

## Governance Review – Advisory Committees – Review of Terms of Reference

### ISSUE

As part of the Leadership Team Governance Subcommittee's (Governance Subcommittee) governance review, new Terms of Reference for the City's Advisory Committees were approved, effective January 1, 2019. The Advisory Committees have been operating under these new Terms of Reference since that time. Are any amendments to the Terms of Reference required to improve the function and efficiency of the Advisory Committees?

### RECOMMENDATION

That the Governance and Priorities Committee recommend to City Council that:

1. Amendments to the Advisory Committee Terms of Reference be approved to:
  - a) Permit flexibility in the conduct of meetings to allow for virtual participation;
  - b) Include a statement regarding the role of Agency Representatives;
  - c) Update the Advisory Committee composition language contained in the Terms of Reference as provided in the report;
  - d) Change the meeting schedule for the Saskatoon Environmental Advisory Committee from the second Thursday of the month to the third Wednesday of the month;
  - e) Change the language in bullet 4 of the Terms of Reference for the Diversity, Equity and Inclusion Advisory Committee to reflect the Committee's role to support the provision of education and training rather than provide it;
  - f) Remove the Ministry of Environment as an Agency Representative from the Saskatoon Environmental Advisory Committee Terms of Reference and make any other consequential amendments;
2. A recruitment committee be established, including representatives of the City Clerk's Office and members of City Council to review applications for civic boards and committees and make appointment recommendations to the Governance and Priorities Committee; and
3. The City Solicitor's Office prepare the appropriate amendments to *The Procedures and Committees Bylaw, 2014* to reflect the changes identified in this report.

## **BACKGROUND**

In Phase One of the governance review, the Governance Subcommittee provided recommendations respecting the general governance model for Advisory Committees. Some Advisory Committees were disbanded while others were revised or established. At its [Regular Business Meeting on June 25, 2018](#), City Council approved new Terms of Reference for five Advisory Committees: the Municipal Heritage Advisory Committee (MHAC); the Diversity, Equity and Inclusion Advisory Committee (DEIC); the Saskatoon Environmental Advisory Committee (SEAC); the Public Art Advisory Committee (PAAC); and the Saskatoon Accessibility Advisory Committee (SAAC).

At the meeting of the Governance and Priorities Committee (GPC) on [December 9, 2019](#), GPC considered a report of the Standing Policy Committee on Environment, Utilities and Corporate Services and resolved that the Governance Subcommittee be directed to evaluate the revised Terms of Reference of the Advisory Committees at the appropriate time.

## **DISCUSSION/ANALYSIS**

As a basis to evaluate the new Terms of Reference, the Governance Subcommittee sought feedback from the Advisory Committees. On April 22, 2021, an email was sent to each of the Advisory Committees seeking comments on their existing Terms of Reference; in particular, asking for suggestions for revisions. SEAC, PAAC and DEIC responses were received on May 31, 2021. Comments from the SAAC were received on June 3, 2021 and from MHAC on July 26, 2021.

The Governance Subcommittee sought clarification of comments received from SAAC and MHAC on July 30, 2021. Responses were received from both SAAC and MHAC on September 2, 2021. Representatives of the Governance Subcommittee then attended SAAC's regularly scheduled meeting on September 10, 2021 to discuss its comments/suggestions.

## **Engagement Feedback**

The following provides a summary of the feedback received from the individual Advisory Committees:

- **The Saskatoon Environmental Advisory Committee**
  - Supportive of the changes made in the spring of 2018
  - Preference to continue the Committee's work in an online environment even after COVID restrictions prohibiting in person meetings are removed
  - Suggested clarification of the Agency Representatives role in the Terms of Reference
  - Suggested increased efforts to recruit and onboard Indigenous representation to the Committee

