-law 77-2021 is the following:

7. Committee of the Whole

7.1. Notwithstanding the provisions in this By-law, the Chair may relax the procedural rules to allow for the efficient and effective dispatch of business by the Committee and to facilitate informal discussion as between the public, Staff and the Members, including but not limited to relaxing the rules related to delegation speaking time and registration.

7.2. Meetings shall be held at 6:00 p.m. in Council Chambers on the third Monday of each month. There shall be no regularly scheduled Meeting during the months of March, July, August, and December. Special Meetings shall be at the call of the Chair.

7.3. Meetings of Committee of the Whole shall be chaired by the Deputy Mayor.

7.4. Meetings will be open to the public unless closed in accordance with the provisions of the Act.

DISCUSSION

By-law 77-2021 was drafted to take into consideration the direction of Council on July 12, 2021 and was passed on September 27, 2021. It contains a section regarding Committee of the Whole, as noted above. Section 7 provides an opportunity for the Chair to relax the procedural rules at COTW. Relaxing the usual limits on debate allows a more open exchange of views without the urgency of a final vote. However, this does not provide clear guidelines of how to bring matters forward to COTW and how they will be handled by Administration.

Committee of the Whole is intended to be an advisory committee of Council, making recommendations to Council for approval much like other advisory committees, but there is one difference. It is comprised of all members of Council and because of this difference, COTW can provide direction to Administration through the CAO.

A Terms of Reference will be a useful guide for members and staff on the Committee's powers and duties. It will provide a framework for the ways in which COTW members work together to accomplish common community goals. It will outline the ways in which questions can be brought forward, how answers will be provided and will be a Council approved set of expectations which will ensure accountability for members and staff. It

will also assist the community in understanding how the COTW structure is intended to serve them.

Attached is the recommended COTW Terms of Reference for Council consideration. It reflects the intention of the CAO's report dated July 5, 2021 and captures the approved section 7 of By-law 77-2021.

If Council wishes to adopt the terms of reference as presented, and allow COTW to direct Administration, it will first require a reconsideration of motion # 451-2021 and an amendment to exclude COTW. The order of business for February 14, 2022 would first be a reconsideration of motion 451-2021. If that is carried, motion 451-2021 is back on the table and an amendment to the motion can be moved to add "with the exception of COTW". If the amendment is carried, then the amended motion for Council consideration would be as follows:

That Council approves and directs that Committees, with the exception of Committee of the Whole, shall not direct staff but may make recommendations to Council requesting staff support. It is then up to Council to direct staff through the CAO. Where a committee requires regular annual staff support, such as for special events, the committee shall make its request to Council for the allocation of staffing resources.

This would then be followed by a motion to adopt the Terms of Reference, as presented. The sequence of motions is listed above in the recommended action section of this report but each action must be moved and carried separately to move to the next action. For example, if Council believes a reconsideration is not in order, then the remaining actions listed are moot.

FINANCIAL CONSIDERATIONS

There are no financial implications to this report.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations stemming from this report.

CONSULTATIONS

The CAO and Senior Management Team were consulted on this report. The Clerk also reviewed other municipal COTW Terms of Reference and discovered that most allow direction to administration.



Paula Parker
Town Clerk

REVEIUED BY:



Susan Hirota
Director of Legal and Clerks Services

LINK TO STRATEGIC PLAN

Promote the betterment, self-image and attitude of the community.

Effectively manage corporate resources and maximize performance in day-to-day operations.

Link to Council 2021-2022 Priorities

- COVID-19 and the health and safety of the community
- Customer Service: Training, Technology, Staff, Review Standards/Level of service
- Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- Programming Increase: Youth and Seniors
- A development plan for Downtown Kingsville / Main Street
- Financial savings: Schools closings, Migration Hall
- Economic Development: strengthen tourism/hospitality
- COVID - economic recovery
- Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- Committees / Boards: Review and Report
- Policy Update: Procedural Bylaw
- Economic Development: diversify the economy, create local jobs, industrial, Cottam
- Infrastructure (non-Municipal): Union Water expansion & governance
- Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- No direct link to Council priorities

