

**TO:** Mayor Avis & Members of Council  
**FROM:** Laurie Witherspoon, Treasurer  
**DATE:** November 20, 2014  
**SUBJECT:** Term Limits for Appointments to Boards & Committees

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### **BACKGROUND**

At the November 20, 2014 Council Meeting, the Boards and Commissions Policy and corresponding By-law to limit the tenure to office of appointment by Council to Boards and Committee be referred to the Administration & Finance Executive Committee for review and recommendation with input from Planning & Development Executive Committee, Operations & Facilities Executive Committee and Community Services Executive Committee.

The Administration & Finance Executive Committee discussed the term limits for Boards and Committees and the policy. The Administration & Finance Committee does not have any Boards or Committees that report to their Committee. It has been identified that the Policy needs to be reviewed in the New Year to ensure that the policy and the by-law to limit the tenure to office of appointment by Council to Boards and Committee are consistent.

Attached is the Operations & Facilities Executive Committee report and the comments received from the Planning & Development Executive Committee.

### **RECOMMENDATION**

The Administration & Finance Executive Committee recommends that any Board or Committee member who, as of November 30<sup>th</sup> in the final year of their term of appointment, has served the maximum of 8 consecutive years on a board or committee, shall not be eligible for reappointment to such a board or committee until December 1<sup>st</sup> in the next succeeding year. Council has the authority to, and may, forego the enforcement of term limits (on a specific Board or Committee) if an insufficient number or unsuitable applications are received.

Council Approval of This Report Will Agree to the recommendation of the Administration and Finance Executive Committee that the by-law to limit the tenure of office of appointments by Council to Boards and Committees be amended to read, "that any Board or Committee member who, as of November 30<sup>th</sup> in the final year of their term of appointment, has served the maximum of eight (8) consecutive years on a board or committee, shall not be eligible for reappointment to such a board or committee until December 1<sup>st</sup> in the next succeeding year. Council has the authority to, and may, forego the enforcement of term limits (on a specific Board or Committee) if an insufficient number or unsuitable applications are received.

November 17, 2014

Report To: Administration & Finance Executive Committee

From: Operations & Facilities Executive Committee

**SUBJECT: Term Limits for Boards & Committees of Council**

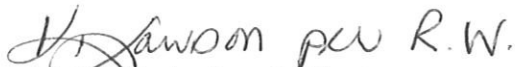
The Operations & Facilities Executive committee was to provide input to the lead executive committee, the Administration & Finance Executive committee in regards to the term limits for Boards & Committees of Council. Please find attached the administration report prepared by Mark McCaig, CAO dated September 17, 2014 recommending to abolish term limits for those boards and committees appointed by Council.

The O & F executive committee has only one advisory committee, the **"Traffic Safety Advisory Committee"** which has not met for a couple of years as a result of not being able to get two citizens at large to sit on the committee. Thus this advisory committee has been inactive since Merv Ahrens resigned.

The Operations & Facilities Executive committee endorses the wording put forward by the Planning and Development Executive committee:

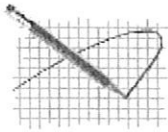
- the term limits of boards and committees should remain as they are;
- if there is an insufficient number of applicants to fill vacancies, council may extend the term of an applicant,
- that a detailed review of by-laws and policies be conducted at some point in the future so as to eliminate conflicting information that currently exists, to consolidate provisions and bring language up-to-date.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Rick Wiedenhoeft" followed by "per R.W." in a cursive script.

Rick Wiedenhoeft, Chairman  
Operations & Facilities Executive Committee

2014Novtermlimitsforboards&committees



Faye Platt/Frances  
11/18/2014 10:59 AM

To Laurie Witherspoon/Frances@Frances  
cc Mark McCaig/Frances@Frances  
bcc  
Subject Fw: executive committee item

Hi Laurie,

As per the email below, this matter was considered by the Planning and Development Executive Committee at its meeting yesterday morning. PDEC makes the following recommendation to the Administration and Finance Executive Committee:

- the term limits of boards and committees should remain as they are;
- if there is an insufficient number of applicants to fill vacancies, council may extend the term of an applicant,
- that a detailed review of by-laws and policies be conducted at some point in future so as to eliminate conflicting information that currently exists, to consolidate provisions and bring language up-to-date.