- Asked for reconsideration of the meeting schedule to always allow time for items referred to SEAC from the Environment, Utilities and Corporate Services Standing Policy Committee to be included on the SEAC agenda in the same month
- **The Public Art Advisory Committee**
  - No comments or feedback to submit at this time
- **The Diversity, Equity and Inclusion Advisory Committee**
  - Requested to change the language in bullet 4 of the Terms of Reference to reflect the Committee’s role to support the provision of education and training rather than provide it
- **The Saskatoon Accessibility Advisory Committee**
  - Requested an addition to the composition of the Committee of one representative from a maximum of five “Lived Experience” groups
  - Request changed to remove permanent Agency Representative positions on the Committee and replace with five “open” spots to be filled through an Agency Representative application process similar to the process engaged for Citizen Representatives
  - Requested addition of a term maximum for Agency Representatives
  - Requested that 50% of the entire Committee composition, including Agency Representatives, be comprised of people with disabilities
  - Requested the staggering of terms for all appointees
  - Requested change in policy as to when a member can reapply for appointment after serving their maximum term
- **The Municipal Heritage Advisory Committee**
  - Requested improved paths of communication between MHAC and the Standing Policy Committee on Planning, Development and Community Services and City Council and a strengthened relationship with the Administration
  - Requested the ability to engage with outside organizations and experts
  - Requested to be engaged early on and indicated their willingness to call special meetings to address issues as necessary
  - Requested the reformatting of membership to include experts
  - Requested an expansion of the age range for youth members to reach a broader sector
  - Requested the ability to engage with other Advisory Committees
  - Requested an amendment to the Terms of Reference to include a focus on intangible and archival heritage
  - Consistency with TRC Calls to Action

Comments and requests for change made by the Advisory Committees are contained in the appendices. Specifically, Appendices 1 through 3 are letters received from SEAC, PAAC, and DEIC respectively. Appendix 4 is the letter received from SAAC, the

Governance Subcommittee's request for clarification dated July 30, 2021 and the response received from SAAC on September 2, 2021. Finally, Appendix 5 contains the letter received from MHAC, the Governance Subcommittee's request for clarification dated July 30, 2021, and the response received from MHAC on September 2, 2021

## **Changes Potentially Affecting All Advisory Committees**

Some of the proposals advanced by SEAC, MHAC and SAAC, if implemented, have the potential to affect the Terms of Reference for all Advisory Committees.

### **1. Meetings**

As identified by SEAC, there are several advantages associated with virtual meetings, including reduced commuting and a corresponding reduction in volunteer time, greater public accessibility to meetings from access to meeting recordings, increased accessibility for those with disabilities and reduced costs associated with venue, commuting and food.

The Governance Subcommittee recognizes these advantages and supports providing Advisory Committees with flexibility in this regard. There may be some benefit to conducting the inaugural meeting in person to permit Committee members to put faces to names. Similarly, there may be a benefit to permitting a hybrid where some members appear virtually and others in person. For example, there may be a preference to have the Chair and Secretary present together to make the conduct of the meeting smoother.

Permitting flexibility in the conduct of Advisory Committee meetings is consistent with plans to permit similar flexibility in the conduct of existing and future City Council and Standing Policy Committee meetings.

Logistically, hybrid meetings are more difficult. However, with the installation of new technology in City meeting rooms, this difficulty can be mitigated. The Governance Subcommittee recommends that Advisory Committees have flexibility to conduct virtual meetings should they so choose.

### **2. Agency Representatives**

#### *a. Role of Agency Representatives*

SEAC seeks clarity on the rationale and role of Agency Representatives appointed to Advisory Committees.

The intention of including Agency Representatives is to bring specialized expertise to the Committee so that it can more optimally fulfil its mandate. Ideally, Agency Representatives are to act as a liaison between their organization and the City. In doing

so, they report to their organization, provide the perspective of their organization, and their own expertise as a member of their organization.

The Governance Subcommittee recognizes that there are many agencies that could be included in the composition of a particular Committee, but the compromise is to keep Committee sizes manageable so that it can efficiently fulfil its mandate. In some cases, excluded agencies have other mechanisms to provide input to City Council. At any time, if there are specific agencies that an Advisory Committee believes should be included in its membership and others that should be removed, those recommendations can be proposed to the Standing Policy Committee to which the Advisory Committee reports.

Regarding the participation of Committee members, the intention is that all members have an equal right to participate on matters being considered by the Advisory Committee, regardless of their method of appointment. All members of the Committee have an equal voice and a vote in carrying out the Committee's mandate.

