

# Handbook for Advisory Committees

Revised May 2015



# Legal and Clerks Services

## Office of the City Clerk

### Table of Contents

Introduction and general information

<b>APPENDIX A:</b>	AGENDA AND MINUTES TEMPLATE
<b>APPENDIX B:</b>	TERMS OF REFERENCE TEMPLATE
<b>APPENDIX C:</b>	CODE OF CONDUCT FOR ELECTED OFFICIALS, LOCAL BOARDS AND ADVISORY COMMITTEES
<b>APPENDIX D:</b>	BY-LAW NO. 2015-121 SIMPLIFIED MEETING PROCEDURES FOR ADVISORY COMMITTEES
<b>APPENDIX E:</b>	MUNICIPAL CONFLICT OF INTEREST ACT
<b>APPENDIX F:</b>	GUIDELINES FOR MEDIA/NEWS RELEASES TEMPLATE

### **Effective Meeting Management**

The business of the advisory committees is conducted at its meetings. Conducting effective meetings ensures the agenda items are dealt with in an organized manner, having regard for the rules of procedure and ensuring those who wish to speak on the matter are heard.

It is generally apparent when a meeting is taking place a notice has been given, an agenda has been prepared and the general process regarding location and procedures have been followed in accordance with the Procedural By-law of the board/committee. Council has adopted the simplified rules of procedure (See Appendix D) as the procedural rules for all advisory committees.

#### **Public Notice of Meetings**

The staff liaison or secretary in attendance shall provide public notice for all meetings of the advisory committee by posting a notice on the website or posting the same near or at the place the meeting is being held. The agenda is sufficient to meet the notice requirements provided it is publicly posted.

When it is necessary to cancel a meeting i.e.: inclement weather, prior knowledge of lack of quorum, if time permits, the members should be contacted to advise them of the cancellation.

#### **Open and Closed Meetings**

Local government in Ontario must be open, transparent and accountable. Accordingly, the Province has established rules for 'closed' meetings for Council. Council has extended these rules with advisory committees.

On rare occasions it may be necessary for the board/committee to meet behind closed doors (where the public and press are not permitted to attend). The purpose of a closed meeting is to receive information or give direction or instructions to staff. No voting should be done behind closed doors with the exception of procedural matters only. The rules for advisory committees holding closed meetings are the same as for Council are provided in Section 239 of the Act.

### **Exemptions for the Purposes of Closing a Meeting**

Section 239 of *the Act*, as amended sets out the rules for closed meetings for municipal councils and certain local boards and bodies.

***The following rules will also be followed for advisory committees:***

Committees are permitted to go into Closed Session if the subject matter relates to:

1. The security of the property of the municipality or local board. *Section 239 (2)(a)*
2. Personal matters about an identifiable individual, including municipal or local board employees. *Section 239 (2) (b)*
3. A proposed or pending acquisition or disposition of land by the municipality or local board. *Section 239 (2) (c)*
4. Labour relations or employee negotiations. *Section 239 (2) (d)*
5. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. *Section 239 (2) (e)*
6. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose. *Section 239 (2)(f)*
7. Being permitted by another *Act* to hold a closed meeting (i.e. *Emergency Management and Civil Protection Act*). *Section 239 (2) (g)*
8. Education and training of the members and no member discusses or deals with a matter that materially advances the business or decision-making of the board/committee. *Section 239 (3.1)*

It is highly recommended that the board/committee receive a confidential report or memo prepared by staff (or Chair) on the matter with their agenda and that it contain a recommendation(s). It provides clarity on the matter, allows time to digest and consider the matter and be prepared for discussion. It is also important to have a record of the matter discussed in closed session. If you have any doubt with respect to the content of the meeting and whether your agenda item is exempt (as per above), please consult with legal services or the City Clerk.

### **Committee Definitions and Purposes**

*Advisory* committees provide recommendations and advice to city staff and Council. Committee members may contribute to the development of policies, programs and initiatives that enhance the municipality's quality of life.

These appointments, which are concurrent with the Council term, allow local citizens from various backgrounds to participate in local government. The City can benefit greatly from citizen volunteer's expertise, enthusiasm and civic pride.

Some advisory committees may also be involved in the organization and promotion of special events or activities.

The goals, objectives and purpose of the advisory committee will be contained in one or more of the following: the advisory committee's terms of reference, the by-law that established the committee, a Council report recommending the formation of the committee or a resolution of Council.

### **Authority**

The nature of advisory committee recommendations to Council is purely advisory. The committee has no authority, per se. Council may approve, amend, refer or propose other resolutions, as Council deems appropriate.

As a result, committee members should not take it personally if Council disregards one of their recommendations. Council members have to weigh various competing interests.

Advisory committees shall not reconsider, recommend or advise on a matter that has been decided by Council, unless directed by Council.