Faye

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N. Faye Platt, AMCT, ACST, CPT  
Municipal Planner  
Town of Fort Frances,  
[www.fort-frances.com/departments/planning-zoning](http://www.fort-frances.com/departments/planning-zoning)  
(ph) 807-274-5323 ex. 275  
(fax) 807-274-8479

----- Forwarded by Faye Platt/Frances on 11/18/2014 10:46 AM -----

Lisa Slomke/Frances  
11/13/2014 03:55 PM

Laurie Witherspoon/Frances@Frances, Doug  
To Brown/Frances@Frances, Faye Platt/Frances@Frances,  
Jason Kabel/Frances@Frances  
cc  
Subject executive committee item

Good Afternoon:

Please find attached resolution which was passed by Council at the Monday November 10 Regular Meeting. Council is requesting that the boards and committees by-laws and policy be reviewed and with A&F as the lead, recommendations for change be brought forward.

Thanks.  
Lisa



COW 389 boards and committees policy and bylaw review by Exec Cmtes.pdf

Elizabeth (Lisa) Slomke, Town Clerk  
Town of Fort Frances  
Civic Centre  
320 Portage Avenue



September 17, 2014

REPORT TO: Mayor and Council  
FROM: Mark McCaig, CAO  
SUBJECT: Term Limits for Boards and Committees.

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At the Administration and Finance Executive Committee meeting of September 16, the committee considered the by-law that limits the tenure for members of boards and committees appointed by Council.

Currently under By-Law No. 6/77-C, the maximum tenure of office of appointments by Council to boards and advisory committees is 8 years. In 2011, this by-law was further amended through By-Law 6/77-D to exempt the members of the Fort Frances Municipal Non-Profit Housing Corporation (FFMNPHC) board of directors from the 8 year limit. This was done in consideration of the difficulties encountered in receiving applications for the positions.

Over the last few years, the Town has noted a decline in applications to boards and committees. These entities are crucial to Town operations. In consideration of this decline in applications, the AFEC is recommending that the 8 year term limit for boards and committees be abolished. The rationale is that any persons wishing to volunteer for such a commitment on a continuing basis should have the opportunity to do so.

Respectfully submitted,

Mark McCaig, CAO

MM/kl

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| <p><b>COUNCIL APPROVAL OF THIS REPORT</b> will direct the preparation of a by-law which will rescind By-Law 6/77 and abolish term limits for those boards and committees appointed by Council.</p> |
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TOWN OF FORT FRANCESBY-LAW NO. 6/77-C

(Being a by-law to amend Town of Fort Frances By-Law No. 6/77, a by-law to limit the tenure of office of appointments by Council to boards and committees.)

WHEREAS on February 22, 2010, Council approved limiting the maximum tenure of office of appointments by Council to boards and advisory committees from 9 consecutive years to 8 years;

AND WHEREAS provisions in the *Planning Act*, with respect to appointment by a council of members to a Committee of Adjustment have changed such that members are now appointed with a term that coincides with the term of council;

AND WHEREAS the Committee of Adjustment now is performing the functions of planning advisory and the Planning Advisory Committee is no longer a separate committee.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1. That Town of Fort Frances By-Law No. 6/77, as amended, be now further amended as follows:
  - 1) Section 1. be repealed and subsequently re-enacted as follows:
    - "1. That effective December 1, 2010, continuous reappointments of members to local boards and committees shall be limited to a maximum tenure of eight (8) consecutive years on any one board or committee."
  - 2) Section 2. be repealed and subsequently re-enacted as follows:
    - "2. That any board or committee member who, as of November 30<sup>th</sup> in the final year of their term of appointment, has served the maximum of eight (8) consecutive years on a board or committee, shall not be eligible for reappointment to such board or committee until December 1<sup>st</sup> in the next succeeding year.
  - 3) Section 3. be repealed.
  - 4) Sections 4. and 5. be renumbered Sections 3. and 4.

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 9<sup>th</sup> day of August 2010.

TOWN OF FORT FRANCES

BY-LAW NO. 6/77-D

(Being a by-law to amend Town of Fort Frances By-Law No. 6/77, a by-law to limit the tenure of office of appointments by Council to boards and committees.)

WHEREAS on March 28<sup>th</sup>, 2011, Council approved a request from the Fort Frances Municipal Non-Profit Housing Corporation board of directors to exempt the appointment of their members from the limitations imposed by Town of Fort Frances By-Law No. 6/77.


NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1. That Town of Fort Frances By-Law No. 6/77, as amended, be now further amended by the addition of the following section:  
  
"3.2 That the provisions of this by-law do not apply to the appointment of members to the board of directors for the Fort Frances Municipal Non-Profit Housing Corporation."

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 11<sup>th</sup> day of April 2011.

