

## **BOARDS, COMMISSIONS AND COMMITTEES – MAXIMUM TERM LIMIT AMENDMENTS**

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### **EXECUTIVE SUMMARY**

This report responds to Council's direction that the City Clerk's Office work in consultation with the Law Department and applicable Boards, Commissions and Committees ("BCCs") to bring forward amendments to their Governance Document(s) to reflect a 6 year term limit maximum for Public Members as specified in the new Council policy on *Governance and Appointments of Boards, Commissions and Committees* (CP2016-03).

### **CITY CLERK'S RECOMMENDATION(S)**

That the Priorities and Finance Committee recommend that Council:

1. Adopt the proposed amendments to the Terms of Reference of affected Boards, Commissions and Committees (Attachments 2 through 6); and
2. Give three readings to the proposed Bylaw to amend the Audit Committee Bylaw and the Combative Sports Commission Bylaw (Attachment 7).

### **RECOMMENDATIONS OF THE PRIORITIES AND FINANCE COMMITTEE, DATED 2017 APRIL 18:**

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That Council:

1. Adopt the proposed amendments to the Terms of Reference of affected Boards, Commissions and Committees (Attachments 2 through 6 **and revised Attachment 5**); and
2. Give three readings to the **proposed Bylaw 26M2017** to amend the Audit Committee Bylaw and the Combative Sports Commission Bylaw (Attachment 7).

### **PREVIOUS COUNCIL DIRECTION / POLICY**

At the 2016 November 07 Combined Meeting, Council adopted updates to the LGTF 2014 – 2017 Work Plan contained in Report LGT2016-0639, including Item 1i, as follows:

"The City Clerk's Office in consultation with Law, and Administration, work with applicable BCCs to bring forward amendments to their governance documents, formed under the jurisdiction of the City of Calgary, to reflect the 6-year term limit for members specified in the new *Governance and Appointments of Boards, Commissions and Committees* policy (CP2016-03). If no governance documents exist, then the 6-year term limit applies from the policy effective date (2016 April 25)."

At the 2016 April 25 Regular Meeting of Council, Council adopted a Council policy on *Governance and Appointments of Boards, Commissions and Committees* (CP2016-03).

### **BACKGROUND**

In adopting the Council policy on *Governance and Appointments of Boards, Commissions and Committees*, Council implemented a new term limit for Public Members appointed by Council to BCCs. Specifically, Council directed that "[a] Public Member may serve up to a maximum of six

## **BOARDS, COMMISSIONS AND COMMITTEES – MAXIMUM TERM LIMIT AMENDMENTS**

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consecutive years on a BCC, unless otherwise outlined in a BCC's Governance Document(s)". As the Council policy was silent on the matter of when this specific provision came into force, the Nominations Committee requested that clarity be brought to the effective date through an amendment. The following amendment was recommended to the Priorities and Finance Committee on 2017 April 04, and is scheduled to be before Council at the Regular Council Meeting to be held on 2017 April 24: "The years served on a City BCC prior to the coming into force of this Council policy on 2016 April 25 are to be counted in the calculation of the Public Member's length of service."

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

Upon completing a review of all BCCs with Public Member appointments made by Council, the City Clerk's Office identified those City BCCs over which Council has jurisdiction and where no superseding legislative provisions exist with respect to length of service and term maximum.

Consultations with a number of affected City BCCs occurred on 2017 March 08 as described in the Stakeholder Engagement section of this report. Through the engagement discussions, some of the City BCCs indicated a desire to capture additional amendments. Two of the BCCs advised that they are currently conducting reviews of their frameworks to address a variety of governance matters. By consensus, it was decided that amendments for the affected City BCCs would be handled in stages to capture all necessary and desirable amendments in an efficient manner. At this time, the City Clerk's Office is presenting amendments to seven affected BCCs within this report, and will continue to work with the remaining BCCs to bring amendments in the future. The Urban Design Review Panel and the Calgary Parking Authority will present amendments to term limits separately at a later date, in conjunction with additional required amendments for their respective Governance Documents.

Five of the affected City BCCs are governed by a Terms of Reference document and two are governed by a Bylaw. Attachment 1 contains a summary of recommended amendments to the seven BCCs with respect to maximum term limit. Attachments 2 through 6 are the proposed amendments to the BCCs governed by Terms of Reference (Text with strikethrough is recommended for deletion. Text that is underlined and bold is recommended for addition). Attachment 7 is the text for a proposed Bylaw to amend Bylaw 48M2012, the Audit Committee Bylaw, and Bylaw 53M2006, the Combative Sports Commission Bylaw.