The Governance Subcommittee recommends inclusion of the following statement on the role and participation of Agency Representatives in the Advisory Committee Terms of Reference as follows:

The role of Agency Representatives is to act as a liaison between the specific expert organization they represent, members of the public appointed to the Committee, and the City. They are to provide the unique perspective of their organization, along with their own expertise of specific issues as a member of their particular organization, in making recommendations through the Advisory Committee to assist the City in developing policy related to the mandates of each Advisory Committee.

*b. Composition of Agency Representatives*

SAAC originally requested that the Committee composition be increased to include up to five representatives from "Lived Experience" groups. Upon further discussion, the request was clarified to seek the removal of all permanent Agency Representative positions and replace them with "open" positions to which agencies wanting to participate on the Committee would need to apply, like the process engaged for Citizen Representatives. Alternatively, SAAC is suggesting that Agency Representatives holding permanent seats should be non-voting members. In SAAC's opinion, such an approach results in a more balanced and democratic process, providing an opportunity for greater agency participation.

All Advisory Committees are composed of both Citizen and Agency Representatives. Agency Representatives are recommended for appointment by the agencies they work for as identified in the Terms of Reference for the respective Advisory Committee. Citizen Representatives apply for appointment directly. City Council makes all appointments.

Administratively, the Governance Subcommittee has some concerns in accommodating the approach suggested by SAAC. More concerning, however, is that having “open” positions creates a risk that agencies do not apply, and the positions remain vacant. Imposing a term maximum likewise carries a risk that positions will remain vacant.

The current process wherein the City Clerk’s Office contacts each of the agencies seeking nomination of a representative for the respective Advisory Committees is far less onerous on the agencies than asking them to essentially compete for a position. The Governance Subcommittee acknowledges that the current process does not permit “turn over” in agency representation and recognizes that there can be many agencies that might provide representation on a particular Advisory Committee. However, it has tried to provide a good mix of expertise on each Committee. Further, if there are particular agencies expressing an interest to sit, requests can be made through the Standing Policy Committees to add Agency Representatives to accommodate those agencies. In the opinion of the Governance Subcommittee, this approach is more likely to ensure that Advisory Committee positions reserved for Agency Representatives are filled with an optimal mix of experience and expertise.

### **3. Recruitment Efforts for Indigenous Representatives**

The City Clerk’s Office, in conjunction with the Communications and Public Engagement Department, is currently responsible for recruitment for all civic boards, commissions and committees. Vacancies for all positions are currently advertised through several agencies and on the City’s social media platforms and its website. Interim vacancies are advertised via digital poster. Recruitment efforts for Indigenous Representatives already includes the provision of recruitment information to various Indigenous agencies in the community as well as an increased social media focus.

Despite this effort, it is unfortunate that the Indigenous Representative position remains vacant on SEAC this year. Appendix 6 offers information related to the composition requirements for Indigenous Representation on each of the Advisory Committees and the City’s success in recruiting for these positions since implementation of the new Terms of Reference. The Appendix contains similar information related to Youth Representation on each Advisory Committee, which is the subject of the next section in this report.

The Administration recognizes the benefit of having a diverse membership on Advisory Committees and will continue to explore opportunities to reach and recruit Indigenous people. This is an area of continuing development for the City. The Administration recognizes the value in dedicating these positions.

#### **4. Recruitment of Youth Members – Age Range**

MHAC seeks to expand the eligibility requirements for youth members; in particular, by expanding the youth age range.

When the new Terms of Reference were passed in the spring of 2018, City Council debated the age range and decided on 16 to 23. The Governance Subcommittee recommended to Council that membership of each Advisory Committee include at least one post-secondary student between the ages of 18 to 25 to engage and involve local youth on issues within the purview of the Advisory Committee mandates. Following implementation of the existing Terms of Reference, the City has seen success in filling youth member appointments. While the success rate is not equivalent among the Advisory Committees, maintaining the current age range appears to be appropriate based on the evidence collected to date.

