

## CORPORATE POLICY AND PROCEDURES MANUAL

Policy No:

<b>028</b>	<b>CAO</b>	<b>002</b>
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Policy Name:

### **Non-Legislated Committees of Council - Revised**

DEVELOPED BY:	<b>Judy Currins, Clerk</b>	DATE:	<b>Mar 13/07</b>
DEPARTMENT:			
ADOPTED BY:	<b>Council</b>	DATE:	<b>Mar 13/07</b>
RESOLUTION NUMBER:	<b>CR2007-233 CHR2007-032</b>	EFFECTIVE:	
CROSS-REFERENCE:	<b>CR2002-320 – Mar 26/02</b>	REVISIONS:	

### **POLICY STATEMENT AND RATIONALE:**

The City appoints citizens from the municipality to non-legislated Boards and Committees of Council to review and recommend actions to Council to advance various issues relating to the municipality. This policy establishes the process of appointments, along with defining the volunteer appointee's roles and responsibilities, and how they conduct business for the betterment of the municipality.

### **SCOPE:**

This policy applies to all non-legislated Committees of Council created and approved by Council and their sub-committees and the appointment process is specific to citizen appointees. It does not cover legislated Committees of Council except where the legislation governing those Committees is silent.(ie. Appointment process)

### **DEFINITIONS: In this policy:**

**"City", "Corporation of the City of Kawartha Lakes" or "Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes.

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

**"Committee"** means any Committee, commission, board, task force, or similar group which is advisory in nature and/or mandate specific and is:

1. created by the City;
2. approved by the City; or
3. created by another level of government (with jurisdiction), providing the right to Council to appoint one or more Persons to it, who are not members of Council.

**“Council” or “City Council”** means the municipal council for the City.

**“Director”** means the employee who holds that position, his or her delegate(s) or, in the event of organizational changes, another employee designated by Council;

**“Interview Team”** means a committee composed of three (3) members of Council to review applications and make the recommendation to Council on the Committee appointment(s).

**“Person”** means a human individual. For the purposes of this policy, the term does not include “artificial” persons recognized by law (for example, Corporations).

<b>POLICY, PROCEDURE AND IMPLEMENTATION:</b>
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**1.0 Qualifications**

1.01 In addition to any other qualification requirements established by resolution or by City policy, any Persons appointed to a Committee must be:

- i) an elector of the City;
- ii) at least eighteen years of age; and
- iii) a Canadian citizen.

except where provided for in section 1.05 of this policy.

1.02 Notwithstanding Section 1.01, the following Persons are ineligible for appointment to the City’s Committees as a Citizen Appointee:

- i) current members of the Council (with the exceptions of statutory requirements and ex officio positions);
- ii) current trustees of the Trillium Lakelands District School Board or the Peterborough, Victoria, Northumberland, Clarington Catholic District School Board who have direct association/affiliation with the service/facility in question;
- iii) current City employees who have direct association/affiliation with the service/facility in question;

- iv) any Person who may have an actual or perceived (in the opinion of the Interview Team) conflict of interest with the purposes of the Committee in question due to his or her employment or otherwise; or
  - v) any Person who is in litigation or potential litigation with the municipality.
- 1.03 Council may assign staff persons to committees in liaison or record-keeping roles. No City employees may participate in voting that may occur on Committees unless they have been appointed as a Committee member.
- 1.04 Given the time commitment required by members of Committees, no Person shall serve as a member of more than two (2) Committees during the same time period, without special permission of the Council.
- 1.05 Despite the qualification requirements as set out under Section 1.01 of this policy, and subject to other applicable legislation, the Interview Team may recommend the appointment of one or more Person(s) to a Committee, with the consent of two thirds of the members (of the Interview Team) present.

## **2.0 Terms of Committee Membership**

- 2.01 The terms of reference for each Committee shall stipulate the terms of the membership of the Committee members. Terms of reference shall be developed in accordance with the Agenda and Reporting Policy.
- 2.02 The City encourages staggered-terms of membership of its Committees, with stated maximum terms. The maximum term for any member shall be three (3) years. Members may be reappointed for succeeding terms.
- 2.03 From time to time it may be necessary for an Interview Team to recommend to Council an appointment to a Committee which is outside the term of office stated in that Committee's terms of reference. In those circumstances, the Council must be fully apprised of the circumstances when considering its options for appointments.

