SUBJECT: Community Councils - Status Update (CL08012) (City Wide)

RECOMMENDATION:

That the issue of Community Councils be referred to the Governance Review Sub-Committee.

Kevin C. Christenson
City Clerk
Corporate Services

EXECUTIVE SUMMARY:

City Council at its meeting of June 25th, 2008, approved the recommendation of the Audit & Administration Committee to re-establish a Governance Review Sub-Committee to consider and make recommendations on matters pertaining to governance structures and the governing of proceedings of Council and its Committees.

Members appointed to this sub-committee are: Councillors Powers (chair), Clark, Mitchell, Pasuta, Pearson and Whitehead.

Staff recommend that the matter of Community Councils be referred to the Governance Review Sub-committee in order to discuss the recommendations of the Community Councils Task Force and issues raised by the Committee of the Whole at its meeting of May 12, 2008.
BACKGROUND:

On March 28, 2007, City Council approved a resolution to establish a Task Force to evaluate the creation of community councils. The members were Art Samson, (Chair), Phil Bruckler, Mark Shurvin, Michelle Stark and Bob Wade. From April 30 to December 18, 2007, the Task Force met regularly, held four public meetings, considered many written submissions, met with the Minister of Municipal Affairs and Doctor Andrew Sancton, a professor of Political Sciences at the University of Western Ontario, and attended the Ancaster and Dundas Community Councils as observers.

The Task Force’s report was presented to Committee of the Whole on May 12, 2008, and approved by Council on May 14, 2008 by the following motion:

“That Hamilton City Council take advantage of the new powers granted pursuant to the recent amendments to the Municipal Act, and direct Staff to review the attached Terms of Reference submitted by the Community Councils Task Force and report to committee on any conflicting issues which may not be consistent with current practices at the City of Hamilton. (i.e. Permissive Powers section), review costing and costing implications and prepare a by-law for review to create Community Councils in 2008.”

A summary of the Task Force’s recommendations are as follows:

That Hamilton City Council take advantage of the new powers granted pursuant to the recent amendments to the Municipal Act, and direct staff to prepare a by-law to create Community Councils in 2008 in keeping with the terms of reference as outlined below:

(a) That every Community Council have the same mandate and the same delegated powers;

(b) That the Communities be divided by ward or grouping of wards, with each ward, or grouping of wards having their own Community Council;

(c) Notwithstanding the recommendation outlined in subsection (b) that Ward 11 be divided and have two Community Councils, one above and one below the escarpment;

(d) That each Community Council have a minimum of 7 members and a maximum of 11 members;

(e) That the Ward Councillor be an Ex-officio member of the Community Councils but not the Chair;

(f) That the Chair and Vice Chair be elected from within the Community Council;

(g) That a “Community Council” Selection Committee be established (with members of Council) to operate in a similar fashion to the Selection Committee that exists to select members for Sub-Committees of Council;
(h) That the Community Council Selection Committee formulate a number of criteria by which it will choose the members for each Community Council;

(i) That the Selection Committee be responsible for advertising, interviewing and selecting the members, based on the standard criteria, which will allow for diverse representation of the community, both geographically and socially;

(j) That the Selection Committee be encouraged to draw the representation for each Community Council from various groups that make up that particular community, such as: seniors, youth, business, labour, churches, heritage groups, cultural groups, persons with disability, neighbourhood associations, etc;

(k) That the term of the Community Councils be the same as the term of Hamilton City Council;

(l) That Community Councils have regularly scheduled meetings, to be held in the evenings, which will be open and transparent, and very accessible to the public of that particular community;

(m) That the Rules of Order be followed as per the City of Hamilton’s Procedural By-law;

(n) That a recording secretary be chosen by the Community Council and Minutes be recorded and forwarded to the appropriate Standing Committee;

(o) That Community Councils operate independently from Hamilton City Council and be self directed with regard to how they operate in an administrative capacity i.e.) how their meetings are organized and governed;

(p) That the City may revoke any powers it has delegated to the Community Council;

(q) That the City may not overturn a decision of the Community Councils which has been made under their delegated powers, except in exceptional circumstances;

(r) That the following permissive powers and duties be delegated to the Community Councils:

(aa) To provide advice to the Ward Councillor(s) and Mayor on local issues;

(bb) To take the information from the Ward Councillor(s) and/or Mayor, and make it available to the public in that community;

(cc) When requested to do so, to provide advice to Hamilton City Council on area specific issues that have been referred to that particular Community Council for comment.
That City Council consider delegating the following powers to Community Councils:

(aa) to comment formally on all planning applications within the area;
(bb) to make recommendations to staff on recreation issues in the area;
(cc) to comment formally on the issuance and renewal of business licences in the area that are normally issued and/or reviewed by council;
(dd) to comment formally on street naming in the area, in accordance with the City of Hamilton’s guidelines;
(ee) to comment formally on street lighting within the area;
(ff) to make recommendations concerning services, such as sidewalk snow removal in that particular area;
(gg) to comment formally on parking/traffic issues on local roads within the area;
(hh) to comment formally on all heritage permit applications within the area.

ANALYSIS/RATIONALE:

At its initial meeting held in September 2008, the Governance Review Sub-Committee noted that Community Councils would be a well suited item for discussion for the sub-committee.

Staff have been reviewing the various recommendations of the Community Councils Task Force noted earlier in this report, and have been researching existing/new models adopted by municipalities.

While a number of Ontario communities are considering the creation of Community Councils, the only municipality which has established them is the City of Toronto. Toronto Community Councils were established under the City of Toronto Act, 1997. Staff will report further details regarding the Toronto model.

As noted above, the recommendations of the Task Force are extremely detailed, and involve significant changes in the way in which Council involves the community in its decision making process. The City currently has a well-established system of sub-committees, advisory committees and volunteer committees, all of whom provide advice to Council. In addition, several wards already have active Community groups who advise their local Councillor on ward issues. Staff consider it essential to carefully review the implications of the new Community Council model on the existing processes to ensure that the new proposals operate in harmony with the existing system to the benefit of the City and the Community.

Hamilton Legal Services is also reviewing the Task Force’s recommendations, and will report on items having legal implications and accountability issues.
ALTERNATIVES FOR CONSIDERATION:

Committee may wish not to refer the discussion of Community Councils to the Governance Review Sub-Committee and have staff report directly to Committee of the Whole.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

POLICIES AFFECTING PROPOSAL:

n/a

RELEVANT CONSULTATION:

City Manager’s Office
Legal Services
City Clerks

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☐ Yes ☑ No

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No