## **Responsibilities and Expectations of Advisory Committee Members**

Advisory committee members are expected to:

- Familiarize yourself with the mandate and/or terms of reference of the advisory committee
- Understand the committee's advisory relationship to Council
- Strive to attend all scheduled meetings
- Prepare for meetings by reading agendas and any background information supplied
- Actively participate in the discussion and decision-making process
- Undertake any work assigned, including special projects and research, in between meetings
- Be open-minded and allow for a variety of opinions to be heard
- Respect the individual worth and dignity of other advisory committee members, and maintain a high degree of professionalism
- Ask questions, and seek clarification through the staff, the Council liaison or chair
- Respect the role and responsibility of the chair
- Respect that actions taken and recommendations shall reflect the majority view of the advisory committee
- Respect the decisions and finality of Council
- Clearly identify any items of pecuniary interest before they are discussed, and refrain from discussion and voting on the same
- Comply with code of conduct

## **Responsibilities and Expectations of the Chair**

All of the responsibilities and expectations of committee members apply to the Chair. Additional responsibilities and expectations include:

- Facilitate the meeting by identifying the order of proceedings and speakers
- Ensure active participation by all advisory committee members
- Be open-minded and encourage a variety of opinions to be heard
- Maintain decorum and ensure fairness and accountability
- Respect the individual worth and dignity of other advisory committee members, and maintain a high degree of professionalism
- Generally, refrain from the discussion until all committee members and Council liaison, if not the Chair, have had an opportunity to speak on a matter
- The Chair has no authority to make decisions on his or her own, he or she can only run a meeting in a fair and efficient manner so that the will of the majority prevails after the minority has had a fair chance to present its point of view
- Assist staff liaison when possible or when requested

### **Responsibilities and expectations of the Council Liaison**

The role of a councillor that is a member of any advisory committee is to understand that the obligation to observe the Code of Conduct extends to his/her participation as a member of that board. Some expectations and responsibilities that would be unique to Council members on an advisory committee are:

- Ensure that advisory committee members are fairly and appropriately engaged
- Ensure that staff liaison is not unfairly taking on tasks outside the general parameters of their position
- Liaise between Council and the advisory committee, providing information and clarification
- Ensure advisory committee members are aware of Council issues that may affect the goals and objectives of an advisory committee, including past actions of Council
- When necessary and appropriate, explain the rationale behind the advisory committee's recommendation when brought forward to Council
- Assist staff liaison, especially with regard to reports to Council

### **Responsibilities and expectations of the Staff Liaison**

Each advisory committee will have one or more staff members.

Staff members will be assisting advisory committees as part of their work duties. If the staff member feels that the activities of the advisory committee are going beyond the parameters of their position, they should speak to their supervisor.

Responsibilities and expectations unique to the staff liaison:

- Provide an administrative, secretarial or policy advisor role to the committee
- Remain impartial to all committee members
- Do not participate in any voting; the staff liaison is not an Advisory Committee member
- Be mindful of any recommendations proposed by the committee, that contradict with the municipality's by-laws or policies. Attempt to reconcile any conflicts. If reconciliation is not possible, point out the conflicts in the report.

### **Reporting**

All reports to Council will be prepared by the staff liaison and/or department director. The reports will reflect the recommendations of the advisory committee mindful of the policies, practices and by-laws of the municipality.

Advisory committee member(s) shall rely exclusively on appointed staff support to communicate and dispense with recommendations and actions taken by advisory committees, and shall not intervene in the administrative practices.

### **Attendance**

Generally, advisory committees meet once a month. Nonetheless, subcommittee or working groups formed to carry out the activities of the committee may necessitate a more frequent time commitment.

If an advisory committee member is unable to attend a meeting, they should inform the staff liaison.

If an advisory committee member feels they cannot commit the requisite time to the committee, they should resign to allow others who may be interested in participating on the committee.

### **Behaviour**

Behavioral expectations are listed in the responsibilities section. In addition, the following guidelines should be noted by advisory committee members:

Some advisory committees are afforded a profile in the community. As a result, members may be engaged in activities that put them in direct contact with citizens and various organizations. Advisory committee members shall reflect a professional, courteous manner when interacting with the public.

The Council liaison and advisory committee chair play an important role in ensuring that a functional relationship is developed, and in ensuring the integrity of committee members is not impinged.

Conflict is often part of the group decision-making process. When conflict becomes ongoing, inappropriate, unconstructive, or offensive, there may be a need to intervene with appropriate dispute resolution mechanisms.

### **Communications**

Communications emanating from an advisory committee should not be contradictory to the policies and by-laws of the municipality or its Council.

Any communication of a policy nature shall be recommended to Council for their ratification.

Letters of thank you, or recognition or correspondences related to the advisory committee's mandate do not have to be vetted through Council.

If a staff liaison is uncomfortable with a proposed communication from the advisory committee they should direct it to their department head for guidance.



Unless approved by the committee or Council, an advisory committee member should not speak on behalf of the committee.

In a public forum or publication, clearly identify whether you are speaking in your capacity as an advisory committee member, or as an independent citizen, where appropriate.

### **Role of the Municipal Clerk**

The municipal clerk has a statutory duty to record the proceedings of a council meeting. *The Act* requires that these minutes be “without note or comment”. The minutes form the corporate record of the municipality.

The staff liaison responsible for taking minutes of a closed meeting is obligated to record all of the proceedings. Thus, if members of the council, local board or committee are deliberating additional topics, the liaison must record the occurrence of those deliberations in the minutes. Matters that do not appear on a closed agenda should not be deliberated.

Members are encouraged to speak with the clerk about procedural issues. Also, members should read and understand their municipality’s procedural by-law.

