

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
Submitted by:	Municipal Clerks Department, Brent Larmer, Town Clerk Kristina Lepik, Deputy Clerk, Legislative Services, blarmer@cobourg.ca klepik@cobourg.ca	Meeting Type:	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	October 16, 2020		
Report No.:	Legislative Services-131-23		
Submit comments to Council			

Subject/Title: Proposed Updates to Council Governance Structure and Procedural By-law

RECOMMENDATION:

THAT Council receive this staff report for information purposes; and
 FURTHER THAT Council endorse the proposed Procedural By-law, (as amended, if required), and direct staff to proceed with the next steps for the governance review model as directed at the October 10, 2023 Special Council Meeting.

1. STRATEGIC PLAN

The Governance Review and the Town's Strategic Plan should complement each other, the Strategic Plan will provide a clear understanding of the strategic direction the Town will proceed in this term and in future terms, and the Governance Review will critically review the governance environment that will effectively deliver the strategic vision and areas of focus in the municipality between, Council, the Administration, and the Community. Once a governance structure is in place its principles should be adaptable and work within any elected term of Council to be easily interpreted and understood by the Mayor, Deputy Mayor and Councillors and the public to aid in good governance principles and sound decision making.

2. PUBLIC ENGAGEMENT

Residents were able to provide feedback through an online survey, an idea generating and commenting tool, and by participating in public meetings in person or by making written submissions.

Notice of the governance review was posted in the local newspaper and on the Town's website, inviting the public to be involved in the discussion on how their local government conducts its decision making process.

The public engagement process was conducted in a multi-step and phased process.

The first step in engaging the public was an open discussion and survey of residents on the current governance structure and what is being proposed. With an emphasis on inviting feedback from all members of the public, being those who consistently engage in local governance as well as those who rarely participate and those that haven't participated at all. Staff created a set of survey questions aimed at attaining resident input regarding what is working well and where improvements could be made, particularly on transparency, accountability, and how to motivate residents to participate in Town decision making.

The second step was collecting feedback provided through the public engagement platform and presenting the results at the June 19, 2023 Public Meeting. Staff provided a report to Council on the proposed Standing Committee Governance Model that was approved in principle at the May 1, 2023 Regular Meeting.

Immediately following the Governance Review Report and direction, Staff conducted the following communications efforts:

- 2 Public Notices
- 2 Email notifications to Engage Cobourg Residents
- 3 Week Posts to Town of Cobourg Ad Blocks – Northumberland News
- Today's Northumberland Digital Ads
- Hello Cobourg Cover Newsletter May 2023
- Consistent and Constant Social Media Posts on **X, Facebook and Instagram**

- Municipal Clerk hosted a Open House at Council Chambers on May 17th 2023 from 6:30 P.M. to 9:00 P.M to explain the Governance Review Model and what is being proposed with Posters and Visuals. 12 individuals came to the Open House

- Staff Conducted a Governance Survey from April 25th to May 29th 2023 – with 123 individuals participating in the forum and taking the survey which was open to more than just Cobourg residents as it also included business owners.

The final step is the presentation of a final report with the revised procedural by-law implementing the Town's new Governance Structure or final approval along with the draft schedule of meetings and timing for the introduction of the new Governance Model.

3. PURPOSE

At the May 1, 2023 Council Meeting the following resolution was passed:

WHEREAS at the Committee of the Whole meeting on April 24, 2023, Council considered a memo from the Municipal Clerk/Director, Legislative Services, regarding the Town of Cobourg Governance Review Recommendations and Next Steps;

NOW THEREFORE BE IT RESOLVED THAT Council support the detailed review of the Council Governance Structure in principle and that the following recommendations be presented as alternative governance model of the Standing Committee System to the current Portfolio System; and

FURTHER THAT, since both systems and their variations are in use by municipalities in Ontario, the public survey would clearly summarize and compare the two main alternatives and be reviewed by a newly formed Governance Review Working Group and with input from all Council members. The approved public survey would be sent for public engagement for initial presentation and feedback with the following proposals:

a) Standing Committee System described in the Staff Report and with recommended variations which would replace the current Committee of the Whole System into four (4) Standing Committees and/or mix of Standing Committees and a Committee of the Whole and a Regular Council Meeting happening each month with each Standing Committee having a specific mandate based on the previous coordinator meeting system which includes the combination of participation of all Council Members and three (3) Council Members on the recommended Standing Committees Types. It is anticipated the total number of Standing Committee and Council meetings each month will not exceed four.

b) Council maintains the Statutory Local Boards and Advisory Committees being, the Accessibility Advisory Committee and the Heritage Advisory Committee, and others which may be mandated from time to time. Council may enact Citizen Advisory Committees to Council and consider the creation of Task Forces and Ad Hoc Committees based on the Council Strategic Plan with a specific mandate to achieve Council goals and initiatives during the Council Term with an end term and expiry no longer than twelve (12) to eighteen (18) months, or at the end of their mandated purpose.

c) Creation of a Governance Review Working Group consisting of the Municipal Clerk, Deputy Clerk, Chief Administrative Officer, Mayor, Deputy Mayor and Council to appoint a rotating Member of Council to the Governance Review Working Group consisting of Councillor Randy Barber, and Councillor Miriam Mutton to be struck in order to draft and prepare all necessary periodic reports and interim analysis and updates to Council including public engagement findings and recommendations; and, to draft by-law and policy provisions, with any additional public feedback to be presented to Council at a Governance Review Public Meeting on June 19th 2023 for full review of proposed structure.

