



The Regional Municipality of Halton

Report To:	Regional Chair and Members of Regional Council
From:	Bob Gray, Commissioner, Legislative and Planning Services and Corporate Counsel
Date:	February 12, 2020
Report No. - Re:	LPS07-20 - Halton Developers' Liaison Committee Terms of Reference

RECOMMENDATION

1. THAT the Halton Developers' Liaison Committee Terms of Reference, included as Attachment #2 to this report, be approved.
2. THAT staff be directed to administer the Halton Developers' Liaison Committee consistent with direction in Report No. LPS07-20 re: "Halton Developers' Liaison Committee Terms of Reference".
3. THAT the Regional Clerk forward a copy of Report No. LPS07-20 "Halton Developers' Liaison Committee Terms of Reference" to the City of Burlington, the Town of Halton Hills, the Town of Milton, the Town of Oakville, Conservation Halton, Credit Valley Conservation Authority, Grand River Conservation Authority, Building Industry and Land Development Association's Halton Region chapter (BILD-Halton), and Hamilton Halton Homebuilders Association for their information.

REPORT

Executive Summary

- On September 11, 2019, Regional Council passed a motion directing staff to prepare an updated terms of reference for the Halton Developers' Liaison Committee (HDLC).
- The last update to the Halton Developers' Liaison Committee Terms of Reference was approved by Regional Council in 2004 through Report No. CA-09-04.
- This report recommends updates to the Halton Developers' Liaison Committee Terms of Reference to ensure that the Committee remains a responsive forum to discuss matters of mutual interest between the Region and the development community.

- The updated Terms of Reference for the Committee will ensure the value of having this as a 'liaison' committee is maintained, while providing greater alignment with other Regional Advisory Committees by implementing clear standards with respect to meeting process, accountability and transparency.
- Pending Council's approval, these updated terms of reference will direct how this Committee will operate effective immediately. Recruitment will be undertaken in accordance with established practices and the next HDLC meeting will be scheduled once the Committee has been established.

Background

The current Halton Developers' Liaison Committee Terms of Reference was approved by Regional Council in 2004 through Report No. CA-09-04. The existing Terms of Reference document is provided as Attachment #1 to this report.

At its meeting of September 11, 2019, Regional Council approved the following as part of Report No. LPS107-19, dated September 11, 2019, and titled, "Fall 2019 Integrated Growth Management Strategy Update":

THAT staff be directed to update the Terms of Reference for the Halton Developers' Liaison Committee to ensure consistency with the Region's Advisory Committees with respect to meeting process, accountability and transparency.

The Halton Developers' Liaison Committee allows for the exchange of information relating to general matters that affect development interests. Council's direction provides an opportunity to ensure the highest degree of transparency and accountability is provided in a structure that is aligned with those of other Regional advisory committees. The proposed terms of reference, if approved by Council, will ensure this forum is meeting that intent.

Discussion

The Halton Developers' Liaison Committee (HDLC) is a dedicated and valued forum for developers, landowners, development professionals, and Regional staff who work with these parties to discuss matters of mutual interest. The existing Terms of Reference have long recognized that the Committee be focussed on "*improving consultation, communication, trust, and customer service.*" The structure and frequency of meetings and the way the Committee has been administered has changed over time. For example, meeting frequency has ranged from one to four meetings per year since 2004.

Current Regional Council members appointed to the Committee are Chair Carr and Councillors Adams, Bentivegna, and Malboeuf. The Council Members were appointed to a term ending November 14, 2022, through Report No. LPS03-19, dated December 19,

2018 re: “LPS03-19 - Appointments to Agencies, Boards and Committees - Administration and Finance”.

Current HDLC Structure and Operation

Since its inception in 2004, the Halton Developers’ Liaison Committee has been established as a ‘liaison’ committee rather than an ‘advisory’ committee. The Committee differs from an ‘advisory committee’ in that it recognizes the role that developers play as customers of a Regional service; in particular, development and infrastructure review and approval services. It also provides an opportunity for directly engaging the development community on matters of public policy. This is a different focus than an advisory committee, which are tasked to provide independent objective technical advice on matters to assist Council and staff in fulfilling a particular mandate. This distinction is important and was reflected in the original Terms of Reference when this Committee was established and is maintained through this update. The existing Terms of Reference establish HDLC membership and operation as follows:

- Membership on the Committee is not more than 20 members; 10 of which will be developers who conduct business in Halton, 8 designated staff representatives from Halton Region, the Regional Chair, and 1 member of Regional Council.
- The committee structure includes an additional non-voting Chair (formerly the Director of Planning and Transportation, now the Director of Planning Services and Chief Planning Official) as well as the ability to strike technical sub-committees to deal with specific issues, all of which is supported and facilitated by Planning Services including the preparation and distribution of reports and minutes.
- The Committee is a non-voting, liaison committee, facilitated with an aim of striving to reach consensus (however, also respecting minority views).

HDLC has evolved to operate primarily as a valued, informal information-sharing forum between the Region and the development community. Although the existing Terms of Reference stipulate membership requirements and rules to guide how the Committee operates, these rules have not been enforced. For example, since 2009, there has not been formal recruitment of committee members, as invitations to participate in the Committee have been broadcast widely to capture the broadest possible participation. There is currently no established practice for meeting rules or decision-making. Meeting agendas and notes are prepared but only shared with the circulation list and not provided to Regional Council through its regular information package.