### ***Inspection of records***

**253 (1)** *Subject to the Municipal Freedom of Information and Protection of Privacy Act, any person may, at all reasonable times, inspect any of the records under the control of the clerk, including,*

- (a) By-laws and resolutions of the municipality and of its local boards;*
- (b) Minutes and proceedings of regular, special or committee meetings of the council or local board, whether the minutes and proceedings have been adopted or not;*
- (c) Records considered at a meeting, except those records considered during that part of a meeting that was closed to the public;*
- (d) The records of the council;*
- (e) Statements of remuneration and expenses prepared under section 284. 2001, c.25, s. 253 (1).*

**APPENDIX A**  
**AGENDA AND MINUTES**  
**TEMPLATE**

[Name of Committee]

## Agenda

[Select Meeting Date]

[Location] at [Meeting Time]

### Members:

[Names]

### Staff Liaison:

[Name]

---

1. **Call meeting to order (Chair)**  
[Meeting Time]
2. **Additions/Deletions to the Agenda**  
[List Additions/Deletions]
3. **Motion to approve the agenda**  
[Motion to Approve]
4. **Motion to adopt the minutes of the previous meeting**  
[Motion to Approve Previous Meeting]
5. **Presentations (invited guests)**  
[Name and purpose of presentation to the committee]
6. **Business arising from the minutes**  
[List items coming from previous minutes]
7. **Business**
  - 7.1
  - 7.2
8. **Date of next meeting**  
[Select Next Meeting Date]

9. **Motion to Adjourn**

[Name of Committee]

## Minutes

[Select Meeting Date]

[Location] at [Meeting Time]

### Attendance:

[Names]

### Absent:

[Names]

### Staff Liaison:

[Name]

---

1. **Call meeting to order (Chair)**  
[Meeting Time]
2. **Additions/Deletions to the Agenda**  
[List Additions/Deletions]
3. **Motion to approve the agenda**  
[Motion to Approve]
4. **Motion to adopt the minutes of the previous meeting**  
[Motion to Approve Previous Meeting]
5. **Presentations (invited guests)**  
[Name and purpose of presentation to the committee]
6. **Business arising from the minutes**  
[List items coming from previous minutes]
7. **Business**
  - 7.1
  - 7.2

8. **Date of next meeting**  
[Select Next Meeting Date]

9. **Motion to Adjourn**

**APPENDIX B**

**TERMS OF REFERENCE**

**TEMPLATE**

[Name of Committee]

## Terms of Reference

### **Statement of Purpose**

[Insert a concise statement of the committee's mandate]

### **Composition**

[Insert details about the composition of the committee. Example, number of citizens, councillors]

### **Term of Appointments**

[Insert either for the term of the Council or otherwise]

### **Reporting Structure**

[Insert whether the committee is an ad hoc or sub committee of another and that it ultimately reports to City Council]

### **Schedule of Meetings**

[Insert your meeting schedule]

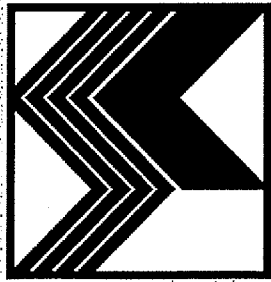
### **Other**

[Insert additional information which is relevant to the work/operation of the committee]



## **APPENDIX C**

# **CODE OF CONDUCT FOR ELECTED OFFICIALS, LOCAL BOARDS AND ADVISORY COMMITTEES**



## **CITY OF ST. CATHARINES**

### **Code of Conduct for Elected Officials, Local Boards and Advisory Committees**

#### **PREAMBLE**

A written Code of Conduct reinforces the City of St. Catharines's Accountability and Transparency Policy and other relevant legislation within which all members of Council, local boards and advisory committees must operate. It ensures that those members share a common integrity base and through adherence to its principles, the Code of Conduct serves to enhance public trust.

The key principles that underline the Code of Conduct are as follows:

- all members to whom this Code of Conduct applies shall serve in a conscientious and diligent manner;
- members are expected to perform their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest;
- members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
- members are responsible for making honest statements and no member shall make a statement when they know that statement is false, or with the intent to mislead other members or the public; and,
- members are expected to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and St. Catharines City Council.

#### **PART 1**

##### **ROLES AND RESPONSIBILITIES**

This Code of Conduct operates along with and as a supplement to the existing statutes governing conduct. This Code is intended to be read in conjunction with and is not deemed to supersede any City by-law and policies as passed or approved from time to time. Five primary pieces of Federal and Provincial legislation govern the conduct of members of Council, those being:

- the *Criminal Code of Canada*;

- the *Municipal Conflict of Interest Act*, as amended;
- the *Municipal Elections Act, 1996*, as amended;
- the *Municipal Freedom of Information and Protection of Privacy Act*; and,
- the *Municipal Act, 2001*, as amended.

Part VI (Practices & Procedures) of the *Municipal Act, 2001* prescribes the following as the roles of a municipal council, the head of council and the head of council as chief executive officer:

It is the role of council:

- to represent the public and to consider the well-being and interests of the municipality;
- to develop and evaluate the policies and programs of the municipality;
- to determine which services the municipality provides;
- to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- to maintain the financial integrity of the municipality; and,
- to carry out the duties of council under this or any other Act.

It is the role of the head of council:

- to act as chief executive officer (CEO) of the municipality;
- to preside over council meetings so that its business can be carried out efficiently and effectively;
- to provide leadership to the council;
- to provide information and recommendations to the council with respect to the role of council described in Sections 224.(d) and (d.1) of the *Municipal Act, 2001*;
- to represent the municipality at official functions; and,
- to carry out the duties of the head of council under this or any other Act.

As chief executive officer of a municipality, the head of council shall,

- uphold and promote the purposes of the municipality;
- promote public involvement in the municipality's activities;
- act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and,
- participate in and foster activities that enhance the economic, social, cultural and environmental well-being of the municipality and its residents.

## **DEFINITIONS**

“Code of Conduct” - shall mean the City of St. Catharines Code of Conduct for Members of Council, Local Boards and Advisory Committees.

“Complaint” - shall mean a written allegation of a purported contravention of the Code of Conduct.

“Frivolous” - shall mean of little or no weight, worth, or importance; not worthy of serious notice.

“Good faith” - shall mean accordance with standards of honesty, trust, sincerity.