## **3.0 Annual Appointment Advertising Requirements**

- 3.01 Once annually in the last quarter of each year, the Clerk shall, in accordance with the applicable statutes of the Province of Ontario and the policies of the City, advertise all vacancies to be filled through appointments of Persons to Committees of the City. The advertisement shall be placed in accordance with Council's approved advertising policies, and shall also be listed on the City's website.
- 3.02 The advertisement(s) shall list the name(s) of the committee(s) and any particular qualification requirements for membership.
- 3.03 Persons wishing to fill advertised vacancies on Committees of the City must submit to the Clerk, in writing, an application except as outlined in Section 3.04. The application shall be on a form supplied by the Clerk's office. No consideration will be given to filling vacancies unless a written application is

received. Supplemental resumés are encouraged, but are not required. Application forms and attached resumes are considered confidential and shall only be used for their intended purpose of selecting members to the specified committee.

- 3.04 Any person who is a current appointee to any Committee and remains qualified to be a citizen appointee, can reapply by submitting a letter indicating their intention to reapply. Nothing prevents an incumbent from applying using the application form if they choose.
- 3.05 The Clerk shall maintain a file with all current appointee's original applications for use during the selection process.

#### **4.0 Appointment Procedure**

- 4.01 The Clerk shall arrange an interview team to consist of three (3) members of Council to include any member(s) of Council appointed as the Council representative to the Committee shall form part of the interview team.
- 4.02 The Clerk shall copy for the appropriate affected Director a copy of all applications received for a Committee and the names of the Interview Team.
- 4.03 The Director shall arrange a meeting of the Interview Team to review the applications and decide whether there is a sufficient number of qualified candidates, or if a further notice and advertisement is required, or to decide if interviews are required and how many candidates will be interviewed, or if a recommendation will be made to Council without interviews.
- 4.04 If interviews are required, the Director shall arrange a meeting of the Interview Team to conduct the interviews with the applicants.
- 4.05 The Director or designate shall advise all selected applicants of the time and place of the interview. The notice shall be given at least one (1) week in advance of the interview.
- 4.06 The Interview Team will give fair and equal consideration to the qualifications, abilities and civic interest of all Persons who have applied who meet the qualifications of the office when considering appointments to Committees.
- 4.07 Interviews of the applicants to a Committee will be dealt with individually by the Interview Team. After interviews, the Director will call the members of the Interview Team to a vote. The Director shall advise the Interview Team of those citizen candidates receiving the greatest number of recommending votes. The Interview Team will recommend the selected candidates to Council for appointment to the said Committee, subject to the following conditions having been met:
  - a) the number of candidates thereby recommended shall not exceed, but may be fewer than, the number of vacancies to be filled, and

- b) No candidate may be recommended who has not received a majority of the votes eligible to be cast in relation to that candidate for a particular appointment.
- 4.08 The Director shall check the names of the recommended candidates with the Clerk's office to ensure the person(s) is not on more than two Committees.
- 4.09 A written report from the Interview Team, prepared by the Director responsible for the Committee, will be presented in closed session at the next scheduled regular meeting of the Standing Committee where the Committee reports. This report shall include the Interview Team's recommendations for appointments, together with a list of all the names submitted for the vacancies and a brief explanation of each applicant interviewed. The Standing Committee shall recommend the final appointments to Council to be considered in closed session. Council may choose to accept any of the Interview Team's recommendations, or it may choose to appoint an applicant not recommended by the Interview Team. Council shall not appoint a Person who was not considered by the Interview Team. The final appointment resolution shall be made in open session of Council.
- 4.10 If an applicant who was not invited to be interviewed wishes to appeal such to Council, he/she shall do so by contacting the Clerk who in turn will place the individual on the closed session agenda of the Council meeting. Council shall hear the individual. The final decision on the appointment to Committees is that of Council.
- 4.11 The Clerk shall maintain the list of all candidates who have submitted their names to the Interview Team but were not appointed to the Committee. The sole purpose of the list shall be to provide information relevant to Section 5.01 of this policy. Names shall be removed from the list at the request of the candidate or after a period of 3 years.
- 4.12 The Clerk shall not accept applications which are received but were not solicited through advertising in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. Applications received after the date to receive applications will be kept on file in the event of a future vacancy and the applicant will be so notified.

