



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Committee Structure Part One – Legislatively Mandated or Delegated Authority

1. RECOMMENDATION:

It is recommended that:

- 1. Administration BE DIRECTED to advertise for lay member positions in the local newspaper and on the Town's website...
a. Amherstburg Accessibility Advisory Committee
b. Co-An Park Committee
c. Committee of Adjustment
d. Dangerous Dog Appeal Committee
e. Drainage Board
f. Fence Viewers
g. Heritage Committee
h. Livestock Evaluators
i. Property Standards
j. Audit and Finance Advisory Committee
2. Deputy Mayor Gibb and \_\_\_\_\_ BE FORWARDED to the Essex County Striking Committee...
3. Mayor Prue BE APPOINTED to the Essex Power Board of Directors; and,
4. \_\_\_\_\_ and \_\_\_\_\_ BE APPOINTED as Council member representatives to the Essex Region Conservation Authority; and,
5. Administration BE DIRECTED to amend the Boards and Committee Appointment Policy...

## 2. BACKGROUND:

The Town of Amherstburg has an interest in various external Boards and Committees that involve the appointment of Town representatives, such as the Essex Region Conservation Authority, Essex Power Corporation and the Essex County Library Board. In addition, the Town has a number of legislative, regulatory and delegated authority bodies that are required. Beyond these bodies, the Council for the Town of Amherstburg can also provide direction on additional committees that can assist Council in an advisory capacity.

Council resolution 20210222-053, was adopted on February 22, 2021 and requested that an administrative report be brought to the first meeting of the new term of Council regarding the establishment of a striking committee to address

That:

1. The report regarding Proactive Committee Oversight **BE RECEIVED**; and,
2. Administration **BE DIRECTED** to prepare a report regarding the establishment of a striking committee prior to the end of the current term of Council so that it can be considered at the first meeting of the new term of Council.

## 3. DISCUSSION:

The following information can be provided for Council's consideration:

- (a) **Amherstburg Accessibility Advisory Committee** – The *Accessibility for Ontarians with Disabilities Act*, section 29(1) states that, "The Council of every municipality having a population of not less than 10,000 shall establish an accessibility advisory committee or continue any such committee that was established before the day this section comes into force." It further relays that, "A majority of the members of the committee shall be persons with disabilities." And notes the duties of the committee shall be,
  - a. "Advise the council about the requirements and implementation of accessibility standards and the preparation of accessibility reports and such other matters for which the council may seek its advice under subsection (5);
  - b. Review in a timely manner the site plans and drawings described in section 41 of the *Planning Act* that the committee selects; and,
  - c. Perform all other functions that are specified in the regulations."

The composition of the Amherstburg Accessibility Advisory Committee (AAAC) shall be 1 member of Council and 4 lay members and meets monthly, with every second meeting tentatively scheduled.

- (b) **Co-An Park Committee** – The Co-An Park Committee was established pre-amalgamation by the former Township of Colchester North (now the Town of Essex) and the former Township of Anderdon (now Town of Amherstburg). The Committee is delegated responsibility to oversee the operation, maintenance and management of the park and its personnel. The Committee is comprised of 1 Council member and 3 appointed members from the public of each municipality and meets monthly.
- (c) **Committee of Adjustment** – The Committee of Adjustment is responsible for holding hearings under the *Planning Act* with respect to minor variances from the Town's Zoning By-law and applications for consents to sever which result in the creation of new lots or lot additions. The Committee is comprised of 5 lay members and meets monthly.
- (d) **Dangerous Dog Appeal Committee** – This committee is responsible for hearing and determining appeals in accordance with the procedures established under the *Statutory Powers Procedure Act* with regards to designations of dangerous dogs as issued by the By-law Enforcement Division. The Committee is recommended to be comprised of 5 lay members and meets as required.
- (e) **Drainage Board** – The Drainage Board is delegated responsibilities to facilitate the carrying out of procedures under the *Drainage Act*. The Board considers all drainage matters inclusive of the 'Meeting to Consider,' and, the 'Court of Revision.' The Board's mandate is:
- a. Conduct a meeting to consider the preliminary and/or final report in accordance with Section 10(2) and 42 of the *Drainage Act* and decide on the adoption of the report;
  - b. Sit as a Court of Revision as defined in section 97 of the *Drainage Act* to hear appeals on assessments as outlined in section 52 to 56 of the *Drainage Act* and make final decisions as a Court;
  - c. Hear all resident complaints respecting drainage matters;
  - d. Assist administration in creation/revision of drainage policies and procedures for the consideration and approval of Council;
  - e. The Board may recommend to Council the expulsion of a member for reasons as a listed, but not limited to, a member in contravention of the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Provincial Offences Act*, the *Municipal Conflict of Interest Act*, disrupting the work of the Board or other legal issues.