#### **5. Communication/Relationship Between Advisory Committees, Standing Policy Committees, City Council and the Administration**

MHAC is seeking to improve communication paths between it, PDCS and City Council, while also enhancing its relationship with the Administration. When clarification was sought, MHAC noted that the formality with which communications must occur is too restrictive and that involvement of MHAC feels, many times, like an afterthought.

- **Improved Paths of Communication/Reporting Formality**

- Advisory Committees are typically engaged at the direction of a Standing Policy Committee or City Council. Where feedback is warranted or desired, City Council and Standing Policy Committees need to engage the very representatives that have been appointed to provide guidance within mandate areas. The level of formality in communication and reporting reflects the process more generally for addressing City Council and Committee.

The existing Terms of Reference identify the mandate of the Committees and provide flexibility to the Advisory Committees to report on major initiatives and matters that have been referred to them. Moreover, both members of the Administration and City Council sit as resource members on the Advisory Committees and should therefore be accessible and available as a liaison between these groups.

- **Relationship with Administration/Early Involvement**

- As indicated above, City Council and Committees are responsible to direct the involvement of Advisory Committees providing advice within their mandates. Flexibility to hold special meetings, as required, is already provided for in the Terms of Reference for Advisory Committees. As such, MHAC can use this flexibility if, or when, the need emerges.

In terms of involvement with the Administration, we have been advised by the Administrative resource members providing support to MHAC that heritage applications are tied to the development permit process and align with the requirements of *The Heritage Property Act*, the *Civic Heritage Policy* and the *Zoning Bylaw*. Applicants are strongly encouraged to meet with MHAC to discuss proposals prior to engaging the formal application process, however there is no requirement to do so, and the Administration is limited in what information it can share in advance of receipt of a formal application. The Administration has indicated that it does its best to provide information once it can do so.

Given the existing mechanisms, the Governance Subcommittee is not recommending any changes in this area.

## **6. Committee Composition/Accessing Experts**

MHAC requested consideration of a possible reformatting of its membership to include “solid experts providing sound information” and the ability to reach out to other organizations and experts to help better inform the City on heritage questions.

Advisory Committee members are appointed because of their expertise and experience related to the mandate of the respective committee. It is this expertise and experience that City Council is accessing. Should MHAC require assistance on a particular issue, it can, through PDCS, seek permission to access further resources.

The composition of the Advisory Committees that was approved in the spring of 2018 evaluated common or best practices in other jurisdictions. If the Advisory Committee feels the need to access outside experts or organizations, then perhaps the proper Committee composition has not been achieved. If there are other groups or agencies that might add value to any of the Advisory Committees these should be brought forward and could be entertained for inclusion. No recommendations for changes to the Committee compositions are proposed.

## **7. Areas of Common Interest**

MHAC expressed a desire to meet with other Advisory Committees to see what areas of common interest there may be. Each Advisory Committee has a specific mandate. To the extent there may be some overlap, it is always within the purview of a Standing Policy Committee and City Council to refer matters to more than one Advisory Committee. Special meetings are already permitted within the Advisory Committee Terms of Reference, which would facilitate a meeting between Advisory Committees. The Governance Subcommittee is not making any recommendation for change to the Advisory Committee Terms of Reference in this regard.



## **8. Consistency with TRC Calls to Action**

MHAC recently sent correspondence to PDCS for consideration at its meeting on September 13, 2021, seeking direction on how MHAC can be involved and be able to consider matters in relation to the effects of Residential School on Saskatoon, Calls to Action of the TRC, and the UN Declaration on the Rights of Indigenous Peoples (“the Declaration”) specific to heritage. This communication coincides with the request from MHAC for changes to its Terms of Reference to include a focus on intangible and archival heritage and to include and recognize the TRC Calls to Action.

The City continues to work through municipalities’ role in the Calls to Action and the Declaration. Undertaking a specific project to align the City’s heritage policy and programs with the TRC Calls to Action would be valuable work. However, we understand that as part of the existing ongoing work, various groups, including MHAC will be engaged at the appropriate time. Therefore, the Governance Subcommittee is not recommending any changes to the Terms of Reference at this time. Additional expertise and resources would be required by the Administration to undertake this work outside of the current ongoing initiative.

