

Committees of Council Orientation Package



Introduction

Welcome to a volunteer advisory committee of the City of Kawartha Lakes. We thank you for submitting your name to serve on this committee and provide the City with your insight into the discussions and recommendations that will be presented to Council.

This Orientation Package has been assembled to supply you with basic information on the Committee, how advisory committees operate and some rules that all municipalities must follow in their deliberations.

Good luck with your involvement with the City and again, we thank you for your volunteer participation.

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Council Committee, Board and Task Force Policy

The Council Committee, Board and Task Force Policy applies to all Council Committees, Boards and Task Forces created and approved by Council and their working groups. Where a Council Committee or Board is legislated, the provisions of the governing legislation shall take precedence over this policy.

Council Committee, Board and Task Force Policy



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Terms of Reference

What are Terms of Reference?

Terms of Reference describe the purpose and structure of a committee, board, or task force that has been established by Council including the group's scope and limitations. All Terms of Reference for each Committee of Council have been adopted by Council, and as such are required to be followed for all activities of the group. And while some Committees of Council have very similar Terms of Reference, elements may differ between various committees. Amendments, deletions, and additions to the Terms of Reference to your committee must be approved by Council.

Included in this package are the Terms of Reference specific to your Committee of Council.

Terms of Reference Template – Committees/Board



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Terms of Reference Template – Task Force



Terms%20of%20Ref
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Roles of Various Committee Members

Chair

The role of the Chairperson includes:

- The responsibility to chair the meeting.
- Ensuring notice of meetings is provided to members of the Committee/Board through the Recording Secretary.
- Ensuring the meeting is conducted as listed on the agenda or by resolution if it is decided to move an item up on the agenda.
- Calling for pecuniary interest when listed on agenda. It is up to the individual to determine whether or not he/she has a pecuniary interest and the person cannot be advised by any other member of the committee, including the chairperson.
- Ensuring all members of the Committee, visiting staff and members of the public are treated with respect.
- Providing a memo to the liaison department identifying any Committee/Board recommendations to facilitate preparation of a report to Council.

Vice-Chair

The Vice-Chairs of committees may serve as replacements for the Chair, presiding over meetings when the Chair is unable to attend. All of the Chair's powers can be delegated to the Vice-Chair, and the Vice-Chair can preside over a committee meeting while the office of Chair is vacant.

Recording Secretary

The role of the recording secretary includes:

- Ensuring current Terms of Reference for the Committee has been provided to the Clerk's office and is posted on the City website.
- Preparation of agenda for circulation per Terms of Reference which (including circulation to the Clerk's Office)
- Ensuring items for Closed Session meet the criteria for Closed Session per the Municipal Act
- Attendance at meetings to take minutes
- Receive written statements of any member's disclosure of pecuniary interest and in turn provide it to the City Clerk for inclusion in the City's Registry of Statement of Disclosure as required by the Municipal Act
- Record all motions including having a mover and seconder and noted if the motion is **Carried** or **Defeated**

- Ensuring quorum is maintained (a majority of the members of the Committee unless otherwise outlined in approved Terms of Reference)
- Preparation of Minutes for circulation as per Terms of Reference (including circulation to the Clerk's Office within two (2) weeks of the meeting; the Clerk's Office will circulate the draft minutes to Council electronically to members of Council and Directors as per established process.
- Submitting mileage sheets to members for completion and then to A/P per department procedures
- Keeping a task list of all action items
- If task requires approval from Council, prepare a staff report to be added to a Council agenda per policy
- Acknowledging correspondence that has been received by the committee
- Keeping originals or copies of all agenda items per the City's Records Management Program
- Ensuring accessibility needs are met (accessible rooms, documents, assistive devices)

Councillor Liaison

Members of Council are given the opportunity to serve on committee(s) of interest by advising the Mayor of their committee preferences for service. The Mayor shall coordinate the appointment of members of Council to Committees and all appointments shall be approved by Council resolution. Unless specifically required by the Council approved Terms of Reference, City of Kawartha Lakes committees shall generally have no more than one Councillor appointed. The Councillor Liaison role within the committee provides advice and support relevant to the decisions at hand.