## **5.0 Vacancies – (January to September of any year)**

- 5.01 Upon receiving a request from a Committee that there is a vacancy, the Director shall review the applications received when the position was most recently advertised and recommend the person to fill the vacancy to the Committee. If there are no applications in the file then the Director shall ask the Committee, through the chair, to nominate a single candidate for the position, which candidate shall be recommended to the applicable Standing Committee for appointment via a written confidential report. If the Committee declines to nominate a candidate, the Clerk shall advertise the vacancy in accordance with Section 3.01.



- 5.02 Where for any reason it is impossible to fill a Committee vacancy pursuant to Section 5.01 then Council may approve an amendment to the terms of reference for the Committee to allow for a smaller membership number or to alter quorum rules, as required, or the Council may approve circumstances allowing the position to remain vacant for the balance of the year.
- 5.03 In all cases, Persons appointed to fill a vacancy on a Committee shall assume the remainder of the term of office of the member whose vacancy is being filled.
- 6.0 Termination of Appointment (Recommended by Committee)
- 6.01 If a member of a Committee ceases to maintain the eligibility requirements, is not willing or able to carry on his or her duties, or absents himself or herself from three consecutive meetings of the Committee without being authorized by resolution entered upon its minutes, he or she is deemed to have vacated his or her seat. The Committee chair shall immediately advise the Director of the vacancy, which shall be considered in accordance with this policy.
- 6.02 A proposed recommendation to Council to terminate the appointment of a member of a Committee, based on reasons other than those as set out under Section 6.01, shall not be considered at any meeting of the Committee unless notice of the proposed recommendation to terminate the appointment has been given to the member of the Committee as set out in 6.03. The waiving of this notice is prohibited. The notice shall state the proposed recommendation to Council for termination of appointment of the member(s) and the reasons advanced for the recommendation. Where authorized by legislation, the matter may be considered at a meeting closed to the public.
- 6.03 The notice for termination of appointment and any supporting documentation shall be sent directly to the member identified in the motion by registered mail, the Secretary of the Committee, the Director, and the Clerk within seven (7) days after the meeting at which the matter will be presented.
- 6.04 The Committee member identified in any notice for termination of appointment shall be advised of his/her entitlement to forward a written response to the Secretary of the Committee, the Director, and the Clerk within seven (7) days of receipt of the notice and the supporting documentation.
- 6.05 After the period for response as set out in section 6.04 has expired, the Secretary of the Committee, shall place the proposed recommendation to Council for termination of appointment, any supporting documentation and any written response received on the agenda of the next scheduled regular meeting of the Committee. Where authorized by legislation, the matter may be considered at a meeting closed to the public.
- 6.06 The Committee member identified in a notice for termination of appointment shall be allowed to make a final presentation to the Committee prior to a vote being taken on the matter.

- 6.07 The recommendation to Council for termination of appointment of a member of a Committee appointed by Council requires a two-thirds vote of the Committee for approval.
- 6.08 Upon approval of a recommendation to Council for termination of appointment of a Committee member, the Secretary or Department Liaison of the Committee shall prepare a written report outlining the recommendation and all documentation presented concerning the recommendation.
- 6.09 The Clerk shall place the report with the recommendation for termination of the Committee member on the agenda of the next scheduled regular meeting of Council. The Clerk shall invite the attendance before Council of:
1. the member(s) who provided notice for termination of appointment;
  2. the Committee member whose appointment has been recommended for termination; and
  3. any other member of the committee, municipal officer or Person the Clerk may deem necessary to be in attendance.
- 6.10 The comments of those invited pursuant to Section 6.09, the report with the recommendation for termination of the Committee member and all other documentation received with respect to the matter, shall be considered in a meeting of Council closed to the public if permitted under section 239 of the *Municipal Act 2001*.
- 6.11 The Committee member identified in the recommendation for termination of appointment shall be given the opportunity to make a final presentation to Council prior to a vote being taken on the matter.
- 6.12 Adoption of the recommendation for termination of an appointment by Council to a Committee requires the affirmative vote of a simple majority of members of Council.