  
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R. Avis, Mayor

  
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G. Treftlin, Clerk



Session No. 150

Resolution No. 389

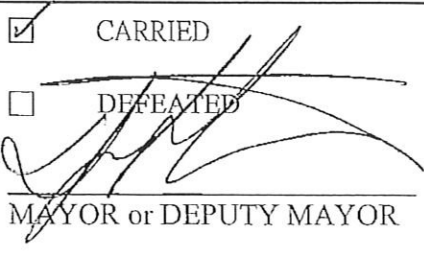
Moved by John Albanese

Dated November 10, 2014

Seconded by Ken Perry

THAT the Boards and Committees Policy and corresponding By-law be reviewed by the four Executive Committees, with Administration and Finance being the lead, with a cumulative recommendation being brought back to Council.

|                | Yea | Nay | Disclosure of Interest |
|----------------|-----|-----|------------------------|
| R. Avis        |     |     |                        |
| J. Albanese    |     |     |                        |
| A. Hallikas    |     |     |                        |
| D. Kitowski    |     |     |                        |
| K. Perry       |     |     |                        |
| G. Paul Ryan   |     |     |                        |
| R. Wiedenhoeft |     |     |                        |

|   |          |
|---|----------|
| <input checked="" type="checkbox"/>   | CARRIED  |
| <input type="checkbox"/>  | DEFEATED |
| <br>MAYOR or DEPUTY MAYOR |          |

|  |                            |
|--|----------------------------|
| <i><b>The Town of Fort Frances</b></i> | <b>SECTION</b>             |
|  | ADMINISTRATION AND FINANCE |
| <b><u>BOARDS AND COMMISSIONS</u></b>   | <b>REVISED</b>             |
| <b><u>POLICY</u></b>                   | December 1978              |
| Resolution No.                         | Supercedes Resolution No.  |
| Policy Number 1.4                      | <b>PAGE 1 of 2</b>         |

The following is the procedure that should be followed by boards and commissions of the Town of Fort Frances:

Generally, any board or commission should follow certain rules or regulations to govern the actions of such board or commission. It is recognized that the members of a board act similar to the members of a Council. That is, they are a policy-making body that set out policy for the operation of the responsibility given to such board and then such policy is to be carried out by the administrative staff. Administration then follows such policy as laid down in the day-to-day operations of the board. If any question arises concerning the administration of the policies laid down by the board, any individual member may, at a board meeting, raise such question and request information to either seek rectification of a problem or, if necessary, to amend policy. It is possible for a board member to approach the administrator (for that particular board) and request information, which should be provided by the administrator to the board member.

If each Councillor, or Mayor, were to exercise the power of his / her office and carry out free access to all the ledgers, tax rolls, files, vaults, etc., it may prove to be most difficult to carry out the normal day-to-day administration and accounting procedures as is required to carry out the monthly cycle of accounting and record keeping that is necessary according to statute law. Certainly any records under control of the administrator to that board or commission are available for inspection by any board member upon request. In fact, to emphasize this, The Municipal Act states: "Except as otherwise provided in any Act, any person, at all reasonable hours, may inspect any records, books, accounts and documents in the possession or under the control of the Clerk, Administrator, or other responsible employee of the board".

The Provincial Statutes have interpreted this legislation so that it should apply not only to Council but also to all boards and commissions.

Basically, the courts upheld that no individual member of a council or a board should proceed to carry out certain acts or things unless such board, by resolution, delegates all member of such boards to carry out a specific matter. In one instance that comes to mind, a councillor had requested an auditor to carry out an audit of a certain faction within a municipality without the knowledge or approval of the entire council. When it came to payment for services rendered in the amount of some \$5,000.00, the council refused to pay the amount. The courts held that the individual councillor, in this instance, was responsible for the origin of the account and was therefore liable for its payment.



In concluding this particular aspect, I would suggest that the board function as a unit and thus avoid any action, which may be contrary to statutory provisions.

There has been some misunderstanding concerning appointments of members to a board. Under the recent amendment to The Municipal Elections Act, all local board members hold office up to the 30th day of November of the year to which they are appointed. However, the Act states: "The holders of offices hold office until their successors are appointed. " This section of the statutes allows for a board to continue in office, if for any reason, the council has been unable to act to appoint members to that certain board. This particular section should only be exercised in the event an emergency situation arises prior to the appointment or re-appointment of new members to a board.

The question has also arisen as to who should call the first meeting of a newly appointed board. In my opinion, the person to call the first meeting should be the employee who is responsible for the administration of that board's responsibilities. For example, the Librarian of the Public Library Board. At this first meeting, the board then elects from amongst its members, the chairman, vice-chairman, and would appoint a secretary to record the minutes and proceedings of each board meeting.