The role of Council Liaisons includes:

- Acting as an informal liaison between the Committee and Council
- Communicating Council's perspective or Council matters where appropriate
- Ensuring that the committee adheres to the municipality's policies and procedures

Staff Liaison

The role of Staff Liaison includes:

- Providing technical support to the Committee as required
- Communicating the Corporate Strategic Plan, Committee and Council related policies and information items, departmental goals and objectives as required
- Incorporating formal Committee comments and recommendations into Staff Reports where appropriate or where Committee advice has been sought
- Assisting with the development and completion of work plans

Note: Staff are not formal members of committees and have no voting privileges, unless otherwise provided in the Council-approved Terms of Reference.

Process for Appointment of Roles

1. At the first meeting in each year, Committees of Council shall elect from its membership a chairperson and vice chairperson. A member of staff shall be designated as Recording Secretary by the liaison department. In the event there is no staff liaison, the Committee shall, at its first meeting in each year, elect from its membership a Secretary.
2. The first item of business on the agenda of the first meeting in each year shall be the appointment of the executive positions. The meeting will be called to order by the appropriate Staff Liaison or his/her delegate who shall be acting chair.
3. The Staff Liaison or delegate shall call for nominations for the position of Chair. This shall be done three (3) times after which the nominations shall be declared closed.
4. The Staff Liaison or delegate shall then call the vote, by a show of hands. Each member may vote only once. If there is a tie vote, the person with the least number of votes is no longer considered a candidate and a second vote is called to break the tie. Each member is again allowed only one vote. The Staff Liaison or delegate declares the name of the member appointed as Chair.
5. The Staff Liaison may continue with the nomination for the other positions with the newly appointed Chair assuming the Chair once all positions have been filled.

Sample Minutes for Appointments

The Staff Liaison called for the nominations for the position of Chair.
(One or more persons may be nominated)

The Staff Liaison called a second time for nominations for the position of Chair.
(More nominations may be put forward)

The Staff Liaison called for a third and final time for nominations for the position of Chair.
(More nominations may be put forward)

The Staff Liaison declared nominations for the position of Chair for the _____ Committee closed.

Each nominated person was asked if he wished to let his name stand for Chair of the Committee.

The Staff Liaison declared _____ as Chair of the _____ Committee.

The Chair assumed the Chair and conducted the nominations for Vice Chair (*and any other position that needs to be appointed*).

Note: If more than one person wishes to leave his name stand for Chair a vote by a show of hands shall be held. (See Item # 4 under Process for Appointment.)

Note: The same process as outlined above is used for all nominations.

Absence of the Chair

In the event the Chair does not attend at a Meeting within fifteen minutes after the appointed commencement time or, in the event of prior notice of his or her absence, the Vice-Chair shall assume the Chair of the Meeting and call the Members to order. If a quorum is present, the Vice-Chair shall preside as Chair during the Meeting or until the arrival of the Chair. In the absence of both the Chair and Vice-Chair, the Recording Secretary shall call the Members to order, if a quorum is present. A Chair shall then be chosen by the Members present who shall preside during the Meeting or until the arrival of the Chair or Vice Chair. While presiding at the Meeting, the Acting Chair shall have same authority as the Chair and shall be entitled to vote with the other Members.

Work Plan Document and Reporting Requirements

What are the Work Plan and Reporting Requirements?

Included in the Terms of Reference, each committee will be required to provide and present to Council an annual written report by end of Q1 each calendar year to outline the Committee's/Board's achievements/progress from the previous year in line with their approved work plan. This report will measure the committee's effectiveness in relation to their established goals, approved mandate and Council's strategic priorities. The annual report will ensure Council maintains their required oversight of activities. In addition, it provides Council with a way to measure the committee's performance. The Council Liaison position also has the opportunity to advise Council if they feel a committee is not reaching its mandate during the year, if the goals need to be amended, or if the committee has issues related to deviation from City policies.