FURTHER THAT the following question be added to the Governance Review Survey regarding the introduction of Town Hall Meetings.

The purpose of this report is to provide Council with the proposed governance structure and framework of enhanced Council practices, procedures, and legislative authority to improve efficiency.

At the October 10, 2023 Special Council Meeting the following resolution was passed:

THAT Council support the current progress completed by Staff and Council on the Governance Review Model for Cobourg Municipal Council that was approved on May 1, 2023; and

FURTHER THAT Council endorse the next steps of the Governance Review with the Draft Procedural By-law and Standing Committee Terms of Reference to be presented to Council on October 16th, 2023 for review and consideration by Council which provides the ability for all of Council to have open debate, deliberation and review, to decide on a final governance model structure; and

FURTHER THAT Council direct the final Draft Procedural By-law and other relevant information to be posted on engage Cobourg for public feedback and comment on the proposed Governance Structure; and

FURTHER THAT the final drafts, after receiving final public feedback be brought back to Council on November 6th, 2023, for final consideration, amendments, and approval; and

FURTHER THAT any changes to the Town's Governance Review shall take effect in January 2024, following communication and public education on the new structure, and with training to all Members of Council and Staff on the new governance system.

4. ORIGIN AND LEGISLATION

Subsection 238(2) of the *Municipal Act, 2001*, provides that every municipality and local board in Ontario is required to adopt a procedural by-law to govern the calling, location, and proceedings of meetings. A well-constructed Procedural By-law facilitates the business of the Town Council and its Committees and Boards.

The Town's Current Procedural By-law, By-law No. 009-2019, was approved at the Regular Council Meeting on February 4, 2019. Subsequent amendments to the Procedural By-law have been made on an ad-hoc basis in response to legislative changes due to the COVID-19 pandemic, primarily to facilitate the transition to electronic Council Meetings.

5. BACKGROUND

At the May 1, 2023 Meeting Council directed Staff to proceed with the review of the existing governance structure and update the Procedural By-law to streamline processes and improve the efficiency of Town business.

The proposed changes are based on the following guiding principles:

- The governance structure and related processes shall remain transparent and accountable to the community at-large;
- The changes shall contribute to an efficient and effective decision-making process; and
- The governance structure and related processes shall be focused and aligned with identified municipal priorities and strategic directions that are not just made in their term but are relevant for Councils in the future.

6. ANALYSIS

The following sections list the significant changes that have been made to the procedural by-law to increase accountability and transparency while also streamlining the decision-making process.

1. Standing Committees

To streamline the Council decision-making process the Committee of the Whole meetings have been divided into four (4) Standing Committee meetings and reducing the membership of all of Council on three standing committees as detailed below.

The proposed Committees are:

- i. The Strategic Priorities and Policy Standing Committee which is proposed to include all members of Council; and

- ii. The Corporate, Finance, and Legislative Committee, to include three (3) members of Council.
- iii. The Public Works, Planning and Development Standing Committee, to include three (3) members of Council, and
- iv. The Community Services, Protection, and Economic Development Standing Committee to include three (3) members of Council.

The Standing Committees have a focused purpose and will consider specific reports rather than reports from all departments. Less time will be required for the meetings as more meetings with less reports will be held.

Council Decision-Making Process

Under the recommended governance structure, as it relates to a Standing Committee model, would have the following provisions within to name a few specifics:

- Standing Committees would consist of three (3) members of the Council including the Mayor on each Committee. For the Standing Committees with a membership of three (3) Quorum would be two (2) members.
- The Chair and Vice-Chair of each Standing Committee would be determined by Members and would rotate annually.
- Council Members would be given the choice mid-way through the Council Term to change Standing Committees during the review.
- Those members of Council who are not appointed to a particular Standing Committee may attend other Standing Committees to ask questions, seek clarification and hear information to prepare for Regular Council Meetings. Members may do this virtually or appearing in person.
- All staff reports would be submitted to their respective Standing Committee for deliberation. Members would vote to recommend that Council approve or not approve the suggested course of action, or they could make alternate proposals through amendments.

***Note, all Sanding Committee Minutes get referred automatically to the Regular Council meeting and members of Council has the opportunity to pull any items that was dealt with by the Standing Committee for a full vote of Council. This includes any item that was defeated by the Committee.*

- Standing Committee decisions and recommendations from Advisory Committees and Task Forces will be reported to the respective Standing Committee with a recommendation and then if endorsed sent on to Council. If more information is needed, Council may receive more information on a

recommendation from Staff to be brought back to the Committee, or prior to being brought back before the Regular Council Meeting.

