

To: Corporate and Finance Services Committee

From: Tracy Adams, Chief Administrative Officer,
Office of the C.A.O.

Report Number: CF-23-03

Date of Report: January 4, 2023

Date of Meeting: January 9, 2023

Subject: Council Members Attendance at Other Committees and Task
Force Meetings

Ward: All Wards

File: 03-05

1.0 Purpose

At the City Council meeting of February 22, 2021 the following motion was introduced and subsequently referred to staff to report back to the Corporate Services Committee:

“Whereas all members of City Council may log into any of the City’s Advisory Committee virtual meetings; and

Whereas some City Council members may be interested in city matters under discussion at meetings of the other Committees and Task Forces that were formed and have been meeting virtually since the coronavirus pandemic; and

Whereas some City Council members may wish to monitor these virtual meetings, such as the City’s Diversity and Inclusion Committee, the Centennial Committee, the Mayor’s Task Force on Economic Recovery and the Mayor’s Task Force on Community Safety,

Therefore members of Council be provided electronic access to monitor, but not speak at or interfere in, the proceedings of such committee and task force meetings, with the understanding and agreement that Council members monitoring these meetings shall maintain any and all necessary confidentiality requirements of said meetings.”

The purpose of this report is to respond to Council’s direction to refer the item to staff for a report as not all Committees and Task Forces referred to are committees of Council and do not have support from City Clerk Services and it is important to ensure participation by members of Council follows the Council Procedural By-law.

2.0 Recommendation

That the Corporate and Finance Services Committee recommend to City Council:

That Report CF-23-03, dated January 4, 2023 concerning Council Members attendance at other Committees and Task Force meetings, be received for information.

3.0 Executive Summary

Not Applicable.

4.0 Input From Other Sources

Corporate Leadership Team

5.0 Analysis

5.1 Advisory Committees

Advisory Committees are subject to the Council-approved Advisory Committees of Council Policy and Procedure (the "Policy"). This Policy, among other things, identifies that Advisory Committee Meetings shall be open to the public, in the same manner as Council and Standing Committee meetings. Although members of Council receive all Advisory Committee meeting agendas, only the Council Member Representative appointed to the Advisory Committee receives a link to the electronic meeting. Members of Council wishing to attend an Advisory Committee meeting, would do so in the same capacity as a member of the public and they are not permitted to participate in the meeting. Historically, other than the Council member Representative, other members of Council do not attend in person meetings due to the potential for quorum to be achieved.

As set-out in report CNCL-20-85 as well as COVID-19 restrictions and Public Health recommendations and Orders at the time, Advisory Committees were being conducted electronically through the WebEx platform. For members of the public to listen to the proceedings, it has been necessary to provide a link to the meeting for the public to hear the discussions. It is difficult for the City Clerks Services staff and the Chair to manage large attendees in the virtual meetings. Therefore, staff will continue to web stream all Advisory Committee meetings to provide the opportunity for the public to be able to listen to the proceedings. Members of Council wishing to listen to the debate will be able to do so by watching the live web stream.

5.2 Other Committees and Task Forces

The City may establish other Committees or Task Forces which do not provide formal recommendations to City Council and do not receive support from City Clerk Services. These entities are not subject to the rules of procedure as set out in Council's Procedure By-law 111-2017, as amended, as they do not meet the definition of a 'Committee' in accordance with Section 238. (1) Procedure by-law of the Municipal Act, 2001, S.O. 2001, c. 25 (the "Municipal Act" or the "Act") which defines a 'Committee' as any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the

members are also members of one or more councils or local boards. This same section defines a 'Meeting' as any regular, special or other meeting of a council, of a local board or of a committee of either of them where, (a) a quorum of members is present, and (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

Based on the Sections from the Act as well as the Procedure By-law, as few as three members of Council from the same Standing Committee present and discussing business in a way that advances the decision making of Committee can be considered a 'Meeting' and the provisions regarding Meetings as set out in Section 239 of the Municipal Act and requirement for a Clerk to be present to record the decisions must be followed.

5.2.1 Community Committees

From time to time, Council approves the establishment of Community Committees which are staff led and members of the public with specific expertise are appointed by Council to these Committees. The Oshawa Community Diversity, Equity & Inclusion Committee and the Community Centennial Committee are such Committees which are staff led Committees as approved by Council.

Members of the public participate on these Committees with the ability to openly share ideas with staff and committee members. These Committees are not Advisory to Council, nor do they have a Council Member Representative appointed to them and they do not receive secretariat support from City Clerk Services staff as they are not considered a 'Committee' as per the Municipal Act. These meetings are not open to the public nor are they required to be as they do not meet the definition of a "Meeting" in accordance with the Municipal Act.

In order to provide information to the public regarding the Oshawa's Community Diversity and the Community Centennial Committee, agendas and minutes are posted on the respective City webpages.

5.2.2 Mayor's Task Forces

Task Forces are established to address certain issues in a municipality. Most of these Task Forces are established by the Mayor of the municipality. In the last term of Council, Mayor Dan Carter established two Task Forces. On April 14, 2020, Mayor Carter established the Mayor's Economic Recovery Task Force, as per CNCL-20-24, to make recommendations to help businesses, during and after the pandemic, including ways to advocate for support from other levels of government. In January 2021, Mayor Carter established the Mayor's Task Force on Community Safety, Security and Well-Being to bring together community stakeholders to identify and propose opportunities to address community safety, security and well-being issues facing the City of Oshawa.

The Mayor established the membership on these two Task Forces and based on the membership they do not meet the criteria of a 'Committee' established in the Municipal Act. These meetings were not open to the public nor are they required to be as they do not meet the definition of a 'Meeting' in accordance with the Municipal Act and therefore do not receive secretariat support from City Clerk Services.

To provide information to the public regarding the Mayor's Task Forces, agendas and minutes are posted on the respective City webpages. These Task Forces are no longer active as they were established during the last term of Council.

6.0 Financial Implications

There are no financial implications associated with this report.

7.0 Relationship to the Oshawa Strategic Plan

This report supports the Oshawa Strategic Plan of Accountable Leadership.



Mary Medeiros, Director, Legislative Services/City Clerk



Tracy Adams, Chief Administrative Officer,
Office of the C.A.O.