

	Corporation of the Municipality of Temagami Memorandum to Council	Memo No. 2015-M-001 <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Committee
Subject:	Committee Structure	
Agenda Date:	January 15, 2015	
Attachments:		

RECOMMENDATION

This memorandum is:

To be received for information

BACKGROUND

At the December 11, 2015 Inaugural council meeting, there was discussion by Council over committee structure. Councillor B. Koski gave a notice of motion regarding an ad hoc committee to be struck to look at committee structure. There was also some discussion about staff bringing some information on committee structure for the first meeting in January. This memo is being provided to Council to give some background and general information on committee structure to Council.

History

Temagami, which was previously organized by the Province as an “Improvement District” became a Township in 1977. Ever since its creation as a township, it has had some form of committee structure. In 1977, it started as a traditional **Standing Committee** structure, with the standing committees each being formed of several members of council. They had budgets and supervised staff, with managerial responsibility for their appointed functional areas, much like a local board would operate. Various committees were added or changed over the years. In the 1970s, changes to the Municipal Act authorized Municipalities to appoint a Chief Administrative Officer (CAO), and due to the many challenges of the traditional standing committee system, many Municipalities changed to using a **CAO System** instead. Temagami also appointed a CAO.

Then in a new Procedure By-law in 1993, Temagami instituted a hybrid “**Committee of the Whole**” system along with “**Special Committees**” which were “to deal with matters relating to the specific jurisdiction”. “Committee of the Whole” in that by-law was defined as: “all members of the Council present at a meeting sitting in Committee headed by the Presiding Officer.” Special Committees listed in the by-law were: Public Works and Water; General Government and Finance; Planning and Development; Parks and Recreation; and Protection to Persons and Property.

The first new procedure by-law after the 1998 amalgamation was the 2004 Procedure By-law 04-579. It introduced the current **Standing Advisory Committee** structure, which has undergone only minor changes in subsequent by-laws and amendments, right up to the present By-law 09-845 as amended. It was also defined more clearly in the recent Terms of Reference, adopted by By-law 14-1198.

ANALYSIS

Municipalities are not required to have any committees; however, the Municipal Act, 2001, as amended, does authorize municipal councils to appoint, change and dissolve committees. Committees exist at the pleasure of council and the function and mandate of any committee is set by Council. The function and mandate needs to be set out in a by-law, whether as part of the procedure by-law or a separate by-law. There are special rules in the Municipal Act for those committees for which at least 50 per cent of the members are also members of one or more councils or local boards. The Municipal Act also considers any committees that exercise “any power under any Act with respect to the affairs or purposes of one or more municipalities” to be local boards, which

are also subject to special rules. For example, the Committee of Adjustment, which exercises decision making powers delegated to it by council under the Planning Act, would be considered a local board under the Municipal Act. Committees whose function is to provide recommendations and advice to Council would not be considered local boards as defined by the Municipal Act.

OPTIONS

Should council decide to change the current governance structure with regard to committees, there are several options available. Some common options are listed below.

- Committee of the Whole – This means all members of the Council meeting as a committee to discuss municipal business, using set committee rules that are less formal than the parliamentary procedure used at council meetings. Meetings are open to the public, subject to the same exceptions that permit closed sessions at council meetings. Generally Council will alternate between regular council meetings and Committee of the Whole meetings. All decisions made at a Committee of the Whole meeting must be ratified at a regular Council meeting. This structure can replace the Advisory Committee structure, but could also coexist with a limited number of Advisory and/or Ad Hoc Committees.
- Ad Hoc committees – These committees can be formed of members of Council only, or of members of Council along with members of the public and/or staff. They are formed and their members are appointed by council resolution. They exist for a specific project only and are automatically dissolved when they have fulfilled their mandate. Ad hoc committees can replace Advisory Committees or be used in addition to them. They would use the less formal committee procedure, and would nonetheless be subject to the same requirements as other committees for notice requirements, open meetings, minutes, etc.
- Advisory Committees – The composition of these committees is set by Council, but their purpose is generally to involve local citizens in providing advice and recommendations to Council regarding items that have been referred to them by Council, municipal services and facilities. Although Temagami currently has several Advisory Committees, as outlined in the Procedure By-law, the only one Temagami is required to have is the Planning Advisory Committee, because this is specified in our Official Plan (OP). This requirement was put into the OP because in 1998, as a result of amalgamation, the Temagami and Area Planning Board was dissolved and the new Council adopted the recommendation of the Transition Committee to create a Planning Advisory Committee to help ensure public input from all areas of the newly amalgamated Municipality into planning decisions.
- Standing Committees – These committees are formed of members of Council only (less than a quorum, with staff support). When used with a CAO system, they do not have a managerial function, but generally study specific issues before bringing them to a council meeting. Citizen delegations are often made to the appropriate standing committee rather than the whole council. They facilitate policy discussion and analysis, but they do not have decision-making authority.

It is important to remember that these committee structures are not mutually exclusive and Council can chose any combination that will be most effective for the Municipality. In all cases, support staff must be assigned to take minutes and may also be assigned to assist with agendas, notices, research, etc. as decided by Council.

At the November 20, 2014 meeting, a notice of motion was proposed for Council's consideration regarding a review of staffing structure. Council should ensure that these two structures are not considered in isolation from each other, as they are intertwined. Ideally, these two structures should be reviewed concurrently as part of the same processor, if not, then they should be reviewed subsequently, with the governance structure addressed first, as changes to committee structure could have a significant effect on staff work load.

Prepared by:

Reviewed and approved by:

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Patrick Cormier, CAO

On behalf of: N/A

Name of committee if applicable