In addition to the amendments outlined in Attachment 1, two BCCs have proposed additional minor amendments, in consultation with the Law Department, which have been included in this report as follows:

1. Recommended amendments to the Audit Committee Bylaw include a proposal to delete a provision which states "Terms served prior to the coming into force of [Bylaw 48M2012] are to be counted in the computation of the number of terms served by an elector member." This section is no longer necessary, as none of the Public Members who were serving at the time Bylaw 48M2012 came into effect are still serving on the Audit Committee; and

## **BOARDS, COMMISSIONS AND COMMITTEES – MAXIMUM TERM LIMIT AMENDMENTS**

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2. Recommended amendments to the Combative Sports Commission Bylaw include a proposal to delete a provision which states that "Council may, by resolution, remove any member of the Commission". This section is unnecessary, as the *Interpretation Act*, RSA 2000, Chapter I-8, empowers Council to terminate a Public Member's appointment.

In addition, Administration requested a name change from the Protective Services Citizen Oversight Committee to "Calgary Transit Public Safety Citizen Oversight Committee." This proposed amendment reflects and aligns with a name change to a business unit section, which occurred several years ago. Further, the proposed amendment reflects the broader role performed by Calgary Transit Peace Officers in terms of overall community safety.

### **Stakeholder Engagement, Research and Communication**

The City Clerk's Office engaged with the Law Department in the preparation of the proposed amendments. Administrative support personnel from the affected BCCs were invited to an information session on 2017 March 8, and were asked to decide whether to have the term limit amendments presented in a single report in 2017 April authored by the City Clerk's Office, or whether to present their amendments through individual reporting to Council at a later date.

### **Strategic Alignment**

This report aligns with Council's priority of a well-run city: "Calgary's government is open, responsive, accountable and transparent, delivering excellent services at a fair price. We work with our government partners to ensure we have the tools we need" (*Action Plan 2015-2018*).

### **Social, Environmental, Economic (External)**

Public Members provide their expertise and guidance to Council on important civic issues. Volunteering on one of the City's Boards, Commissions and Committees provides Public Members with the opportunity to:

- provide a meaningful contribution to the community;
- share their knowledge, skills and abilities as well as develop skills and gain experience;
- meet new people and get connected in the community; and
- learn more about how The City of Calgary works.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

There are no current operating budget impacts as the City Clerk's Office continues to fund resources to administer the Council policy and implementation phases through the BCC Legislative Governance Review Project budget allocated from the Innovation Fund.

#### **Current and Future Capital Budget:**

There are no current or future capital budget impacts.

### **Risk Assessment**

In the absence of amendments to City BCC's Governance Documents, confusion and misalignment may occur between Council policy and existing practice. Such risks do not allow The City of Calgary to achieve its priority of becoming a well-run City. Delay in amending the attached Governance Documents may have an impact on the BCC recruitment campaign to be

**BOARDS, COMMISSIONS AND COMMITTEES – MAXIMUM TERM LIMIT AMENDMENTS**

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held in 2017 June. Specifically, there may be impact on determination of eligibility for future service for Public Members whose existing terms expire this year.

**REASON(S) FOR RECOMMENDATION(S):**

In adopting updates to the LGTF 2014 – 2017 Work Plan contained in Report LGT2016-0639, Council directed the City Clerk to return to Council with amendments to the governance documents of applicable City BCCs, to reflect the 6-year term limit for Public Members specified in the new Council policy on *Governance and Appointments of Boards, Commissions and Committees* (CP2016-03).

**ATTACHMENT(S)**

1. Table: Summary of Current and Proposed Amendments to Governance Documents
2. Proposed Amendments to Advisory Committee on Accessibility Terms of Reference
3. Proposed Amendments to BiodiverCity Advisory Committee Terms of Reference
4. Proposed Amendments to Calgary Aboriginal Urban Affairs Committee Terms of Reference
5. Proposed Amendments to Calgary Transit Access Eligibility Appeal Board Terms of Reference
6. Proposed Amendments to Protective Services Citizen Oversight Committee Terms of Reference
7. **Proposed Bylaw 26M2017** to Amend the Audit Committee Bylaw 48M2012 and the Combative Sports Commission Bylaw 53M2006