“Integrity Commissioner” - shall mean the Integrity Commissioner appointed by the Council of the City of St. Catharines to provide independent and consistent complaint investigation and resolution, respecting the application of the Code of Conduct.

“Immediate relative” - shall mean a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law as well as step-relationships; spouse shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage.

“Lobby” – shall mean to solicit or try to influence the votes of members of a legislative body.

“Lobbyist” - shall mean a person who tries to influence legislation on behalf of a special interest; a member of a lobby.

Local Board shall have the same meaning as provided in the Municipal Act.

“Member” –shall mean Member of Council or Local Board or Advisory Committee

“Private advantage” - for the purposes of the Code of Conduct private advantage does not include a matter:

- a) that is of general application or considered to be an interest in common generally with the electors within the jurisdiction of an area; or,
- b) that concerns the remuneration or benefits of a member of Council.

“Vexatious” - shall mean instituted without sufficient grounds and serving only to cause annoyance to the person being complained of; troublesome; annoying: a vexatious situation.

## **PART 2**

### **APPLICATION**

Part 2 of the Code of Conduct shall apply to all members of Council and local boards. In recognizing that advisory committees are comprised largely of citizen volunteers from across the City of St. Catharines who have been appointed by Council to provide special advice and expertise; some of the provisions outlined in Part 2 may not be applicable to those members.

### **BUSINESS RELATIONS**

No member shall act as a lobbyist before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*. A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

This does not prohibit activities in which a member would normally engage on behalf of constituents in accordance with the duties of their office.

### **CONDUCT AT MEETINGS**

At all meetings members shall conduct themselves with decorum in accordance with the provisions of *St. Catharines Municipal Procedural By-law*. Respect for delegations, fellow members and staff requires that all members show courtesy and not distract from the business of the City during presentations and when other members have the floor.

### **CONDUCT OF A POLITICAL NATURE**

No member shall use City facilities, services, or property for his / her election or re-election campaign. No member shall use the services of City employees for his / her election or re-election campaign, during hours in which the employees are in the paid employment of the City.

### **CONDUCT RESPECTING STAFF**

Only Council as a whole has the authority to approve budgets, policies, committee processes and other such matters. Therefore, with the exception of the head of council's duties as the CEO, members are not permitted to individually direct the actions of staff, except as authorized by Council. Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members. Members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City of St. Catharines.

Council as a whole directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. The Municipal Act, Section 229 defines the role of the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with the decisions adopted by Council. This means that under the direction

of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. To fulfill this role, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. Council therefore should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

### **CONDUCT WHILE REPRESENTING THE CITY**

Members shall make every effort to participate diligently in the activities of the agencies, boards, committees and commissions to which they are appointed.

### **CONFIDENTIAL INFORMATION**

Pursuant to and authorized under Section 239 of the *Municipal Act, 2001*, where a matter discussed at an in-camera (closed) meeting must remain confidential, no member shall disclose the content of that matter, or the substance of the deliberations of an in-camera meeting. Members shall not permit any persons, other than those who are entitled thereto, to have access to confidential information. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required to do so by law.

Particular care should be exercised in ensuring the confidentiality of the following types of information:

- personnel matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- items under negotiation, or personnel matters;
- information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);

- price schedules in contract tender or Request For Proposal submissions if so specified;
- information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*;
- other information required by law not to be released; and,
- any and all statements that have been provided in confidence.

The above list is provided as an example and is not exclusive. If Council receives requests for information it should be referred to appropriate staff to be addressed as either an informal request for access to municipal records, or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

### **DISCREDITABLE CONDUCT**

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, disability, sexual orientation, marital status, or family status and any other grounds identified under the *Ontario Human Rights Code*.

All members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work, committee and board environment is free from discrimination and harassment. The *Ontario Human Rights Code* and the City of St. Catharines *Harassment and Discrimination Policy* applies to Council.

### **FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES**

A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by St. Catharines City Council. More generally, members are required to observe the terms of all policies and procedures established by Council. However, this provision does not prevent a member from requesting that Council grant an exemption from a policy, other than this Code of Conduct.

### **GIFTS AND BENEFITS**

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his / her duties of office, unless permitted by the exceptions listed below. Notwithstanding the exceptions listed, no member shall accept monies or any instrument that can be converted into monies unless authorized by law. For these purposes, a fee or advance paid to, or a gift or benefit provided by a third party with the member's knowledge to a member's spouse, child (who is under the age of 18 years), is deemed to be a gift to that member.

**The following are recognized as exceptions:**

- a) compensation authorized by by-law;

- b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution otherwise reported by law;
- d) services provided without compensation by persons volunteering their time;
- e) a suitable memento of a function honouring the member;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them; and, by the Federal government or the government of a foreign country;
- g) food, beverages and / or admission fees provided for banquets, receptions or similar events, if:
  - i. attendance is resultant to protocol or social obligations that accompanies the responsibility of office; and,
  - ii. the person extending the invitation or a representative of the organization is in attendance;
- h) communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories **(b) (e) (f) (g) and (h)**, if the value of the gift or benefit exceeds \$300, or if the total value received from any one source over any 12 month period exceeds \$500, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Office of the City Clerk.

The disclosure statement must indicate:

1. the nature of the gift or benefit;
2. its source and date of receipt;
3. the circumstances under which it was given or received;
4. its estimated value;
5. what the recipient intends to do with the gift; and,
6. whether any gift will at any point be left with the City.

All disclosure statements shall be a matter of public record.

### **IMPROPER USE OF INFLUENCE**

No member shall use the influence of his / her office for any purpose other than for the exercise of his / her official duties. No member shall seek or obtain by reason of his / her office any personal privilege or private advantage with respect to City services not otherwise available to the general public and not consequent to his / her official duties.

