



Staff Report

Report To: Dan Best, Chief Administrative Officer
From: **Rebekah Msuya-Collison, General Manager of Corporate Services**
Date: February 7 2022
Report: CL#05-2022
Subject: Council Committees – Legislative Review

Recommendations:

That the report of Rebekah Msuya-Collison, General Manager of Corporate Services re: Council Committees – Legislative Review be received.

Purpose:

For Information.

Background and Analysis:

This report is being brought forward as staff are currently undertaking the annual coordination with Council Committee members as part of the draft appointment By-Law preparation. The purpose of this report is to provide information for Council consideration prior to their receiving the by-law to reflect on how legislation, regulations and other requirements may affect the need for or benefit of certain Committees and Local Boards.

The contributions provided by Committees and Boards is greatly appreciated. In no way does any of the information or rationalization included in this report intend to negatively reflect on the great work of the municipality's Committee and Local Board Members.

Analysis

Members to Committees and Boards that are appointed by Council must carry out their mandate in accordance with the Municipality of South Huron's Procedure By-Law, provisions of the *Municipal Act*, and other governing legislations and policies, such as *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and *Conflict of Interest Act*. This is not an exhaustive listing, just a highlight of some of the legislation and regulations that Committees of Council must comply with.

Members are also governed by the Code of Conduct, the Procedure By-Law, Procurement By-law, Terms of Reference and other applicable law, unless otherwise provided. In addition there are policies that apply to Committees such as Records Retention policy and Corporate Accessibility policy.

Committees and Board members are generally appointed for the term of Council, unless otherwise noted. It has been the practice for South Huron Council to review the Appointment By-Law annually and during this term Council has also received presentations on Committee and Board Accountability and Transparency and the Code of Conduct for Council and local boards. Links to these reports and presentations are provided in this report for Council reference.

Ombudsman/Closed Meeting Investigations

The Ontario Ombudsman oversees and investigates complaints for provincial government and broader public sector bodies including municipalities. The Ombudsman can also act as closed meeting investigator as the default for municipalities that have not appointed their own. South Huron has appointed Aird Berlis LLP as our closed meeting investigator. It is important to note that Committees and Boards are investigated for complaints.

The Ontario Ombudsman website provides various examples of previous investigations and recommendations. [Link to Reports and Case Summaries Municipal Meetings](#). As part of this report, a sample of some fairly recent reports from the Ontario Ombudsman are provided to Council as examples from other investigations. There are some key takeaways from the recommendations in the reports relating to municipal meetings involving Committees of Council.

1. [Ombudsman Ontario Report October 2021](#):

Investigation into a complaint about the meetings of the Baconfest Committee, Finance Working Group, and Policy Working Group of the Township of Lucan Biddulph. The complainant alleged that these

bodies held meetings contrary to the Municipal Act, 2001, because public notice was not provided and minutes were not kept.

2. [Ombudsman Ontario Report December 2021:](#)

Investigation into complaints about meetings of the Investigation Committee in the Township of Nairn and Hyman. The complainants alleged that these meetings were contrary to the Municipal Act, 2001 (the "Act") because notice of the meetings was not provided and the minutes were not made available to the public

3. [Ombudsman Ontario Report December 2020:](#)

Investigation into complaints about a meeting held by the Township of Southgate Fire Department Advisory and Support Committee. The complainants alleged that the meeting began more than 30 minutes after its scheduled start time, in violation of the Township's procedure by-law, and was therefore effectively closed to the public in violation of the open meeting rules.

The Municipality of South Huron has been committed to encouraging public engagement and promoting a culture of community partnerships and volunteerism. When creating and appointing committees, Council can consider that there may be other engagement tools available that will function effectively to incorporate the interests and concerns of affected stakeholders and meets the needs of Council.

Operational Considerations:

This report is provided for information only and there is no operational consideration as a result of the recommendation in this report.

South Huron's Strategic Plan:

Section 6.2.2 of the Municipality of South Huron 2015- 2019 Strategic Plan identifies key objectives that are reflective of the collective perspectives of the strategic planning process. The recommendations and actions outlined in this report are reflective of the following strategic objectives:

- ✓ Administrative Efficiency and Fiscal Responsibility
- ✓ Increased Communications and Municipal Leadership
- ✓ Transparent, Accountable and Collaborative Governance

Financial Impact:

This report is for information purposes only and there is no financial impact as a result of the recommendation in this report.

Legal Impact:

This report is for information purposes only and there is no legal impact as a result of the recommendation in this report.

Staffing Impact:

This report is for information purposes only and there is no legal impact as a result of the recommendation in this report.

Policies/Legislation:

Municipal Act, 2001

Municipal Conflict of Interest Act

Municipal Freedom of Information and Protection of Privacy Act

South Huron Code of Conduct

Procedural By-Law

Procurement By-Law

Consultation:

D. Best, Chief Administrative Officer

Related Documents:

Committees and Boards Accountability and Transparency Review:

[Committee of the Whole January 17, 2019](#)

Code of Conduct Review: [Committee of the Whole January 27, 2020](#)

CL#08-2020 – [Appointment By-Law Review](#)

CL#04-2021 – [Appointment By-Law Review](#)

CL#18-2021 - [Integrity Commissioner and Closed Meeting Investigator](#)

Respectfully submitted,

Rebekah Msuya-Collison, General Manager of Corporate Services