Given the ad hoc nature with which this Committee has functioned, it is timely and appropriate that the Terms of Reference be revised and enforced to ensure the Committee operates with the greatest degree of transparency and accountability.

Proposed HDLC Terms of Reference

The proposed HDLC Terms of Reference, included as Attachment #2 to this report, maintain the same intent to engage in targeted consultation with the development sector, but with updates to improve and clarify the group's function. These updates include:

- Maintaining the Committee membership at a maximum of 21 (20 members, plus a Committee Chair), but reducing Regional staff members on the Committee from 8 to 6. The proposed balance of the Committee will be made up of 15 representatives that includes 3 Regional Councillors, the Regional Chair, and 11 development industry representatives. The development industry representatives must include a range of perspectives covering the development continuum, including real estate, planning, engineering and construction representatives. Membership from each of these groups is weighted to the degree to which each interface with the Regional development planning and engineering function. In this regard, the revised membership will incorporate a broader range of development perspectives.
- Creating new rules and expectations around committee structure and function, including defining a Chair (Director of Planning Services and Chief Planning Official), procedural voting and speaking rules, quorum requirements, agenda and minute distribution requirements (to include circulation to all members of Regional Council), and defined roles and responsibilities for the group.
- Retaining and elaborating on rules for striking subcommittees for specific feedback on significant planning and infrastructure projects and issues.
- Creating annual reporting requirements to Council for annual achievements and work plans, and upon a new term of Council, a further report to re-establish the Committee, review the Terms of Reference, and set out a preliminary work plan for the Committee.
- Specifying agenda and minute distribution protocols, including copying all members of Regional Council for information on those packages.
- Creating a requirement that where the HDLC has been consulted on a project, the feedback from the Committee will be indicated in the relevant staff reports.
- Adding a list of purposes for the Committee that provides clarity with respect to the "generic development issues" within the scope of the group.
- Minor changes to reflect technical changes that have occurred since 2004, such as new names of staff positions and departments.

This framework is modelled upon that which was used for other Regional advisory committees. The Terms of Reference still allow the Committee to maintain its 'liaison' function and focus as a venue for providing perspective and advice to staff.

Additional resourcing support for this group will now include Clerk's Department preparation and distribution of agendas and meeting minutes, as well as providing procedural advice when required at meetings. Meeting content and presentations will continue to be facilitated by Planning Services with support from other Regional staff,

archived by the Clerk's Department, and circulated to all members of Regional Council going forward.

The terms for Advisory Committees at Halton Region are set to the term of Council. The same approach is proposed for HDLC. Update reports will be prepared at the outset of each term on work completed by the Committee during the previous term of Council. Feedback from the function of HDLC can be incorporated into a refreshed Terms of Reference at that time, providing a continued improvement function into Council's oversight of the Committee.

Staff met with representatives from BILD-Halton on December 3, 2019, with follow-up correspondence received on December 6, 2019, summarizing their suggestions for the operation of HDLC. This consultation identified suggestions to enhance the Committee's function that are very similar to issues identified by Council. For example, there is value in maintaining a broad circulation list for notification, however the Committee will be limited to participants as defined by the Terms of Reference. There is support for the use of project sub-committees to be used to work through specific matters. There is also an opportunity to ensure that local municipal and conservation authority partners are invited to ensure collaborative efforts in advancing improvements in service delivery. Initial feedback from the development community appears to welcome changes to ensure transparency, consistency and accountability.

Initial feedback from the development community has been considered and reflected in the proposed HDLC Terms of Reference. Adhering to the proposed Terms of Reference, if approved, will help ensure consistency with other Regional Advisory Committees as it relates to process, transparency and accountability, consistent with Council's direction.

Conclusion

The structure and function of Halton Region's HDLC has evolved into a broad forum inviting a wide range of industry professionals (landowners, developers, consultants, and other development professionals) to receive information from Halton Region staff on key changes and initiatives. Approval and implementation of the proposed HDLC Terms of Reference will provide the highest degree of transparency, consistency, and accountability around how staff engages with development stakeholders and providers of critical Regional infrastructure. Meetings will remain open to the public. The proposed Terms of Reference provide the ability for members of the development community to present their perspectives and advice in the committee format. A mailing list will continue to be maintained to ensure all interested parties can receive agendas and minutes.

These terms of reference will guide staff's management of this important consultative body effective immediately. Upon Council's approval of the Terms of Reference, staff will open the recruitment process per Regional practices. The call for members is publicly posted and applicants will be interviewed and selected by the Region's Interview Committee. HDLC will next meet once recruitment for this new committee has been completed per the proposed Terms of Reference and this report.

FINANCIAL/PROGRAM IMPLICATIONS

Costs associated with operating HDLC are included in the annual operating budgets for the Clerk's and Planning Services departments.

Respectfully submitted,



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Planning Official



Bob Gray
Commissioner, Legislative and Planning
Services and Corporate Counsel

Approved by



Jane MacCaskill
Chief Administrative Officer

If you have any questions on the content of this report,
please contact:

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Attachments: Attachment #1 – Current Halton Developers' Liaison Committee Terms of Reference
(2004)
Attachment #2 – Proposed Halton Developers' Liaison Committee Terms of Reference
(2020)