

## Committee of the Whole (Working Session) Report

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**DATE:** Wednesday, June 05, 2019

**WARD(S):** ALL

### **TITLE: COMMITTEE STRUCTURE REVIEW**

#### **FROM:**

Nick Spensieri, Deputy City Manager, Corporate Services

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

Tim Simmonds, Interim City Manager

#### **ACTION:** DECISION

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#### **Purpose**

To seek Council's endorsement of establishing a Dual Committee of the Whole meeting model to allow for timely decisions on development applications to meet Provincially legislated requirements.

#### **Report Highlights**

- The City's current Committee structure and changes to the *Planning Act* have created challenges for dealing with development applications to meet legislated requirements
- Staff recommend a Dual Committee of the Whole meeting model to address the challenges
- Staff are recommending that Special Committee and Special Council meetings be considered outside of the regular meeting schedule for the consideration of development applications when necessary to meet legislated timelines

#### **Recommendations**

1. That Committee approve a Dual Committee of the Whole meeting structure; and
2. That staff be directed to bring forward amendments to Procedure By-law 7-2011 to implement the revisions to the Committee structure.

## **Background**

Section 238(2) of the *Municipal Act, 2001*, provides that every Municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

Procedure By-law 7-2011 was passed on January 25, 2011 to establish the principles and rules to be used for meetings of Council, Committees of Council and local boards which have not adopted separate rules of procedure.

The current Committee structure was approved through the passing of Procedure By-law 7-2011.

## **Previous Reports/Authority**

Previous reports addressing this matter can be found at the following links:

[Committee of the Whole, December 7 2010 \(Item #7, Report No. 43\)](#)

[Extracts - Report No. 43, Committee of the Whole – December 7, 2010 - Adopted at Council – December 14, 2010](#)

## **Analysis and Options**

### **Changes to the Local Planning Appeal Tribunal have necessitated a review of the City's development application processing timelines**

The City of Vaughan's current Committee structure presents challenges associated with changes to the *Planning Act* and the rules regarding legislated processing times for development applications. This has resulted in the need to review the City's development approval processes and reporting structure with a view to streamlining the process and to ensure sufficient access to Committee and Council to allow for timely decisions on time-sensitive development applications. Process improvements and prompt decision-making will minimize the risk of the City not being able to decide on a planning application within the legislated timelines.

The timelines established by the *Planning Act* are triggered by the City's acknowledgement of receiving a complete application, which is required within 30 days of submission of an application. The prescribed timelines are fixed and once the period to approve an application has expired an appeal can be filed at any time. There is no control over when these deadlines fall, which results in potential issues around monthly Council meetings and the summer or election hiatuses, and the potential failure to secure a timely Council decision.

### **There is a *Planning Act* requirement for Council to make a decision**

It is important to note that a Council decision is required to defend development applications that are appealed. Opportunities to call a Special Committee and/or Council meeting to address a particular development application should be considered.

### **What is the significance of the *Planning Act* changes to the Planning and Growth Management Portfolio?**

Planning and Growth Management matters are a major portion of the work of the existing Committee of the Whole. Over the last three years approximately 51% of items considered by Committee of the Whole originated with the Planning and Growth Management Portfolio. In terms of length, the reports have accounted for an average of approximately 78% of the Committee's agendas measured by the number of pages. The length and complexity of these reports is expected to increase as the new Local Planning Appeal Tribunal (LPAT) reporting rules are implemented.

In addition, the Portfolio has introduced a number of Conformity and Consistency reports to address the Provincial Policy Statement and Growth Plan respectively. These reports establish the City's preliminary position on a development application in the event the application is appealed to the LPAT prior to Council making a decision.

### **A Dual Committee of the Whole Meeting is being proposed to address the need to secure a timely Council decision**

An option to address the needs that have arisen from the LPAT system, is a revised Committee of the Whole structure that combines most of the existing Committee meetings into two Committee of the Whole meetings.

The Region of York, as an example, has two Committees of the Whole, one devoted to Transportation Services, Environmental Services and Community and Health Services and the other encompassing Planning and Economic Development and Finance and Administration. Both are Committees of the Whole and they take place on a monthly cycle usually one week apart, with both reporting to Regional Council at the end of the month.

In terms of the number of agenda items and the length and complexity of the reports, introducing a second Committee of the Whole meeting would better distribute the workload, give adequate time for the consideration of all items, ensure that staff is not left waiting for their items while other matters are being considered and potentially support the rationalizing of the other Committees.

With a dual Committee of the Whole structure, the meetings could be held one week apart with focused agendas. The Week 1 Committee of the Whole could have an agenda predominantly consisting of Planning and Growth Management items. Items from other portfolios could also be considered, not unlike the current Committee of the Whole agenda.