### **Changes to Specific Advisory Committee Terms of Reference**

#### **1. SEAC Meeting Schedule**

SEAC typically meets the second Thursday of each month. Currently, there are some months when there is not adequate time between EUCS meetings and SEAC meetings for items referred from EUCS to be placed on the SEAC agenda that same month. To facilitate a timely response, SEAC is requesting reconsideration of its meeting schedule so that referred items can be placed on the EUCS agenda in the same month.

EUCS meetings typically occur the first Monday of every month. Assuming this schedule is maintained, SEAC meetings could be moved to the third Wednesday each month to help alleviate these concerns. This request is timely as there is currently a scheduling conflict with SEAC and DEIC which prevents live streaming of both meetings. To rectify the inability to live stream two separate meetings at the same time, one of the meeting dates must be moved. The Governance Subcommittee recommends that SEAC meetings be moved from the second Thursday of the month to the third Wednesday of the month.

#### **2. MHAC Terms of Reference**

##### *a. Intangible Heritage*

MHAC seeks to include in its Terms of Reference an item related to the intangible and archival heritage of built structures to recognize the value of culture as related to the health of the community. We understand this request to be related to its request for specific recognition of the TRC Calls to Action in the MHAC Terms of Reference. For

the reasons identified above, the Governance Subcommittee is not recommending any specific change to the Terms of Reference at this time.

The existing Terms of Reference for MHAC indicate the function and mandate of this Committee to, in part, provide advice to City Council relating to any matter arising out of *The Heritage Property Act* or the regulations thereunder and on Policy C10-020, *Civic Heritage Policy*. The definition of “Heritage Resource” at section 2.6 of Policy C10-020 already includes “intangible”:

- 2.6 **Heritage Resource** – means any resource, or group of resources, natural or cultural, tangible or intangible, that a community recognizes for its Heritage Value as a witness to history or memory.

Arguably, the intangible and archival heritage of built structures is already recognized within MHAC’s mandate. Further, the historical significance of a building necessarily connects to the cultural context in which the building was created. The physical structure is a physical representation of the previous time and place and the people that lived there. As indicated, a more comprehensive project is already underway to address the TRC Calls to Action and we understand that MHAC can expect to be engaged at the appropriate time.

b. *Legislation and Policy Updates*

MHAC has identified the need to consider ways to update the City’s *Civic Heritage Policy*, heritage plan, and *The Heritage Property Act*. Flexibility already exists in the Terms of Reference for the Committee to bring forward recommendations to update or improve the policy and legislation and therefore no recommendations for change to the Terms of Reference are being recommended. City Administration who provides support to MHAC have advised that they are always open to receiving suggestions from MHAC in this regard.

3. **SAAC Terms of Reference**

a. *Committee Composition*

The existing SAAC is comprised of five Agency Representatives and eight Citizen Representatives, including one from each of the youth and senior’s communities. The Terms of Reference provide that at least 50% of the Citizen Representatives must be persons with a disability or caregivers of persons with a disability. SAAC seeks to change the composition and require that the Committee be comprised of more than 50% of persons with a disability.

Traditionally, the City has not dictated who may be appointed to an Agency Representative position; rather, the agency nominates its representative. Similar to the concerns identified with pursuing only “open” positions for Agency Representatives, the Governance Subcommittee has some concerns that this stricter criterion may result in

vacant Agency Representative positions when there may be agency employees with particular experience or expertise to bring to the Committee, but who may be excluded by adding this criterion. Further, it is anticipated that agencies nominate representatives to Advisory Committees in consideration of their business needs. In the opinion of the Governance Subcommittee, it would not be prudent for the City to place restrictions on the agencies in this fashion.

*b. Staggered Terms*

SAAC has requested a requirement imposing staggered terms for both Agency and Citizen Representatives. Currently, there is no maximum term for Agency Representatives; nominations are within the discretion of the agencies based on their business needs. The Governance Subcommittee is not recommending any change to this current practice, which is in line with its reasoning and rationale related to the other Committee composition suggestions proposed by SAAC.

Citizen Representatives may currently sit for a maximum of six years. In the experience of the City Clerk's Office, staggered terms have traditionally occurred naturally through attrition and therefore the Governance Subcommittee is not recommending any change in this regard.

