

Municipality of Lakeshore – Report to Council

Strategic & Legal Affairs

Civic Affairs



To: Mayor & Members of Council

From: Brianna Coughlin, Division Leader – Civic Affairs
Frank Jeney, Division Leader – Community Services
Marco Villella, Division Leader – Engineering & Infrastructure
Kristina Brcic, Team Leader – Development Approvals

Date: November 16, 2022

Subject: Lakeshore Boards and Committees 2022-2026

Recommendation

Approve the Terms of Reference and direct Administration to advertise for community member applications to the following boards and committees for the Municipality of Lakeshore 2022-2026 term:

- Accessibility Advisory Committee
- Committee of Adjustment
- Drainage Board
- Hearing Committee
- Lakeshore Police Services Board
- Mayor's Arts Award Committee;

Appoint _____ to the Accessibility Advisory Committee;

Appoint _____ and _____ to the Lakeshore Police Services Board;

Appoint _____ to the Belle River Business Improvement Area Board of Management; and

Appoint Mayor Bailey to the Mayor's Arts Awards Committee, all as presented at the November 29, 2022 Council meeting.

Background

This report refers specifically to statutory and advisory boards and committees that are created by Council. Statutory committees refer to those boards and committees

required by provincial legislation (Lakeshore Police Services Board, Accessibility Advisory Committee, Drainage Board acting as Court of Revision) or those committees which, if created, have specific obligations under legislation (Drainage Board, Heritage Committee).

Advisory committees are purely discretionary optional groups created by resolution of Council in order to receive advice or recommendations on particular subject areas. Examples of advisory committees include the Arts Advisory Committee and the Youth Advisory Committee.

At the November 10, 2020 meeting, Council received a report regarding the remuneration for statutory and advisory boards and committees and passed resolution #396-11-2020:

Direct Administration to include meeting remuneration in the Terms of Reference for each statutory board or committee to be approved at the beginning of each term of Council, as described in the report presented November 10, 2020.

Currently only members of statutory boards and committees, with the exception of Heritage Committee, receive remuneration. Members of statutory committees are required to perform certain tasks, often including onsite visits, and members have increased liability due to their decision-making capabilities (unlike advisory committees, where Council is the decision-making authority).

Members of the Accessibility Advisory Committee receive remuneration in lieu of reimbursement of the cost of accessible transportation to attend meetings at a municipal facility.

Comments

The Municipal Liaisons for each of the current boards and committees conducted a review of the current function of their committees and provided recommendations for Council consideration. The table below provides an overview of the boards and committees, membership, remuneration and a recommendation to continue/not continue in the 2022-2026 term.

Board/Committee	Type	Number of Members	Remuneration Per Meeting	Recommendation to Continue
Accessibility Advisory Committee	Statutory	9	\$125.00	Yes
Arts Advisory Committee	Advisory	9		No – Change to Mayor's Arts Awards Committee

Board/Committee	Type	Number of Members	Remuneration Per Meeting	Recommendation to Continue
Committee of Adjustment/ Property Standards Committee	Discretionary and Statutory	5	\$125.00	Yes
Community Services Advisory Committee	Advisory	9	\$0	No
Drainage Board	Discretionary and Statutory	5	\$125.00	Yes
Flood Prevention Task Force	Advisory	9	\$0	No
Heritage Committee	Discretionary and Statutory	7	\$0	No
Police Services Board	Statutory	5	\$125.00	Interim only
Youth Advisory Committee	Advisory	10	\$0	No

Statutory Committees

1. Accessibility Advisory Committee

The Accessibility Advisory Committee is a statutory committee required by the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). The purpose of the committee is to advise Council on accessibility-related issues and matters to identify and break down barriers for people with disabilities in the Municipality of Lakeshore.

While the legislation does not dictate the size or structure of the committee, there is a requirement that the majority of members be persons with disabilities.