The Drainage Board consists of 5 lay members and meetings monthly.

- (f) **Fence Viewers** – This committee is struck in accordance with the requirements of the *Line Fences Act* and it is recommend that it consist of 5 lay members who meet as required.
- (g) **Heritage Committee** – The Heritage Committee is appointed in accordance with the *Ontario Heritage Act* and performs statutory obligations under the Act where one is enacted. It is the mandate of the Committee to advise and assist Council on matters relating to Part IV and Part V of the *Ontario Heritage Act* and such other heritage matter as Council may specify by By-law. The Committee is

comprised of 2 Council members and 5 lay members. The committee meets monthly with every other meeting tentatively scheduled.

- (h) **Livestock Evaluators** – The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) manages the Wildlife Damage Compensation Program, in place of the *Livestock, Poultry and Honey Bee Protection Act* and the *Protection of Livestock and Poultry from Dogs Act*. Where a dog/wildlife kills or injures livestock or poultry, the local municipality in which the killing or injury occurred is liable to the owner of the livestock or poultry for the amount of damages that is determined by a valuer. The amount shall be paid to the owner within 30 days of the determination. 5 lay persons are recommended to comprise the committee and meet as required.
- (i) **Property Standards** – This committee is legislated by the *Ontario Building Code*. The Property Standards By-law provides for a Property Standards Committee comprised of 5 lay members. The Property Standards Committee considers appeals from orders issued by the Property Standards Officer and as such meets as required.
- (j) **Audit and Finance Advisory Committee** – Although not legislatively required, nor accorded any delegated authority, this advisory committee does have obligations related to providing advice and recommendations related to financial matters. For that reason, and given that budget deliberations will take place in quarter one of 2023, Administration recommends that direction be given to advertise for this committee in December so that Council can consider appointments in January.

Additionally, there are a number of appointments to external agencies, boards and commissions at the commencement of a Council term. These include:

### **Essex County Library Board**

The Essex County Library Board consists of 7 members appointed for the term of Council. Following each municipal election, each local municipality forwards the name of at least one nominee from their municipality to serve as a representative on the Essex County Library Board. If the nominee submitted by the local municipality is a member of County Council, the name of a second nominee shall also be submitted by the local municipality. The Town of Amherstburg would submit the Deputy Mayor as a member of County Council for consideration, and would be seeking to submit a lay member appointee for consideration as well. Two applications were received by the County and have been provided to the Town of Amherstburg for Council's consideration. The applications have been provided to Council under separate cover.

### **Essex Region Conservation Authority Board**

Recent legislative changes to the *Conservation Act* refocus the responsibilities of Conservation Authorities to providing programs or services that meet the following descriptions and that have been prescribed in regulations:

- Programs and services related to the risk of natural hazards.

- Programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title.
- Programs and services related to the authority's duties, functions and responsibilities as a source protection authority under the Clean Water Act, 2006.
- Programs and services related to the authority's duties, functions and responsibilities under an Act prescribed by the regulations.