Included in this section is a sample Work Plan form, and Council Report template that your committee may use to fulfill the reporting requirements.



Council Report
Template.docx



Committee Work Plan
Tool.docx

Insurance Requirements

Managing Risk with Volunteers

The City of Kawartha Lakes' Municipal Liability Policy provides coverage to Committees of Council and their members provided that the Committee is under the control of, answerable to, or the responsibility of the City of Kawartha Lakes. The intent is that the Committee of Council works in conjunction with the municipality. To be insured, the City must be aware of all activities planned by the Committee so that the City can access the risks and ensure that proper policies and procedures are being adhered to.

A Committee of Council is a representation of the City of Kawartha Lakes and therefore must always act in the best interest of the municipality and its citizens.

On a general note, any committee or individual committee members should not make any commitments on behalf of the committee or the City unless they know they are in a position to properly and safely complete the task. Any commitments they make and if not followed through on could result in a finding of liability against the City. The same would be true for any Committee events; it would be the City's Municipal Liability Policy that would respond in the event of a loss, with the City financing all expenses within its deductible.

Any Committee member that has concerns with respect to their roles and responsibilities, performance of their duties as assigned or any risks associated with such duties should address such concerns with the Committee head or staff liaison. Committees of Council are expected to be aware of and follow all applicable City policies and procedures.

Please review the additional insurance information supplied. A waiver has also been supplied that must be signed by all committee members and returned to the Clerk's Office at City Hall.

Insurance Definitions

For reference purposes, the definition of an Insured as identified within the Municipal Liability Policy is as follows:

"INSURED" includes the "Named Insured" meaning the municipality and also the following "Additional Insureds" while performing their duties for or in association with the "Named Insured":

- a. Any Board, Commission or Committee of Council.
- b. Any Member of Council or of a Board, Commission or Committee of Council or Trustees of a Police Village.
- c. Any statutory officer, officer or employee of any "Insured".

- d. Any firefighter. Firefighters' duties are deemed to include all activities related to the occupation of a firefighter including rescue operations and his or her activities as a member of Firefighters' Associations or Clubs.
- e. Any volunteer worker of any "Insured".

Insurance Coverage

Where the following conditions apply, coverage under the Municipal Liability Policy is extended to the Committee of Council:

1. Council must pass a resolution stating that a group of individuals will be acting as a Committee of Council;
2. The Committee must be accountable to Council for all their actions and activities;
3. All finances are directed by Council, or at least approved by Council;
4. Typically, one or two Council Members are appointed to sit on the Committee.

The Municipal Liability Policy extends to the activities of the Committee of Council that are authorized by the City. Where a committee acts completely independent of the municipality, no coverage under the Municipal Liability Policy exists. If the committee partners with another group that does not have their own insurance, the Municipal Liability Policy will not extend coverage to that uninsured group. In the event of a loss, the City's insurer would only be obligated to defend the City and the authorized Committee of Council, not another group partnered with. Therefore it is not in the best interest of the City and/or a Committee to partner with another group that does not have insurance.

Committee members are volunteers and are not entitled to any benefits normally provided by The Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario (WSIB). There is no coverage for any loss or injury sustained by the member or loss or damage to their personal property. Committee members are responsible for their own medical, disability or health insurance coverage.

Risk Management

All Committees of Council must incorporate best risk management practices into their activities/events to ensure the safety of the community and to reduce the possibility of a loss against the municipality. Events that are considered outside of normal municipal operations or viewed as higher risk may not be covered under the City's general insurance program. For example, fireworks displays, music festivals or events with large attendance, BMX/Skateboard or high risk sports demonstrations or events where alcohol is being served, may all require the purchase of alternate insurance coverage or modification of the event.

