

To: Council in Committee of the Whole

From: Mary Medeiros, City Clerk,
Corporate Services Department

Report Number: CNCL-22-71

Date of Report: November 9, 2022

Date of Meeting: November 15, 2022

Subject: Citizen Appointments to Boards, Committees and Legislated Roles

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to recommend persons for appointment to various Boards, Committees and Legislated Roles.

Confidential Attachment 1 contains the recommended individuals and the respective applications recommended for appointment to the following Boards, Committees and Legislated Roles: the Committee of Adjustment, Oshawa Public Library Board, Property Standards Committee, Livestock Valuer, Poundkeeper and Hearings Officers.

Confidential Attachment 2 contains the application for the individual recommended for recommendation to the Land Division Committee at the Region of Durham.

Confidential Attachment 3 contains the individuals and their respective applications not being recommended for appointment at this time.

2.0 Recommendation

It is recommended to City Council:

That in accordance with Report CNCL-22-71 dated November 9, 2022, concerning appointments to various Boards, Committees and positions:

1. That the applicants listed in Attachment 1 be appointed to the respective Boards, Committees and Legislated Roles for the term ending November 14, 2026, or until such time successors are appointed; and,

2. That the applicant listed in Attachment 2 be recommended to the Region of Durham for appointment to the Durham Land Division Committee; and,
3. That the necessary by-laws for the Committee of Adjustment, Oshawa Public Library Board, Livestock Valuer, Poundkeeper and Hearings Officers be passed.

3.0 Executive Summary

Not applicable

4.0 Input From Other Sources

- City Clerk Services
- Planning Services
- Municipal Law Enforcement and Licensing Services
- Engineering Services
- Chief Administrative Officer

5.0 Analysis

On September 25, 2017 City Council adopted the recommendation contained in Report CORP-17-39 concerning best practices for recruitment of volunteers to the City's Boards and Committees and authorized that appropriate screening mechanisms, as determined by the City Clerk in consultation with appropriate staff, be established. Council's adopted approach builds on existing administrative authority by facilitating a process to help Council identify a potential short list or recommended best-fit candidates, complementing the City's merit-based approach to Board and Committee appointments. Example screening mechanisms include applications and question/answer forms, telephone and video-conference interviews. Council is provided with all applications to Boards and Committees and may choose any applicant for appointment, regardless of the recommendations of an interview panel.

A number of Boards, Committees and Legislated Roles have terms concurrent with Council's, including the Committee of Adjustment, Durham Land Division Committee, Oshawa Public Library Board, Property Standards Committee, Livestock Valuator, Pound Keeper and Hearings Officers.

Applications from persons wishing to stand for appointment were accepted until October 26, 2022 and panel interviews for applicants were conducted from October 31, 2022 to November 7, 2022. Where a returning member applied to the same Board, Committee or position, an interview was not conducted. Where an applicant applied to more than one Board or Committee, a single interview was conducted that included questions related to both bodies. Based on the number of applications received, some applicants are recommended for their second choices in order to ensure all vacancies are filled.

Following the interviews, the panels agreed that the applicants as set out in Attachments 1 and 2 would be recommended to Council for appointment. Other applications received for

the positions are included in Attachment 3. As noted, Council has the authority to determine appointments regardless of the recommendations of an interview panel.

5.1 Council-Appointed Boards, Committees and Legislated Roles

5.1.1 Committee of Adjustment

The Committee of Adjustment consists of five members appointed by Council resolution and By-law. As per the Planning Act, the term of office for Committee of Adjustment members shall be concurrent with the term of the Council that makes the appointments. A total of seven applications were received for the five vacancies. Three of the applications were submitted by current members; interviews were conducted with the remaining four applicants, noting that three of these applicants applied for more than one Board or Committee.

5.1.2 Oshawa Public Library Board

The Oshawa Public Library Board includes ten citizens appointed by resolution and by-law by City Council. As per the Public Libraries Act, the terms are concurrent with the term of the Council that makes the appointments. Members may apply for reappointment at the conclusion of each term to a maximum of two consecutive terms. Seventeen applications were received for the ten vacancies, four of which were submitted by current members who are eligible to return. The remaining thirteen applicants were interviewed, noting that none of these applicants also applied for other Boards or Committees.

5.1.3 Property Standards Committee

The Property Standards committee consists of five citizens appointed by Council resolution. As per Property Standards By-law 1-2002, as amended, passed under the authority of the Building Code Act, the term of appointment shall be concurrent with the term of the Council that makes the appointment. Six applications were received for the five vacancies, four of which were submitted by current members. The remaining two applicants were interviewed, noting that four of these applicants applied for more than one Board or Committee.

5.1.4 Livestock Valuer and Poundkeeper

The Livestock Valuer and Poundkeeper are appointed pursuant to the Protection of Livestock and Poultry from Dogs Act and Pounds Act, respectively. As no applications were received for either of these positions, City Clerk Services contacted the current appointees who confirmed that they are both willing to continue in their existing roles for this term.

5.1.5 Hearings Officer

Oshawa Council has delegated quasi-judicial and other decision making authority under various City by-laws including appeals against decisions related to the City's systems of administrative monetary penalties (A.M.P.s), administrative orders and municipal licences to the Hearings Officer.

The Hearings Officer By-law provides that Hearings Officers shall be appointed by Council on the recommendation of the City Manager (Chief Administrative Officer) in consultation with the City Solicitor which recommendation shall give preference to eligible candidates with knowledge of and experience in administrative law and of good character.

In accordance with the By-law, the following persons are not eligible to be appointed as a Hearings Officer:

- an employee or member of Council of the City;
- the child, parent or spouse of an employee or member of Council; or,
- a person indebted to the City (other than in respect of current real property taxes pursuant to an agreement with the City the terms with which the person is in compliance).

Each Hearings Officer shall hold office for the term or remainder of the term of the Council that appointed the Hearings Officer and thereafter until the Hearings Officer is reappointed or a successor is appointed pursuant to By-law 26-2008, as amended.

Staff advertised to fill the three Hearings Officer positions. Three applications were received for the three vacancies, two of which were submitted by current members. The remaining applicant withdrew her application prior to the interview.

5.2 Durham Land Division Committee

The Durham Land Division Committee is a Regional Committee that includes one member from each municipality in the Region. As per the Planning Act, the term of office for Durham Land Division Committee Members is concurrent with the term of the Council that makes the appointments. Oshawa City Council will, by resolution, recommend one appointment to Regional Council. One application was received and the applicant was interviewed for the vacancy.

6.0 Financial Implications

There are no financial implications resulting from the citizen appointments to the Board and Committees. Hearings Officers receive \$300 per diem or a portion thereof for their work which is funded through the City's collection of Administrative Monetary Penalties.

7.0 Relationship to the Oshawa Strategic Plan

This report supports Strategic Goal 4.5 (Accountable Leadership) by ensuring responsiveness and transparency, ensuring accountability to citizens and effective City management.

A handwritten signature in black ink, appearing to read 'Mary Medeiros', with a stylized flourish at the end.

Mary Medeiros, City Clerk,
Corporate Services Department

Attachments 1 , 2 and 3 are confidential pursuant to Section 239 2(b) of the Municipal Act as they contain personal information about an identifiable individual.