Administration recommends that the Accessibility Advisory Committee continue for the 2022-2026 term. However, it is recommended that the community members have a larger presence on the Committee by having only one Council representative (with the Mayor acting as ex-officio) and that the chair of the committee be a community member. This has been reflected in the proposed Terms of Reference attached in Schedule A to this report.

2. Committee of Adjustment

The Committee of Adjustment is a statutory committee that is required for upper- and single-tier municipalities and discretionary for lower-tier municipalities under the

Planning Act. The Municipality of Lakeshore has established a Committee of Adjustment by by-law.

The Committee of Adjustment is responsible for holding hearings under the *Planning Act* with respect to minor variances, consents, enlargements, extensions or changes to legal non-conforming uses; consent to mortgages, partial discharge of mortgages, validation of title, access rights-of-way, easements and leases over 21 years.

Lakeshore's Committee of Adjustment is very active and it is recommended to continue for the 2022-2026 term. The proposed Terms of Reference are attached in Schedule A to this report.

3. Hearing Committee

Currently, the Municipality has both a Property Standards Committee, responsible for hearing appeals under the Property Standards By-law, and a Hearing Committee, responsible for appeals under other regulatory by-laws (such as the Fill By-law or Vehicles for Hire By-law). The members of the Committee of Adjustment act as members of both committees.

As both committees are only convened as needed, and have similar hearing procedures, it is recommended that both committees be joined into one singular Hearing Committee.

It is noted that the joining of the two committees will require passing a by-law and repealing the two previous by-laws. The proposed Terms of Reference for the joint committee have been included in Schedule A to this report.

4. Drainage Board

Municipalities have many statutory responsibilities under the *Drainage Act*, which may be delegated to an established Drainage Board. The Municipality of Lakeshore has established a Drainage Board, which is delegated the legislated responsibilities of the *Drainage Act* with the exception of approving by-laws and resolutions of Council. The Drainage Board also acts as the Court of Revision for drainage matters and appeals.

The Drainage Board is comprised entirely of community members, with a maximum of five members appointed.

Lakeshore's Drainage Board is very active and it is recommended to continue for the 2022-2026 term. The proposed Terms of Reference are attached in Schedule A to this report.

5. Heritage Committee

Municipalities have many statutory responsibilities under the *Ontario Heritage Act*, but may establish a Heritage Committee to advise Council on the designation, or repeal of the designation, of a property or district under the Act. The Municipality of Lakeshore has established a Heritage Committee, which is required to have a minimum of five members.

The Committee has been relatively inactive, only meeting for training and the review of repealing a heritage designation. It is the recommendation of the Community Planning Division that the Heritage Committee be dissolved and that any hearing under the Act be undertaken by Council. Activities under the Act, such as designating new heritage designations, can be undertaken by staff with endorsement by Council as required.

While Administration does not recommend continuing this committee, the decision lays with Council. Should Council wish to continue this committee for the 2022-2026 term, then it is recommended that Council appoint one member of Council as representative on the Committee and that the Committee Members be offered a remuneration per meeting to cover their time for meetings and site visits, similar to other statutory committees. The proposed Terms of Reference has been included in Schedule A to this report.

6. Lakeshore Police Services Board

The Police Services Board is a statutory board required under the *Police Services Act*. The responsibilities of the board are to:

- i. Participate in the selection of the detachment commander assigned to the municipality.
- ii. Generally determine objectives and priorities for police services, after consultation with the detachment commander or his or her designate.
- iii. Establish, after consultation with the detachment commander or his or her designate, any local policies with respect to police services (but the board or joint board shall not establish provincial policies of the Ontario Provincial Police with respect to police services).
- iv. Monitor the performance of the Detachment Commander.
- v. Receive regular reports from the Detachment Commander or his or her designate on policing activities, complaints and disclosures and decisions made on secondary activities by police officers in the detachment.