All Committees must be risk aware. The following provides examples of general risk management best practices:

- Committee events and activities must be well documented and planned, adhering to all applicable City policies and procedures;
- Any contracts or hold harmless agreements to be signed with third parties including businesses, vendors, partnering groups must first be reviewed by the appropriate municipal staff or department. Insurance requirements must be reviewed and complied with;
- Any events held by the committee must be inspected on an ongoing basis including before, during and after the event to ensure that it is clear of debris and any hazardous situations;
- Any hazardous situations or concerns should be addressed immediately either by repairing the hazard or clearly marking it in a manner that will not cause harm to the general public and such situations must be reported to the appropriate municipal staff liaison as soon as is practicable ;
- All such inspections completed by the committee and any actions taken should be well documented by the committee members;
- All extension cords etc. that could pose a trip hazard, whenever possible should be covered with thick rubber matting, or securely fastened to the floor;
- If the area will be closed to traffic, consideration will need to be given as to how to manage an emergency situation that requires the attention of fire/police/ambulance, and adherence shall be given to the Road Closure Application/Process including any pre-event planning including signage requirements, crowd control etc.;
- Accidents/incidents must be reported immediately to the appropriate municipal staff liaison with all documentation, including a completed Accident Incident Report Form submitted within 24 hours including the details of the incident, photographs, diagrams, witness and contact information.

All municipalities are looked upon as having “deep pockets” and subject to the legal principle of Joint and Several Liability. If a municipality is found to be 1% at fault, the City could potentially be ordered to pay the entire settlement if insurance proceeds (coverage) are unavailable elsewhere. Due to this principal, it is very important for municipalities and committees to utilize all available risk management tools and to avoid activities that can increase liability. The Insurance & Risk Management Department is available to review committee events/activities and offer general advice.



CKL Volunteer Waiver
Final.docx

Committee Member Resources



Municipal Conflict of Interest Act

All Committee Members shall recognize and be aware of their obligations under Municipal Conflict of Interest Act, 1994, as amended from time to time.

Additionally, members should be aware that some conflicts may be perceived in nature and will need to be considered on an individual basis to ensure the utmost integrity in the decision making process.

Declaring a pecuniary interest is the responsibility of the individual member. It is not the role of the Chair, or other committee member or staff to provide advice or direction on a pecuniary interest to the individual member.

Commencing on March 1, 2019, new provisions under the Act require that at a meeting at which a member discloses a pecuniary interest, or as soon as possible afterwards. The member shall file a written statement of interest and its general nature with the clerk of the municipality or the secretary of the Committee/Board. Written statements filed with the Recording Secretary will be forwarded to the City Clerk for inclusion in the City's Registry of Statement of Disclosure.

Please review the Municipal Conflict of Interest Act (Consolidated, 2018) in this section.



Municipal Conflict of
Interest Act.docx

Section 239 of the Municipal Act

Closed Session Meetings

Only Committees permitted to hold Closed Session Meetings as per their Council-approved Terms of Reference may do so.

Section 239, Municipal Act, 2001

239.(1) Meetings open to public. – Except as provided in this section, all meetings shall be open to the public.

(2) Exceptions. – A meeting or part of a meeting may be closed to the public if any subject matter being considered is,

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(3) Other criteria. – A meeting shall be closed to the public if the subject matter being considers is,

- a) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or

- b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1).

(3.1) Educational or training sessions. – A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

(4) Resolution. – Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

- a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

(5) Open meeting. – Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote.

(6) Exception. – Despite section 244, a meeting may be closed to the public during a vote if,

- a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
- b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

(7) Record of meeting. - A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not.

(8) Same. – The record required by subsection (7) shall be made by,

- a) the clerk, in the case of a meeting of council; or

- b) the appropriate officer, in the case of a meeting of a local board or committee.