Our local Conservation Authority is the Essex Region Conservation Authority which is managed by the Essex Region Conservation Authority Board. The Town of Amherstburg is required to appoint two member of Council to the ERCA Board for the 2023 term of Council. The next meeting of the ERCA Board will be held December 8, 2022 and the Annual General Meeting is scheduled for January 19, 2023. Both meetings will be held in person at the Essex Civic Centre.

### **Essex Power Board of Directors**

Essex Powerlines Corporation is a regulated company that has been incorporated under the *Business Corporation Act* of Ontario. The holding company for Essex Powerlines is Essex Power Corporation which is wholly owned by four municipalities as shareholders: Amherstburg, Lasalle, Leamington and Tecumseh.

The Town of Amherstburg appoints a lay member to the Board for a four year term and the Mayor traditionally serves as the Council representative of the Town on the Board and for the annual Shareholders Meeting. The Town of Amherstburg, as a Shareholder, sees revenues generated from its stakes in the Essex Power Corporation. The lay member appointment continues for another two years, and so is not required at this time, although the Town is required to submit its Council representative, and Administration recommends the Mayor be appointed in this capacity.

### **Changes to Committee Structure**

In order that the Administrative burdens associated with such a large committee structure are reduced, Administration will seek to recruit and train the same member to serve on the following committees:

- Dangerous Dog Appeal Committee
- Fence Viewers
- Livestock Evaluators
- Property Standards

This change would allow Administration to reduce the costs and resources required to provide these committees and the associated training in light of their being called to meet only as required, to address specific matters. Given the Town's Board and Committee Appointment Policy requires that applicants be appointed to a maximum of two boards, Administration would request Council direction to amend the Boards and Committee Appointment Policy to reflect this change, and allow for applicants to be appointed to more than two Boards in these limited circumstances.

## Striking Committee

A striking committee can assist Council in reviewing applications and making recommendations on appointments. Such a committee could consist of a subset of members of Council, or, it could consist of all of Council. Given that it is likely that all members of Council have an interest in Committees, it is usually preferential to have the entirety of Council review such applications. There is no requirement to formally create a striking committee where Council addresses these matters as a body.

Understanding this, and the need for Council to ask inquiries that are of a personal nature, such inquiries are best addressed in closed session. Therefore, it would be the Administrative recommendation that the following motion be made, should Council wish to move into closed session to review applications and make inquiries associated with those applications:

That:

1. Council move into an In-Camera Meeting of Council pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

Item A:

**Section 239(2)(b)** – Personal matters about an identifiable individual, including municipal or local board employees.

Should Council move into closed session to review those applications, Council would be required to move into open session to vote on appointing individuals.

### 4. **RISK ANALYSIS:**

There is risk inherent in not having some or all of these committees in place to meet their legislative mandates and/or exercise their delegated authority.

### 5. **FINANCIAL MATTERS:**

The costs associated with each committee or board is included in the associated budget presentation and there are no additional financial implications of the recommendation of this report.

### 6. **CONSULTATIONS:**

Valerie Critchley, Chief Administrative Officer  
Bill Tetler, Manager of Licensing and Enforcement

### 7. **CONCLUSION:**

It is recommended that Administration be directed to recruit for the noted Committees and Boards in accordance with the Boards and Committees Appointment Policy so that their respective legislative mandates and/or delegated authority can be met, as needed, without delay.

Administration also recommends that direction be provided to advertise for the Audit and Finance Advisory Committee given the need to have this committee in place to exercise its responsibilities for the 2023 financial reporting and budget processes.

A further administrative report will be brought in January to discuss the committee structure with regards to Advisory Committees and Ad-Hoc Committees that Council may wish to strike.

  
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Kevin Fox  
**Clerk**

## Report Approval Details

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|----------------------|---|
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| Attachments:         |   |
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This report and all of its attachments were approved and signed as outlined below:



Tracy Prince



Valerie Critchley



Kevin Fox