Examples of prohibited conduct are the use of one's status to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relative,



staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence in return for present actions or inaction.

### **USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES**

Elected and appointed officials shall not make use of any property or assets of the City for their personal gain. In addition, they are accountable for ensuring that any City property in their care as part of their duties is properly secured and protected at all times.

Corporate issued equipment such as computers, cell phones, blackberries and the internet system may be used for personal purposes provided the use complies with the following:

#### **Prohibited Uses**

- 1) Under no circumstances should the Corporation internet access be used to access or download material that is of a defamatory, obscene, offensive, or sexual nature. (Prohibited material on the e-mail and internet system includes, but is not limited to, transmission or downloading of defamatory, obscene, offensive or harassing messages, or messages that disclose personal information without authorization.)
- 2) Use of the e-mail system to engage in sporting pools, distribution of graphically offensive material, etc., is prohibited.
- 3) Should you receive an e-mail containing inappropriate material which is defamatory, obscene, offensive, or harassing from any source, the e-mail should be deleted and not forwarded to anyone else either inside or outside the Corporation.

No elected or appointed official shall sell, transfer, publish, disclose, display or otherwise make available computer programs, purchased software programs, technological innovations, or other intangible property or rights owned, or used, by the City. All such property or rights, and any printed or computer records prepared or provided to the elected or appointed official in performing their duties will remain the exclusive property of the City.

## **PART 3**

### **COMPLAINT PROTOCOL**

The complaint protocol shall not retroactively apply to any alleged transgressions occurring prior to the date on which the Code of Conduct was formally adopted by Council. Boards and committees will follow this Code in the immediate term of Council after it is adopted

### **INTEGRITY COMMISSIONER**

Pursuant to Section 223.3 of the *Municipal Act, 2001*, the City of St. Catharines shall appoint an Integrity Commissioner who reports to Council and is responsible for performing the following duties in an independent and consistent manner:

- (i) Investigation: having the power to assess and investigate formal written complaints respecting alleged contraventions of the Code of Conduct;
- (ii) Inquiry: determining whether a member of Council or local board has in fact violated a protocol, by-law or policy governing their ethical behaviour; with the final decision making authority resting with Council as to whether the recommendation(s) of the Integrity Commissioner should be imposed; and,
- (iii) Annual Reporting: providing Council, through the City Clerk, with an annual report of complaints.

### **INFORMAL COMPLAINT PROCEDURE**

Individuals (for example, municipal employees, members of the public, members of Council or local boards) or organizations, who have identified or witnessed behaviour or an activity by a member of Council, local board or advisory committee that they believe is in contravention of the Code of Conduct could address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that their behaviour or activity appears to contravene the Code of Conduct;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the member satisfaction with the response received; or advise the member of dissatisfaction with the response;
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

Individuals and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code of Conduct. A person is not required to undertake the informal complaint procedure prior to pursuing the formal complaint procedure.

### **FORMAL COMPLAINT PROCEDURE**

#### **1. Application**

- (1) All the provisions of this Section apply to a request for an inquiry from an individual or an organization other than a local board or Council as a whole.
- (2) Subsection 1(1) does not preclude individual members of Council or individual members of a local board from filing a formal written complaint.

(3) Sections 5 to 11, except Subsections 6(1)(b) and 7(3), apply to a request for an inquiry made by a local board or Council as a whole.

## **2. Complaint**

(1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the "complaint") shall be in writing.

(2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization) and provide contact information.

(3) A complaint shall identify the alleged breach and set out reasonable and probable grounds for the allegation that the member has contravened the Code of Conduct and includes a supporting affidavit that sets out the evidence in support of the complaint.

## **3. File with Clerk**

(1) The request for an investigation shall be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for initial review to determine if the matter is, on its face, a complaint with respect to non-compliance of the Code of Conduct; and not covered by other legislation or other Council policies as described in Subsection 3(3).

### Deferral

(2) If the complaint does not include a supporting affidavit, the Integrity Commissioner may defer the review and classification until an affidavit is received.

(3) If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall instruct the City Clerk to advise the complainant in writing as follows:

- a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if they wish to pursue any such allegation, they must pursue it with the appropriate police force;
- b) if the complaint on its face is with respect to non-compliance with the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with their own legal counsel;
- c) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred to Legal Services for review;
- d) if the complaint on its face is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and,

- e) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

### Reports

(4) The Integrity Commissioner may report to Council or a local board that a specific complaint is not within the jurisdiction of the Integrity Commissioner.

(5) The Integrity Commissioner shall report annually to Council on all complaints. This will include complaints not within the jurisdiction of the Integrity Commissioner, but for these complaints the Integrity Commissioner shall not disclose information that could identify a person concerned.

(6) Should no complaints be received within a calendar year, the Clerk shall report to Council accordingly and no annual report shall be made by the Integrity Commissioner.

### **4. Refusal to Conduct Investigation**

(1) If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

(2) Complaints referred that are repetitious in nature, not germane to the Code of Conduct, deemed frivolous, vexatious, or without substance in the opinion of the Integrity Commissioner; shall not be advanced to an investigation stage.

(3) Other than in exceptional circumstances, the Integrity Commissioner will not report to Council or a local board on any complaint described in Subsections 4(1) and 4(2) except as part of an annual or other periodic report.

(4) The Integrity Commissioner will inform the Clerk when an investigation is terminated or not advanced for reason cited above. The Clerk in turn will notify the complainant of this decision.