- Delegations would be heard at the Standing Committees, and Regular Council Meeting with an opportunity to show up at the time of meeting to delegate on an Agenda item.
- At a Regular Council meeting, a vote would need to be taken to approve all recommendations and decisions of the Standing committee, embody the decision in a Resolution or By-law.

2. Task Force

To provide for greater accountability and transparency while balancing the intent to streamline Council Meetings Staff are proposing the introduction of Task Forces. Council may constitute a Task Force to consider and report on a specific subject, project, or undertaking. When a Task Force has been appointed by Council, the Members will be appointed by By-law. When a Task Force has completed its work and made its final report to Council, the Task Force shall be deemed to be discharged.

Prior to the establishment of a Task Force which Council has determined will include members of the public, the Clerk shall be directed to place an advertisement in a local newspaper and on the Municipal Website inviting members of the public to apply to be a member of the Committee.

3. Public Participation

To increase the Town's accountability and transparency staff have introduced the concept of a "Speaker" at a Council meeting and clarified the requirements of a Delegation.

A Delegation is defined as a person or group who has made a written request to address Council on a subject which is not on the Agenda; and a Speaker is defined as a member of the public who wishes to speak or submit comments to Council on a staff report included in the Council Agenda.

Historically, members of the public have not been provided with an opportunity to speak to the consideration of a staff report directly before being deliberated by Council. The introduction of the Speaker will allow members of the public attending in person to register at the beginning of the meeting to voice their comments to Council at the time the report is being considered. Additionally, if a Speaker submits correspondence relating to a Staff Report by noon seven (7) days prior to the meeting it will be included on the Agenda as correspondence from the public with the applicable staff report.

If a member of the public would like to speak to a matter not on the Council agenda they may register as a Delegation with the Clerks Office, prior to the distribution of the agenda. This provides greater accountability and transparency for the public as anyone viewing the agenda upon publishing will receive ample notice of all matters for Council's consideration. If an urgent delegation request is received outside of the prescribed timelines it may be included on the Agenda at the Clerk's discretion.

4. Consent Agenda

To streamline Council Meetings the consent agenda for Staff Reports is being proposed. At the request of the Chair, Members of Council and the public shall identify any items contained on the Consent Agenda which they wish to speak to and the matter shall be extracted from the Consent Agenda to be dealt with separately under Items Extracted from Consent Agenda.

The balance of items on the Consent Agenda and the recommendations contained therein, which have not been extracted, shall be adopted in one motion.

5. Council Correspondence

To streamline Council Meetings for information correspondence shall be converted into searchable PDF, personal information redacted, uploaded to eSCRIBE, and made available on the Council Meeting Calendar for Council to be viewable by, Council Staff, and the public.

A Council Member or Director, at any time, can request the Clerk to add for information correspondence onto the next Council agenda for consideration as "Items Extracted from Consent Agenda", adhering to agenda preparation timelines.

Action items shall be added to the next Council meeting agenda under "Items Extracted from Consent Agenda". Where possible each correspondence shall have a staff recommendation included.

6. Closed Meetings

To increase the Town's accountability and transparency prior to holding a meeting or part of a meeting that is to be closed to the public the Head of Council or Presiding Officer shall state by resolution:

- i) The fact of the holding of the Closed Session; and
- ii) The general nature of the matter to be considered at the Closed Session; and

- iii) The specific provision of the Municipal Act, under which meeting in Closed Session is permitted.

Additionally, where appropriate and where it does not conflict with the best interests of the Town, Council shall report any decisions made in the Closed Session immediately upon reconvening in Open Session.

The order of business for each Regular and Standing Committee Meeting has been updated to include a standing item on each agenda titled “Items Arising from Closed Session” to provide Council with the means of reporting out any decisions made in Closed Session

7. Town Hall

As directed by Council at the May 1, 2023 meeting, to increase the Town’s accountability and transparency staff have introduced the concept of a “Town Hall”. The purpose of a Town Hall Meeting is to allow members of the public to provide comment and input to Council as a whole. Town hall Meetings are not a statutory requirement of Council and are offered as an added opportunity for dialogue with the community, grounded in the principles of transparency, responsiveness, participation, and collaboration.

8. Reorganization of Section of the By-law:

To make the procedural by-law easier to read similar topics have been reorganized to be in the same sections. As a result, this proposed procedural by-law looks to be very different from the current procedural by-law. However, much of the substance of the by-law is the same or very similar it has just been moved around to provide for greater readability.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

The Town’s Governance Review has been fully conducted by internal staff within the Legislative Services Division and there will be no additional costs other than staff time and some communications resources, including some public engagement exercises, materials, and advertisements.

Significant staff time will be required to successfully implement and manage the new governance structure, to assist with the coordination and distribution of the additional Council materials an additional member of the Legislative Services Division would be benefit and Staff feel would be helpful addition to the Clerks team. Currently responsible for Council and Governance is the Deputy Clerk and the Town Clerk/ The addition of a Council Coordinator that focuses on the pre-meeting coordination of agendas and post-meeting follow-up of minutes and sending of council correspondence will allow for this new governance structure to perform seamlessly.

8. CONCLUSION

In conclusion, it is recommended that Council direct Staff to proceed with the presented governance structure and revised Procedural By-law.