- vi. Receive regular reports from the Detachment Commander or his or her designate on disclosures and decisions made under Section 49 (secondary activities).
- vii. Review the Detachment Commander's administration of the complaints system under Part V and receive regular reports from the detachment commander or his or her designate on his or her administration of the complaints system.

The composition of the Police Services Board is as follows:

- Two members of Council
- One community member
- Two members appointed by the Lieutenant Governor in Council.

On May 25, 2021, Council approved resolution #178-05-2021:

Support the creation of two police services boards for the Essex OPP Detachment with 1 board comprised of the Town of Tecumseh and Municipality of Lakeshore and a 2nd board comprised of the Town of Kingsville, Municipality of Leamington and the Township of Pelee Island;

Support the inclusion of the Town of Essex in the Board of its choice; and,

Direct the Clerk to send this resolution to the Clerk of the Town of Tecumseh to include in its submission to the Solicitor General on behalf of all of the local municipalities, all of which is further described in the Council report at the May 25, 2021 Council meeting.

Administration was advised by the Province that the OPP Detachment Board compositions will be announced imminently. It is not clear what the composition of the new Board(s) will be and nor is it clear what the Board term will be. As such, Administration recommends appointing members to the Lakeshore Police Services Board with the understanding that this Board may not serve for the full term of Council.

7. Belle River Business Improvement Area Board of Management

The Municipality of Lakeshore established a Business Improvement Area by virtue of By-law 94-2007 and pursuant to section 204 of the *Municipal Act, 2001*.

By-law 94-2007 states that the Board of Management shall consist of no less than seven members, at least one of whom shall be a member of Council, and the remaining members shall be appointed by Council, based upon the recommendation of a majority of the members of the Area, and shall be persons qualified to be members of the Area, or nominees of Corporations qualified to be members of the Area as determined in accordance with section 204 of the *Municipal Act, 2001*.

Administration will be bringing a report to a future Council meeting regarding the recommended member appointments as recommended by the Belle River BIA. Administration recommends that Council appoint one Council representative for the 2022-2026 term.

Special Note: As part of the Procedural By-law review, Administration will be recommending including a list of standing committees in the Municipality's Procedure By-law. This will enable Administration to advertise for committee vacancies for appointment soon after the new Council commences its term of office.

Advisory Committees

1. Arts Advisory Committee

The Arts Advisory Committee was established to provide advice to Council in relation to information sharing on arts activities in the community and the development of initiatives for the area of the arts. A major initiative of the Committee has been the annual Mayor's Arts Awards.

As such, Administration recommends that the scope of the committee be changed to focus on championing local artists and art initiatives through a Mayor's Arts Awards Committee. A proposed Terms of Reference has been included in Schedule A to this report.

In the event that Council changes the committee to be the Mayor's Arts Awards Committee, then Administration recommends that the Mayor be appointed as Council representative to this Committee.

In the event that Council continues the Arts Advisory Committee in its current form, then it is recommended that Council appoint one member of Council as representative on the Committee, with the Mayor acting as ex-officio.

2. Community Services Advisory Committee

The Community Services Committee was established to provide advice to Council in relation to issues surrounding parks, recreation and leisure activities linked to policies, priorities and user fees.

Administration does not recommend continuing with the Community Services Advisory Committee for the 2022-2026 term. The Community Services Division continues to have consistent correspondence with all of its municipal user groups, school boards and sports/leisure groups. This relationship allows for informed decision-making and gathering professional opinions from those operating leagues within Lakeshore. In

addition, the Division is increasing its community engagement by providing regular updates and timelines for recreation projects.

While Administration does not recommend continuing this committee, the decision lays with Council. Should Council wish to continue this committee for the 2022-2026 term, then it is recommended that Council appoint one member of Council as representative on the Committee, with the Mayor acting as ex-officio. A proposed Terms of Reference has been included in Schedule A to this report.

3. Youth Advisory Committee

The Youth Advisory Committee was established to provide advice to Council on issues that affect youth within the municipality.