### **5. Investigation**

(1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under Section 4, the Integrity Commissioner shall investigate and may attempt to settle the complaint.

### Public Inquiries Act

(2) Under Section 223.4(2) of the *Municipal Act, 2001*, the Integrity Commissioner may elect to investigate a complaint by exercising the powers of a commission under Parts I and II of the *Public Inquiries Act*.

(3) When the *Public Inquiries Act* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this complaint protocol, but, if there is a conflict between a provision of the complaint protocol and a provision of the *Public Inquiries Act*, the provisions of the *Public Inquiries Act* prevail.

#### Complaint - Gifts and Benefits

(4) Upon receiving a formal written complaint, not deemed to be frivolous or vexatious, that a gift or benefit was received contrary to the conditions set out herein, the Integrity Commissioner shall examine the disclosure statement to ascertain whether the receipt of the gift or benefit might, in his / her opinion, create a conflict between a private interest and the public duty of the member. In the event that the Integrity Commissioner makes that preliminary determination, he / she shall call upon the member to justify receipt of the gift or benefit.

(5) Should the Integrity Commissioner determine that receipt of the gift or benefit was inappropriate, he / she may make recommendations for Council on potential ways of dealing with the complaint.

#### **6. Opportunity to Comment**

(1) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act*:

- a) serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation be filed within ten days; and,
- b) serve the complainant with a copy of the member's written response with a request that the complainant provide a written reply within ten days.

(2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in Section 223.4(2) of the *Municipal Act, 2001* and may enter any municipal or local board work location relevant to the complaint for the purposes of investigation and settlement.

(3) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had 10 days notice of the basis for the proposed finding and any recommended sanction and an opportunity to respond in writing, within the same said 10 days, to the Integrity Commissioner on his / her findings and any recommended sanction.

#### Interim Reports

(4) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of delay, interference, obstruction or retaliation encountered during the investigation; or as otherwise deemed necessary by the Integrity Commissioner.

## **7. Final Report**

(1) The Integrity Commissioner shall report the general findings of his / her investigation to the complainant and the member no later than 90 days after the making of the complaint. That report shall indicate when the Integrity Commissioner anticipates presenting his / her recommendation(s) for Council's consideration.

(2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council or the local board, or both, outlining the findings, and / or recommended action(s).

(3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council or the local board except as part of an annual or other periodic report.

### Lawful recommendations

(4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.

(5) Section 223.4 (5) of the *Municipal Act, 2001* authorizes Council to impose either of two penalties on a member of Council or local board following a report by the Integrity Commissioner that, in his / her opinion, there has been a violation of the Code of Conduct:

- a) a reprimand; or,
- b) suspension of the remuneration paid to the member in respect of his or her services as a member of Council or local board, as the case may be, for a period of up to 90 days.

The Integrity Commissioner shall as part of his/her additional duties make recommendations to Council or a local board to improve accountability and transparency.

## **8. Member not Blameworthy**

If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

## **9. Report to Council**

The City Clerk shall process the Integrity Commissioner's report for the next meeting of Council or local board, or both. Said report shall remain confidential until the matter has

received complete and final disposition by the Integrity Commissioner and has been reported out to the members of Council through the City Clerk.

#### **10. Duty of Council / Local Board**

Council or a local board shall consider and respond to the report within 90 days after the day the report is laid before it. Once a decision is made by Council it shall be deemed final for all intents and purposes pertaining to this Code of Conduct.

#### **11. No Complaints or Reports Prior to Election**

No complaint may be referred to the Integrity Commissioner or forwarded by the Clerk for review and /or investigation after May 31 in any year in which a regular municipal election will be held. The Clerk shall forward any complaint received after May 31 to the Integrity Commissioner on December 1 in a regular election year and advise the complainant of this process.

Notwithstanding Section 7 of the Code, the Integrity Commissioner shall not make any report to Council or any other person after the last Council meeting in May in any year in which a regular municipal election is to be held. Any reports would proceed to the first Council meeting held after the inaugural meeting of the new Council.

#### **12. Confidentiality**

A complaint will be processed in compliance with the confidentiality requirements in Section 223.5 of the *Municipal Act, 2001*, which are summarized in the following subsections:

- a) the Integrity Commissioner and every person acting under her / his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding or in accordance with the provisions of Section 223.5(1) of the *Municipal Act, 2001*.
- b) pursuant to Section 223.5(3) of the *Municipal Act, 2001*, this Section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.
- c) if the Integrity Commissioner reports to the municipality or to a local board his / her opinion about whether a member of Council, a local board or advisory committee has contravened the applicable Code of Conduct, the Integrity Commissioner may disclose in the report such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.
- d) the municipality and each local board shall ensure that reports received from the Integrity Commissioner by the municipality or by the board, as the case may be, are made available to the public upon the matter being reported out to the members of Council. Neither the Integrity Commissioner nor any person acting under the instructions of the Integrity Commissioner is a competent or

compellable witness in a civil proceeding in connection with anything done under this Part.

- e) if the Integrity Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code of Canada*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council through the City Clerk.

### **13. Integrity Commissioner Vacancy**

Should the office of Integrity Commissioner become vacant, the Code of Conduct remains in effect and all members shall abide by the provisions set out therein. When a vacancy occurs, all formal complaints shall be held in abeyance until such time as a new Integrity Commissioner has been appointed; or an interim measure enacted to enable the complaint to be addressed within a reasonable amount of time. For example the City could engage the services of an Integrity Commissioner from another local municipality as a potential interim measure.

## **PART 4**

### **REPRISALS AND OBSTRUCTION**

Members shall respect the integrity of the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his / her responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.