## **7.0 Termination of Appointment Initiated by Council**

- 7.01 A proposal to Council to terminate the appointment of a Committee member shall not be considered at any meeting of Council unless notice of the proposal to terminate the appointment has been given to the individual being considered. The waiving of this notice is prohibited. The notice shall state both the proposed recommendation to Council for termination of the appointment of the Committee member in question and the reasons advanced in support of the recommendation.
- 7.02 The notice for the termination of the appointment, along with any supporting documentation, shall be sent by the Clerk directly to the Committee member identified in the motion, by registered mail, at least seven (7) days prior the meeting at which the issue will be presented.

- 7.03 A Committee member identified in any notice for termination of appointment shall be advised of his/her entitlement to forward a written response to the Clerk within seven (7) days of receipt of the notice and the aforementioned supporting documentation.
- 7.04 After the period for response, as set out in Section 7.03 has expired, the Clerk shall place the matter and provide Council with any supporting documentation and any written response received on the closed session agenda of the next scheduled regular meeting of Council, or on the agenda of any Special Meeting of Council called for the purpose of its consideration.
- 7.05 The Committee member identified in a notice for termination of appointment shall be given the opportunity to make a presentation to Council prior to a vote being taken on the matter.
- 7.06 The termination by Council of the appointment of a Committee member appointed by Council requires the affirmative vote of a simple majority of Council for approval.
- 7.07 Council has the sole discretion to terminate any City Committee, established by Council, if Council determines that the Committee, is no longer required. No prior notice is required.

## **8.0 Terms of Reference**

- 8.01 The Terms of Reference of any Committee shall be developed using the template as attached to this policy as Appendix "A". Any amendments or revisions to the Terms of Reference are required to be submitted to the relevant Standing Committee for approval by both the Committee and ultimately Council.



Terms of Reference Template Revised

**TERMS OF REFERENCE**

**NAME:** *(name of Committee/Board)*

**MISSION:** *(a brief description of the mission of the Committee)*

**OBJECTIVES:** *(brief outline of objectives and goals of the Committee)*

The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, Clerk, Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

**ROLES AND RESPONSIBILITIES:**

*(a brief description of the roles and responsibilities of the Committee will be inserted and be specific to the Committee. Items that may be included, if applicable:*

- *Compliance with the Code of Conduct*
- *Compliance with the Municipal Act including the Accountability and Transparency Section*
- *Direction of Staff*
- *Advisory Body to provide recommendations to Council*
- *No direct representations of the City to Provincial or Federal Governments*
- *Follow the by-laws and policies established by Council)*

**ACTIVITIES:** The following are the activities and responsibilities of the Committee: (List specific activities, such as:)

- (a) To make recommendations to Council on various issues related to the Board/Committee mandate.
- (b) To advise and make recommendations to Council on strategy, policies and procedures to achieve Council's goals relating to the Board/Committee's mandate.
- (c) To develop and recommend to Council the promotion of public education programs on local related issues and related to the board/Committee's mandate.
- (d) To review other governmental reports/programs and advise/make recommendations to Council of any impacts of those reports for the City and any action that should be considered by Council.

- (e) To prepare, by September 15<sup>th</sup> of each year, a projected budget and work program for the succeeding year, for presentation to, and adoption by, Council during the budget presentation process.
- (f) *Other – as recommended and approved by Council.*

**COMPOSITION:** The Committee shall be comprised of a maximum of (*state number of members*) consisting of (*state number of public volunteers*) members of the public and (*state number of council members*) Council representative(s). Committee members will be appointed by Council in accordance with established policy. The Councillor appointed by the Council will be ex-officio on the Committee. The Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include as a minimum, a Chair, Vice-Chair and Secretary. It is acknowledged that there are no per diems for any Committee positions and it is acknowledged that none of the above positions shall be paid for their services.