(9) Record may be disclosed. – Clause 6(1)(b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1).

Note: Clause 6(1)(b) of MFIPPA reads:

EXEMPTIONS

Draft by-laws, etc.

6.(1) a head may refuse to disclose a record,

- a) that contains a draft of a by-law or a draft of a private bill; or
- b) that reveals the substance of deliberations of a meeting of council, board, commission or other body or a committee of one of them if a statute authorizes holding that meeting in the absence of the public.

Meeting Investigator

With the *Municipal Act, 2001* amendments, Section 239.1 and 239.2 have established the right of any person to request an investigation of whether a municipality or local board has complied with the closed meeting requirements of the Act. Should the municipality receive a request, there are really two options in dealing with the request:

- 1) obtain the services of an independent investigator; or
- 2) by default, the Ombudsman for Ontario will conduct the investigation.

Section 239.3, 239.4, and 239.5 sets out that municipalities must have regard for several issues when assigning powers and duties of a meetings investigator including the following:

- The investigator's independence and impartiality;
- Confidentiality with respect to the investigator's activities; and
- The credibility of the investigator's investigative process.

When reviewing the issues that a meeting investigator would be involved in, it seems logical that the following attributes would serve the municipality and the public interest:

- Extensive knowledge of municipal government
- Working knowledge of council operations and policies

- Detailed knowledge of the Municipal Act and its requirements
- Credibility with municipal councils and staff
- Credibility with the public
- Credibility with the media
- No specific connections to the City of Kawartha Lakes.

Accountability and Transparency Policy

Please review the Accountability and Transparency Policy in this section.



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Code of Conduct and Ethics – Members of Committees, Boards & Task Forces

Please review the Code of Conduct for Members of Committees, Boards and Task Forces included in this section. It is expected that volunteers to Committees of Council act in a respectful and ethical manner as representatives of the City of Kawartha Lakes.



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e%20of%20Conduct

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

F.O.I. (Freedom of Information) is a commonly used term that refers to Ontario's *Municipal Freedom of Information and Protection of Privacy Act*. The *Act* came into force in 1991, and applies to all Ontario municipalities, local boards, agencies and commissions.

The fundamental purpose of the freedom of information system is accountability to the public.

The spirit of the *Act* is to create an open and accountable government by providing as much information as possible to the public, while ensuring that their personal privacy is protected.

The *Act* gives individuals two legal rights:

- The right to access government information, including most general records, and personal information about yourself; and
- The right to the protection of personal information which may be held within government records.

The *Act* contains a number of mandatory and discretionary exemptions which allow the City to deny access to records containing certain types of information.

Mandatory exemptions include: someone else's personal information; inter-governmental relations; information about a third party.

Discretionary exemptions include:

- Information that may cause danger of health and safety
- Solicitor-Client privilege
- Published information
- Economic or other interests of an individual or company
- Limitations on access to one's own personal information
- Draft By-Laws
- Reports and records of Closed Meetings
- Legal, consultant advice or recommendations
- Law Enforcement information.



Councillor's Guide to
FOI.docx



CKL Staff Guide to
FOI - Revised 2017.pdf



IPC Factsheet for
Councillors.pdf

Accessibility for Committees

Accessibility training is a mandatory requirement of the AODA (Accessibility for Ontarians with Disabilities Act, 2005). A training module is available for all committees (in DVD or PowerPoint format), and staff liaisons can set up this training following a regularly scheduled meeting. In addition, please review the following items:

- Accessibility Policy # CP2018-006 and the procedures associated to it
- “May I Help You Guide”, the City’s policy and information guide on serving customers with disabilities
- OMSSA’s Guide to Conducting Accessible Meetings (optional resource)
- [Accessible Customer Service Training Video - Focus on the Person not the Disability](#)

Should you have any questions, please contact Barb Condie, Accessibility Coordinator at 705-324-9411 ext. 1185 or bcondie@kawarthalakes.ca