**Other Issues**

**1. Civic Board, Committee, Authority and Commission Recruitment and Appointment**

In consideration of improvements to the Board of Revision, the Governance Subcommittee recommended that an annual ad hoc recruitment committee including two members of City Council and the Board of Revision Secretary be established to screen applicants and make recommendations for appointment or reappointment to the Board of Revision to City Council. City Council approved this recommendation, adding the Board Chair to the Committee. This recommendation included the creation of a recruitment matrix and interview guide specific to applicants for the Board of Revision. The rationale for this more robust recruitment and interview process for the Board of Revision is tied to the unique nature of the Board of Revision and its responsibility and ability to affect Saskatoon's tax base.

The suggestion in the context of Advisory Committees and other boards and committees established by City Council is to expand the role of the recruitment committee to include consideration of applications for other boards and committees more generally. Rather than the Board of Revision Secretary and the Board Chair, however, the Governance Subcommittee recommends that the two members of City Council be joined by a member of the City Clerk's Office. Consideration of applicants in advance of debate and discussion of appointments at GPC with a mandate to make recommendations for appointments to all civic boards, committees, commissions, and

authorities may improve efficiency and the effectiveness of the appointment process more generally at GPC.

In recognition of the importance and unique nature of the Board of Revision, the more comprehensive approach to appointments that includes a recruitment matrix and interviews is not being recommended by the Governance Subcommittee for boards and committees other than the Board of Revision; only that the recruitment committee consider the applications for the other civic boards and committees and make recommendations for consideration and debate in advance of the *in camera* GPC meeting at which appointments are discussed.

The City Clerk's Office would take the lead in implementation of this process. There are no legal implications. Financial implications may result should the City Clerk's Office require increased resources to accommodate this process. Further reporting would be forthcoming should this become the case.

## **2. SEAC Committee Composition**

The Committee composition for SEAC currently includes one agency representative from the Ministry of Environment. However, the Ministry of Environment has traditionally declined to participate on the Committee, indicating that it already regularly engages with the City on programs at an operational level or as a significant stakeholder on new policy or program developments. Similarly, the Ministry of Environment works directly with SUMA and SARM to ensure that municipal interests are considered in Ministry activities. The Ministry has indicated a willingness to present or correspond with SEAC to provide specific program advice as required rather than to hold a seat on the Committee. Accordingly, the Governance Subcommittee recommends removing the Ministry of Environment as an Agency Representative for SEAC.

### **NEXT STEPS**

This report will be shared with the Advisory Committees once it becomes public. This report is being tabled at the December 13, 2021 meeting of GPC for debate at its February 22, 2022 meeting to allow GPC additional time to consider the recommendations and content of this report.

Subject to City Council approval, amendments proposed in this report will be made to *The Procedures and Committees Bylaw, 2014* to update the Advisory Committee Terms of Reference. As required by policy, the City Solicitor's Office will provide the proper public notice and bring forward the appropriate Bylaw amendments for City Council's consideration.

All changes will be communicated to the Advisory Committees through the City Clerk's Office. Any changes to appointment efforts, including advertising or reaching Agency Representatives will be implemented by the City Clerk's Office as well.

## APPENDICES

1. Letter from the Saskatoon Environmental Advisory Committee dated May 31, 2021.
2. Letter from the Public Art Advisory Committee dated May 31, 2021.
3. Letter from the Diversity, Equity and Inclusion Advisory Committee dated May 31, 2021.
4.
  - a. Letter from the Saskatoon Accessibility Advisory Committee dated June 3, 2021.
  - b. Email from the Governance Subcommittee seeking clarification dated July 30, 2021.
  - c. Response from the Saskatoon Accessibility Advisory Committee dated September 2, 2021.
5.
  - a. Letter from the Municipal Heritage Advisory Committee dated July 26, 2021.
  - b. Email from the Governance Subcommittee seeking clarification dated July 30, 2021.
  - c. Response from the Municipal Heritage Advisory Committee dated September 2, 2021.
6. Advisory Committee Composition – History of Indigenous and Youth Member Representation.

### Report Approval

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