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STAFF REPORT TO COUNCIL

PRESENTED:	September 7, 2021	**REPORT:**	21-103
FROM:	Legislative Services	**FILE:**	0640-00
SUBJECT:	GOVERNANCE AND ETHICS COMMITTEE TERMS OF REFERENCE		

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the Corporate and Community Services General Manager be endorsed.

RECOMMENDATION(S)

That Council adopt the updated Terms of Reference for the Governance and Ethics Standing Committee, attached to Administrative Report 21-103 as Appendix A.

PURPOSE OF REPORT

To seek Council's approval of the updated Governance and Ethics Standing Committee Terms of Reference.

☐ Information Report   ☒ Administrative Report (Decision or Direction)

DISCUSSION

Background

The Governance and Ethics Committee (the Committee) for the Resort Municipality of Whistler (RMOW) was established in the mid 2000s and the initial Terms of Reference were approved by Council in 2005 as part of Council Policy A-21: Council Governance Manual. After years of being on hiatus, the Committee was brought back as a Standing Committee of Council in 2018 with the election of the new Council. The Committee has met seven times between 2019 and 2021.

The stated focus for the Committee is to "*provide a focus on governance and ethics that will enhance the performance of Council while maintaining for the highest of public trust and confidence*".

The re-established Committee confirmed a variety of initiatives and prioritized them based on needs and resourcing.

One of the initial primary priorities was to conduct a Community Engagement Review to assess the RMOW's practices, identify improvements, acknowledge and enhance current practices and provide the guidance to the organization for engagement processes moving forward. The scope included three categories of work:

> **Project-related engagement** - Project-related engagement covers the activities that are undertaken to inform project-related decisions, where projects include planning, capital, and policy development projects.
> **Required engagement** - The required engagement category includes the community engagement activities that are required of municipalities by the Community Charter or the Local Government Act.
> **Ongoing engagement** - This category covers the engagement (and communications) channels that provide community members with ongoing, continual, on-demand access to municipal staff, Council and other sources of information.

Over the course of 2019 and 2020, staff conducted this public engagement work under the guidance of the Committee, and both a Community Engagement Policy, and a Community Engagement Review and Recommendations Report were endorsed by Council at the October 6, 2020 Regular Meeting.

Specific governance-related highlights of the community engagement recommendations include:

> Improve the electronic system to find, navigate and search Council meeting content online.
> Provide more and easy to understand communications about Council meeting, Public Hearings and other engagement opportunities when advertising these events.
> Update the council report templates to better explain the connection between the report and the Resort Municipality of Whistler (RMOW) Official Community Plan (OCP) and consultation with Indigenous Nations.
> Develop language for the Mayor to read at the start of Council meetings to provide the public with more information about the process, people and opportunities for engagement during the meetings.
> Develop a staff guide for public engagement to promote consistency and provide more tools for all public engagement opportunities.
> Adopt a new approach to the Community Life Survey to include sign up for online participation and pulse checks through-out the year.
> Ensure committees of Council are following procedural and reporting requirements, including training for committee members.

In addition to the Community Engagement Review, other priorities of the Committee include: Committees of Council review; Council self-evaluation; Fee for Service Policy review and a Council Governance Manual Review. This work in ongoing and the Fee for Service Policy review is nearing completion.

To ensure alignment between the current objectives of the Committee and the older Terms of Reference included in the 2005 Council Governance Manual, at the request of the Committee, staff also reviewed the 2005 Terms of Reference to ensure that the current Terms were well structured to meet its newly stated objectives.

Staff proposed updates to the 2005 Terms of Reference in the following areas:
> **Purpose**
  o Expanded to include *"the improvement and optimization of the ongoing governance functions of Council and Committees of Council, with a particular focus on public engagement"*
> **Composition**
  o Council members on the Committee, supported by staff for administrative functions
> **Role & Responsibilities**
  o Added governance & ethics definitions

- o Removed specific dates from Council evaluation
- ➤ **Procedures**
  - o Removed reference to committee appointment term running concurrently with Council seat
- ➤ **Conflict of Interest (COI)**
  - o Removed this section (Committee members are all Council members and governed by COI rules in the *Community Charter*)
- ➤ **Policies**
  - o Removed this section (Already covered in Governance section)

The updated Terms of Reference were considered and approved by the Committee in April 2021. A recommendation was also approved to present these updated Terms of Reference to Council for formal approval. It is worth noting that both Covid-19 and the April 2021 cyber security incident delayed the presentation and consideration of these Terms of Reference with the Committee and with Council. These matters have also delayed other aspects of work by the Committee including some areas of the completion and implementation of initiatives associated with the engagement review work.

POLICY CONSIDERATIONS

Council Focus Areas

☒ Community Balance

> Effectively **balance resort and community needs** through deliberate planning, partnerships and investment

☐ Climate Action

> Provide leadership to **accelerate climate action and environmental performance** across the community

☐ Housing

> Advance strategic and innovative initiatives to enable and **deliver additional employee housing**

☐ Not Applicable

Community Vision and Official Community Plan

The work of the Committee and the update to its Terms of Reference is consistent with and helps to achieve Whistler's Vision and OCP, both of which reference the need to engage the community in decision-making. Whilst effective engagement touches many areas of moving toward our shared community vision in some way, the characteristics of the vision most pertinent to the Terms of Reference and engagement work are the following:

- ➤ Conduct: Everyone is treated with fairness, respect and care, and as a result we enjoy high levels of mutual trust and safety.
- ➤ Participation: We are able to meaningfully participate in community decisions, collaborating to achieve our Community Vision
- ➤ Partnerships: We have established strong partnerships with the Squamish Nation, Lil'wat Nation, other levels of government and community stakeholders based on open dialogue,

honesty, respect and collaboration, resulting in the achievement of mutual goals and shared benefits.

Further, the Health, Safety and Well-being chapter of the OCP (chapter 8) focuses on ensuring Whistler has strong community connections and social fabric—that Whistler is inclusive and affordable, and we enjoy high levels of trust, community engagement and good governance. The following OCP goal, objective and policies provide direction related to community engagement:

➢ Goal: Provide and support meaningful opportunities for community engagement.
➢ Objective: Encourage community engagement at all levels, from volunteerism to participation in municipal initiatives.
➢ Policy: Provide appropriate and meaningful opportunities for community and partner engagement in policy-making and other decisions where relevant and appropriate.
➢ Policy: Encourage greater diversity in municipally-led engagement initiatives, considering a variety of ways to engage diverse community stakeholders.

BUDGET CONSIDERATIONS

There are no financial impacts to this report. All costs associated with the Committee are included in the Legislative Services operating budget.

LIL'WAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lil'wat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy. This section identifies areas where RMOW activities intersect with these relationships.

Engagement with the Lil'wat and Squamish People is paramount in the public engagement process. This is now embedded in the new council report templates.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☐ Inform ☒ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

The Community Engagement Review sought feedback from the public, Council and staff on the ways that we can improve and enhance our communications and engagement practices. This feedback has been reviewed, compiled and is included in the Community Engagement Review Findings and Recommendations Report.

REFERENCES

Appendix A – Governance and Ethics Standing Committee Terms of Reference

SUMMARY

This report outlines the background of the Governance and Ethics Standing Committee, highlights some recent work, and seeks Council's approval of the updated Terms of Reference for the Committee.

SIGN-OFFS

Written by:

Pauline Lysaght, Corporate Officer/Manager of Legislative Services

Reviewed by:

Ted Battiston, General Manager Corporate and Community Services

Ginny Cullen, Chief Administrative Officer