# Appendix D

## By-Law No. 2015 - 121 Simplified Meeting Procedures for Advisory Committees

A By-law to adopt simplified meeting procedures for advisory bodies established by the City of St. Catharines, and to repeal by-law 2013-28.

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts the following:

1. DEFINITIONS

(a) For the purpose of this By-law, the following terms have the meaning indicated:

"Task Force" - Any body that Council establishes by by-law or resolution for the purpose of dealing with a special project or issue with a clear mandate and a start and finish date, which includes as Members persons nominated by other bodies, officers or staff;

"Advisory Committee" - Any body that Council establishes by by-law or resolution to provide advice or recommendations on broader matters set out in the terms of Reference provided by Council, which includes as Members persons nominated by other bodies, officers or staff. Advisory Committees are standing bodies that generally exist beyond a single form of Council.

"Committee" - All advisory bodies established by Council, including Task Force, Advisory Committee or Executive Committee and any sub-committee that do not include the Council acting as Committee of the Whole or General Committee or any local board, commission or body corporate, a Departmental Working Group or Team.

D

## CITY OF ST. CATHARINES

### BY-LAW NO. 2015-121

A By-law to adopt Simplified Meeting Procedures for advisory bodies established by the City of St. Catharines, and to repeal By-law 2013-99.

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

#### 1. DEFINITIONS

- (a) For the purposes of this By-law, the following terms have the meaning indicated:
- “Task Force” - Any body that Council establishes by by-law or resolution for the purpose of dealing with a special project or issue with a clear mandate and a start and finish date, which includes as Members persons nominated by other bodies, citizens or Staff.

“Advisory Committee” – Any body that Council establishes by by-law or resolution to provide advice or recommendations on broader matters set out in the Terms of Reference provided by Council, which includes as Members persons nominated by other bodies, citizens or Staff. Advisory Committees are continuing bodies that generally exist beyond a single term of Council.

“Committee” – All advisory bodies established by Council, including Task Force, Advisory Committee, or Legislated Committee and any Sub-committee but do not include the Council meeting as Committee of the Whole or General Committee or any Local Board, corporation or body corporate, a Departmental Working Group or Forum.

“Departmental Working Group” – Departmental Working Groups are informal consultation opportunities with stakeholders lead by Staff, for obtaining ongoing input regarding an area of responsibility that lies primarily within the mandate of a single department and generally on matters within Staff’s delegated authority. Participation is by invitation, without formal terms of reference or procedures and meetings are not open to the public.

“Forum” - Forums are models for informal consultation with stakeholders usually led by the Mayor’s Office to engage citizens and organizations on on-going matters regarding a specific community demographic or policy area. Participation is by invitation; meetings are ad hoc without formal terms of reference or procedures.

“Legislated Advisory Committees” – Advisory Committees that carry out in whole or in part a mandate defined by provincial statute, but do not make binding decisions. The establishment of a Legislated Advisory Committee may be either mandatory or discretionary.

“Local Board” – A municipal service board, transportation commission, board of health, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board, police service board, public library board and a conservation authority.

“Member” – A member of a Committee who has been appointed to the Committee by Council.

“Staff” –Employees of the City and may include an independent contractor, consultant or advisor retained by the City.

“Sub-committee” – A committee or working group established by a Committee with a clear mandate that has a start and finish date and reports directly to the Committee that established it.

“Terms of Reference” – Terms of reference adopted by Council for the Committee.

## 2. APPLICATION

- (a) Committees of which fewer than fifty percent (50%) of the Committee Members are Council members or members of Local Boards, shall be governed by the Simplified Rules of Procedure attached to this By-Law as Schedule A.
- (b) Any Committee, of which fifty percent (50%) or more of the Committee Members are Council members or members of Local Boards, shall be governed by By-Law 2007-311, “Council Procedure By-law”, as amended or replaced and not this By-law.

## 3. EXCEPTIONS

- (a) This By-Law does not apply to the Council meeting as Committee of the Whole or General Committee or to Council meeting as a shareholder of any business corporation.
- (b) This By-Law does not apply to any Local Board, body corporate or any municipal service board or a corporation established by the City or jointly with any other municipality.
- (c) This By-law does not apply to any Committee exercising any authority or power derived from provincial statute or regulation to make binding decisions, or to a Committee to which decision making powers have been delegated by Council.
- (d) This By-law does not apply to a Departmental Working Group or Forum.

4. REPEAL

(a) This By-law repeals By-law 2013-99.

Read a first time this 25<sup>th</sup> day of May 2015.

Read a second time this 25th day of May 2015.

Read a third time and passed this 25th day of May 2015.

CLERK

MAYOR

**Schedule A to By-Law No. 2015-121****SIMPLIFIED MEETINGS PROCEDURES****PART 1 - DEFINITIONS**

1.1 For the purposes of these procedures, the following terms have the meaning indicated:

- (a) “Task Force” – Any body, that Council establishes by resolution for the purpose of dealing with a special project or issue with a clear mandate and a start and finish date, which includes as Members persons nominated by other bodies, citizens or Staff.
- (b) “Advisory Committee” – Any body that Council establishes by by-law or resolution to provide advice or recommendations on broader matters as set out in the terms of reference provided by Council, which includes as Members persons nominated by other bodies, citizens or Staff. Advisory Committees are continuing bodies that generally exist beyond a single term of Council.
- (c) “Chair” – The person presiding at a Meeting.
- (d) “Committee” – All advisory bodies established by Council, including a Task Force, Advisory Committee, or Legislated Advisory Committee and any Subcommittee.
- (e) “Clerk” – The Clerk of the City of St. Catharines or delegate.
- (f) “Deputation” – An oral submission made to a Committee at a Meeting of the Committee.
- (g) “Director” – The senior City department head with operational responsibilities for the matters within the terms of reference of the Committee.
- (h) “Legislated Advisory Committees” – Advisory Committees that carry out in whole or in part a mandate defined by provincial statute, but do not make binding decisions. The establishment of a Legislated Advisory Committee may be either mandatory or discretionary.
- (i) “Local Board” – A municipal service board, transportation commission, board of health, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board, police service board, public library board and a conservation authority.