The Week 2 Committee of the Whole agenda would consist of items that would currently be considered by the Finance, Administration and Audit Committee (FA&A), the Working Session and the Priorities and Key Initiatives Committee (although not currently active). There would be an opportunity to include Planning and Growth Management items, if necessary, to help ensure compliance with the *Planning Act* regarding timing of decisions on development applications.

While there would be no fixed ratio of items, it is anticipated that the Week 1 Committee of the Whole meeting would include approximately 80% Planning and 20% general Committee matters from other portfolios. The Week 2 Committee of the Whole meeting would see that ratio reversed, so that 80% of the agenda would be dedicated to the Finance and Working Session items, with an opportunity to have 20% of the agenda related to Planning and Growth Management items.

There are no changes proposed to the Committee of the Whole (Closed Session) or Committee of the Whole (Public Hearing) meetings under this option.

A Council meeting would be scheduled the following week to ratify the decisions from both Week 1 and Week 2 Committee of the Whole meetings.

Staff have concluded that Dual Committee of the Whole meeting model best fits the needs of staff and Council and addresses the need to meet legislated deadlines. This meeting model creates a greater opportunity to bring forward development applications for consideration and carries forward the existing focused Committee mandates into a consolidated agenda.

### **What are the risks of not implementing a Dual Committee of the Whole Committee structure?**

There is some risk associated with not implementing the Dual Committee of the Whole structure. Specifically, if the City does not make a decision on a development application within the required timeframe an appeal may be filed with the LPAT. Under the current LPAT system this may mean that the City would not have a position in front of the LPAT. In addition, the City would also have no opportunity to provide input into the LPAT decision-making process.

### **Are there other Efficiencies that can be identified by having a Dual Committee of the Whole meeting structure?**

There are several efficiencies that can be realized through the adoption of a Dual Committee of the Whole meeting structure. The efficiencies are primarily found around the use of Council and staff time.

With every Committee meeting, a variety of staff are tasked with different roles in preparing for those meetings. Staff from the Office of the City Clerk prepare the agenda, which is published to the eSCRIBE agenda management system and uploaded to the website, is printed and paper copies distributed and then attend the meetings. Building Facilities staff prepare the meeting rooms by setting up seating, ensuring water is available for staff and the Members, and other general room preparations. The contracted external Audio/Visual technician attends to manage the broadcast and recording of the meetings. Consolidating the Committee meetings into two meetings reduces the need to prepare for each of the meetings.

Time is also a consideration. The Committee meetings are scheduled in the Fall of the previous year, with an assigned length of meeting. Meeting length is difficult to anticipate, even when there is an agenda. Consolidating the Committee meetings into two days would free up the time currently assigned to FA&A and Working Session on separate days. This allows more freedom for both staff and Council to manage their own time, as fewer separate blocks of time will be dedicated to Committee meetings.

While these efficiencies may appear to be small, their cumulative impact could be meaningful. Bringing a LEAN approach to managing meetings may provide benefits for all participants.

**Are there other matters that need to be considered to improve the Committee structure?**

There are further matters that should be considered with any potential change to the Committee structure. The location of the Committee meetings is very important. Meetings are held in either the Council Chambers or Committee Rooms 242/243. Each room has its benefits.

The Council Chamber is best suited for larger meetings by virtue of its design which is more formal and set-up for deputations from the public. Committee Rooms 242/243 are suited to smaller meetings where there is discussion between the Committee members and the staff presenting reports. The room is less formal and the physical size and layout is more conducive to free-flowing discussion.

For these reasons, it is suggested that the Week 1 Committee of the Whole meeting be held in the Council Chambers. This meeting is intended for the consideration of development applications, which tend to draw a larger audience. The Week 2 Committee of the Whole meeting can be held in Committee Rooms 242/243 given this meeting is primarily intended to replace FA&A and Working Session, which tend to have more staff presentations and discussions.

Currently Committee of the Whole operates with a consent agenda. This means that Committee members, staff and public identify the items called for discussion. Items not called for discussion are approved through a single motion. This practice is recommended to be extended to both the proposed Week 1 and Week 2 Committee of the Whole meetings. This will contribute to a more efficient use of time, while respecting the opportunity for Committee members, staff and public to provide input.

The introduction of Task Forces for this Term of Council brings with it the need to identify times for them to meet. By freeing some blocks of time through the elimination of FA&A and Working Session, the potential to use those time blocks for Task Force meetings should be explored.

**There is a need to consider Special Committee and Council Meetings due to the summer and election hiatuses and monthly frequency of Council meetings**

The summer hiatus and election hiatus have been identified as roadblocks to meeting legislated timelines and the timely consideration of development applications. The summer hiatus typically runs for a period of almost three months (mid-June to mid-September), while an election hiatus also typically adds a two-month period (October and November) during election years.