**TERM OF APPOINTMENT:** Unless exempted by legislation, members will be appointed to varying terms to a maximum of a three year term. An equal number of appointees will be for a one year term and two year term with the balance appointed to a three year term for the first appointees. Successive appointments will be for a three year term to ensure knowledge succession and that there be no complete turnover of membership in any given year.

**RESOURCES:** The (*name the department*) will provide support in the form of advice, day-to-day liaison with the City, updates on program and promotional ideas and initial assistance in their implementation to the degree resources are available. The Department will also assist in the preparation and submission of budget requests/grant submissions, if needed.

**STAFF ASSIGNED:** Staff from (*name the department*) will be available to assist the Committee as outlined under "Resources" and to attend meetings of the Committee upon request.

**TIMING OF MEETINGS:** Meetings will be held on a set day and time as may be determined by the Committee/Board or at the call of the Chair.

**ADMINISTRATION:** Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Committee/Board at any time. Any changes proposed to these Terms of Reference by the Committee/Board shall be recommended to Council via the Director through a report to the appropriate Committee of Council.

**APPOINTMENT OF OFFICERS:** The (*name of Committee*) shall, at its first meeting in each year, elect from its membership a chairperson and a vice-chairperson. In the event that there is a staff liaison appointed pursuant to Staff Appointment, that person shall serve as the Secretary. In the

event that there is no staff liaison, the Committee shall, at its first meeting in each year, elect from its membership a Secretary.

**MEETINGS:** The Committee shall hold a minimum of (*state number*) meetings in each calendar year. The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Committee.

**PROCEDURES:** Procedures for the meetings of the Committee shall be governed by Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

**CLOSED MEETINGS:** The Committee may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive personal issues or legal matters. If the Committee elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison and visiting members of Council, if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meetings can only be held in accordance with Section 239 of the Municipal Act. Prior to the commencement of closed session, a resolution shall be passed stating the general nature of the matter to be discussed and what section of the Municipal Act applies.

**AGENDAS AND MINUTES:** A copy of the Agenda shall be provided to the Clerk's office at the same time it is provided to Committee Members.

Minutes of all meetings of the Committee/Board shall be forwarded to the (*name of Department*) and to the Clerk's Office not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the (*name of the Department*) at that time. The Clerk's Office will electronically circulate the minutes to all members of Council for their information. The Clerk's Office will maintain a set of printed minutes on file for public review.

**REPORTS:** All recommendations of the (*name of committee*) are to be forwarded to Standing Committee in a formal written report on the City report template. It will be the responsibility of the Committee to identify those recommendations to the (*name of the Department*) for final preparation of the report.

**CONFLICTS OF INTEREST:** Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

**ERRORS/OMISSIONS:** The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance,

does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Committee may at any time waive notice of any meeting.

**MEETING ATTENDANCE:** Any member of the Committee who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member in accordance with adopted policy.

**LOCATION OF MEETINGS:** The location of the meetings will be set by the Committee.

**PURCHASING POLICY:** This Committee has no purchasing or procurement responsibilities. OR ALTERNATIVELY: This Committee has the following purchasing responsibilities within the budget allocated as follows (most should not have any purchasing responsibilities)

**BUDGET:** Committees will not be responsible for a budget unless Council approves their budget and delegation of responsibility to the Committee through the Committee's Terms of Reference.

**VOLUNTEER POSITIONS:** Unless approved by Council, as part of the Terms of Reference or establishing by-law, all committee members are considered volunteer positions. Mileage costs and other minor expenses related to committee activities may be eligible for reimbursement subject to budget approvals by Council.

**INSURANCE:** *(This will be specific to the committee and will advise the members clarification of the position of the city insurers with respect to the specific committee and to what extent the city's coverage will be extended.)*

**DISSOLUTION:** At the discretion of Council, or upon the mandate of the Board/Committee being fulfilled, the Committee may be dissolved by resolution of Council.

**EXPULSION OF MEMBER:** The Committee may recommend to Council the expulsion of a member or Council may remove a member for reasons as listed, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act; disrupting the work of the Board/Committee or other legal issues. The process for expulsion of a member is outlined with Policy Number 028 CAO 002.