Administration does not recommend continuing with the Youth Advisory Committee in its current form for the 2022-2026 term. While the information received through the Committee has been valuable, it has been difficult to maintain a consistent approach and membership throughout the four-year term due to changing school schedules and priorities of the youth members involved.

Administration is instead recommending increased engagement with youth through the following methods:

- i. Administration will working with local school boards to participate in Youth Leadership Teams as part of the school curriculum. Due to the educational nature of the work, these groups can work during school hours making it easier for youth to participate.
- ii. As part of the Civic Engagement Master Plan implementation, Administration will be presenting a Council report regarding the creation of a Citizen Advisory Panel with volunteer participation to provide feedback on municipal projects and engagement activities. Youth participation will be an important part of the Citizen Advisory Panel.

While Administration does not recommend continuing the Youth Advisory Committee in its current form, the decision lays with Council. Should Council wish to continue this committee for the 2022-2026 term, then it is recommended that Council appoint one member of Council as representative on the Committee, with the Mayor acting as ex-officio. A proposed Terms of Reference has been included in Schedule A to this report.

4. Flood Prevention Task Force

The Flood Prevention Task Force was initially created as an ad-hoc committee to serve as a conduit between the Municipality and residents regarding flood prevention and to gather feedback about flooding. The Task Force was continued for the 2019-2022 term with the responsibility of communicating areas of concerns with flooding that would allow the Municipality to better investigate aspects of existing drainage infrastructure, and resource allocation for the planning and identification of opportunities for improving flood prevention conditions in the Municipality.

Administration does not recommend continuing with the Flood Prevention Task Force for the 2022-2026 term. In 2021, the Municipality adopted the Flood Mitigation and Protection Framework (FMPF) to address chronic and systemic flooding issues across the Municipality over the next five years. The framework consists of a variety of elements to assist with the management of storm events and mitigating flooding concerns such as inflow and infiltration reduction, drainage improvements through *Drainage Act*, by-law and Official Plan review, changes to Development standards, and expanded building inspections.

In addition, a Flood Rapid Response Plan is being developed to enhance flood preparedness in order to increase the level of service to the community during significant storm events. The Flood Rapid Response Plan will address safety concerns such as flooding roadways, ensure proper resourcing under emergency conditions, outline staff roles and responsibilities, prioritizing higher risk areas, and information gathering of calls.

The FMPF also includes flood outreach and education programs that provide the community an opportunity to engage in flooding and stormwater concerns. Such future education and outreach are planned to be part of the Stormwater Master Plan – Phase 2 public engagement in early 2023.

Regular reports to Council will be provided with FMPF updates up to three times per year; once at the beginning of the year, one in early spring, and one in late summer or early fall.

While Administration does not recommend continuing the Flood Prevention Task Force, the decision lays with Council. Should Council wish to continue the Task Force for the 2022-2026 term, then it is recommended that Council appoint one member of Council as representative on the Task Force, with the Mayor acting as ex-officio. A proposed Terms of Reference has been included in Schedule A to this report.

Financial Impacts

The boards and committees that currently receive remuneration are statutory in nature: the Accessibility Advisory Committee, Committee of Adjustment, Drainage Board and

Police Services Board. As Administration recommends that these boards and committees continue for the 2022-2026 term, there is no change in financial impact.

Should Council approve the continuation of the Heritage Advisory Committee and include remuneration, this would have a financial impact of \$625.00 per meeting.

Attachments

Schedule A – Proposed Terms of Reference for boards and committees

Report Approval Details

Document Title:	Lakeshore Boards and Committees 2022-2026.docx
Attachments:	- Schedule A - Proposed Terms of Reference for Lakeshore boards and committees.pdf
Final Approval Date:	Nov 24, 2022

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

Prepared by Brianna Coughlin

Submitted by Kristen Newman

Approved by Justin Rousseau and Truper McBride