The City's Procedure By-law currently allows for Special Committee Whole meetings to be called at the direction of the Mayor or City Manager. Special Council meetings can be called by the Mayor, or the majority of Members of Council can petition the City Clerk for a meeting.

Both the summer and election hiatuses pose risk to the City, in that Council decisions are required prior to any appeal. By not having a Council decision on a development application, prior to an appeal, a LPAT decision can be made without the benefit of knowing Council's position.

Even the regular meeting schedule can pose challenges throughout the year. Only one Council meeting is scheduled each month. With the rigid timelines for approval, these opportunities for a Council decision may not provide sufficient flexibility to consider some development applications.

Some consideration needs to be given to the potential for holding Special Committee and Council meetings during a hiatus or outside of the regularly scheduled meetings, independent of any decision to adopt a new Committee structure.

### **Bill 108 (*More Homes, More Choices Act, 2019*)**

On May 2, 2019, Bill 108, the *More Homes, More Choices Act, 2019* received First Reading. Bill 108 proposes a number of amendments to the land use planning regime in Ontario by repealing many, but not all, of the amendments introduced through Bill 139 (the *Building Better Communities and Conserving Watersheds Act, 2017*) in 2017. Bill 139 renamed and reconstituted the Ontario Municipal Board (OMB) as the Local Planning Appeal Tribunal (LPAT) has made significant changes to the Planning Act and land use planning approval process. Bill 108 retains the LPAT name but proposes to repeal the “two-stage” appeal process, returning to a single hearing.

In addition, Bill 108 proposes to return to a single hearing where the LPAT would have the power to make a final determination approving, refusing to approve or modifying all or part of the instrument under appeal. While Bill 108 also proposes to amend restrictions in the current *LPAT Act* on a parties’ ability to introduce evidence and examine or cross-examine witnesses at hearings, the Tribunal has the authority to limit evidence at a hearing.

The time-frames for municipal processing of development applications, before a right to appeal arose, had been extended in Bill 139. Under Bill 108 the timelines are now proposed to be even shorter than the pre-Bill 139 Planning Act. The table below provides a synopsis of the various timelines under the different Bills:

<b>Development Application</b>	<b>Decision Timeline</b>		
	<b>Pre-Bill 139</b>	<b>Bill 139</b>	<b>Bill 108 (Draft)</b>
Official Plan & Official Plan Amendments	180 days	210 days	120 days
Zoning By-law Amendment	120 days	150 days	90 days
Draft Plan of Subdivision	180 days	180 days	120 days

At the time of writing this report, the final content of Bill 108 has not yet been finalized and the proposed regulations are not yet available. An opportunity to provide comments to the Province closed on June 1, 2019. Matters such as transition along with other matters that were addressed in regulations to the *LPAT Act*, are expected to be dealt with in the regulations. Revisions to the LPAT’s Rules of Practice and Procedure are also anticipated.

Based on the review of the draft Bill 108, it is not anticipated that further revisions to the Committee structure will be required, as the proposed Committee structure will respond to the shorter deadlines. Should changes be required, a staff report will be prepared for Committee’s consideration.

### **Implementation of the Dual Committee of the Whole meeting structure**

Should Committee approve changes to the City's Committee structure the Procedure By-law 7-2011 will require revisions. In particular, the definitions and rules respecting the current Standing Committees will need to be revised.

A revised Council and Committee calendar will be prepared, in consultation with Council, the City Manager and staff. Meeting structure within the eSCRIBE agenda management system will be updated to reflect the Committee structure and submission deadlines will be revised. A comprehensive communication plan will be undertaken to advise the relevant stakeholders, including Council, staff and the public, of the changes.

### **Financial Impact**

There are no significant financial impacts associated with any of the proposed Committee Structure options. Some efficiencies have been identified that may result in some savings in time.

### **Broader Regional Impacts/Considerations**

Not Applicable

### **Conclusion**

Given the challenges associated with changes to the *Planning Act* and the rules regarding processing times for development applications as a result of the LPAT system, there is a need to review the City's approval processes and reporting structure to ensure the City's practices result in timely Council decisions to meet legislated timelines. Staff recommend a Dual Committee of the Whole meeting model to address these challenges.

In addition to updating the Standing Committee structure, the ability to call Special Committee and Council meetings to consider development applications, outside of the regular meeting schedule, is an important tool for the City to use. Should Committee agree that the proposed changes are appropriate, direction to amend the Procedure By-law 7-2011 will be required.

**For more information**, please contact: Todd Coles, City Clerk, ext. 8281

### **Attachments**

1. Sample Meeting Schedule

### **Prepared by**

Todd Coles, City Clerk, ext.8281