- (j) “Meeting” – Any regular, special or other meeting of the Committee.
- (k) “Member” – A member of a Committee who has been appointed to the Committee by Council.
- (l) “Motion” – A Member’s formal proposal for consideration that may then be voted on or approved by unanimous consent. For example, by stating “I move that ...”.
- (m) “Quorum” – The minimum number of Members required to be present a Meeting in order to conduct business.
- (n) “Report” – A Staff report that makes recommendations to a Committee, including a report to be received for information.
- (o) “Secretary” – The person, who records the minutes of Meetings, distributes the agenda and material, keeps the records of the Committee and may provide procedural advice.
- (p) “Staff” – Employees of the City and may include any independent contractor, consultant or advisor retained by the City.
- (q) “Sub-committee” – A committee or working group established by a Committee with a clear mandate that has a start and finish date and reports directly to the Committee that established it.
- (r) “Sustainability Committee” – Advisory Committees appointed by Council representing each of the four pillars of sustainability and which oversee the work of the Advisory Committees assigned to each pillar.
- (s) “Terms of Reference” – Terms of reference adopted by Council for the Committee.
- (t) “Unanimous Consent” – When the Committee agrees to take action without a formal vote.

## **PART 2 - INTERPRETATION**

2.1 All Committees are advisory only and do not exercise any power or authority. They do not have decision making powers.

2.2 It is the Terms of Reference, and composition of a body that determines if it is a Committee. The name of the Committee is not determinative and need not contain either the term “advisory” or “committee”.

2.3 In any case of conflict between this By-law and a Committee's Terms of Reference as adopted by Council, the Terms of Reference govern.

2.4 In the case of conflict between this By-law or a Committee's Terms of Reference as adopted by Council and any provincial statute or regulation that applies to the Committee, the statute or regulation govern.

2.5 This By-law is to be interpreted in a manner that recognizes the right of the majority to decide, the minority to be heard, the public to have an opportunity to participate, and all participants being treated with courtesy and respect.

### **PART 3 - ELIGIBILITY TO SERVE ON COMMITTEE**

3.1 Every Member on a Committee must be either a member of Council, Staff, a person nominated by another body specified in the Terms of Reference, or a citizen representative eligible to be elected as a member of the Council in accordance with the *Municipal Elections Act* unless the Terms of Reference provide otherwise. If a Member becomes ineligible during the term of their appointment they are automatically deemed to have resigned as a Member.

3.2 All appointments to Committees are made at the pleasure of Council and appointments may be terminated by Council at any time.

### **PART 4 - EX OFFICIO MEMBERS**

4.1 The Mayor and members of Council are ex officio Members of all Committees but do not vote and are not counted towards quorum, unless the Terms of Reference provide otherwise.

4.2 Members of Council shall not be appointed as Chair or Vice Chair of any Advisory Committee, except a Sustainability Committee.

### **PART 5 - REMUNERATION**

5.1 Committee Members shall serve without remuneration.



## **PART 6 - CHAIR AND SECRETARY**

6.1 If the Committee's Terms of Reference do not provide for the appointment of a Chair, Vice-Chair, or Secretary the Committee will elect a Chair, Vice-Chair and a Secretary at its first meeting.

6.2 The Chair will preside at all Meetings of the Committee, follow the agenda, decide on whether Motions are in order, rule on all procedural matters and maintain decorum.

6.3 The Chair will ensure Motions and amendments are clearly expressed and, if there is no motion under consideration, summarize the discussion for the purpose of the minutes.

6.4 The Vice-Chair will perform the duties of the Chair in the Chair's absence or if the position is vacant.

6.5 If a procedural matter is not provided for in this By-law or the Terms of Reference, the matter shall be decided by the Chair, who may have regard to By-law 2007-311, "Council Procedure By-law", with necessary modifications. The Chair's decision is final.

6.6 The Secretary will give notice of each regular Meeting of the Committee and prepare and distribute an agenda of the matters to be considered so that the notice and agenda will reach the Members, Staff assigned to the Committee and the Clerk at least five days, where feasible, in advance of the Meeting.

6.7 The Secretary will give notice of any special meeting of the Committee together with an agenda of the matters to be considered so that the notice and agenda will reach the Members and Staff assigned to the Committee as soon as reasonably possible in advance of the Meeting.

6.8 The Secretary will prepare and distribute minutes of every Meeting of the Committee by attaching them to the agenda for the next regular Meeting of the Committee, or as soon as possible.

6.9 The Secretary shall provide the Clerk with copies of all agendas when they are distributed to the Members, and copies of all minutes within five days after they are confirmed by the Committee.

## **PART 7 - AGENDAS, MINUTES, RECORDS**

- 7.1 An agenda and minutes are required for every Meeting of a Committee.
- 7.2 A Committee as part of its agenda will consider only matters set out in its Terms of Reference.
- 7.3 Items to be included on an agenda for a Meeting must be submitted to the Secretary by 10 business days before the Meeting, whenever possible, or the Chair, in consultation with the Secretary, may establish a schedule of agenda deadline dates.
- 7.4 Members may submit items that are set out in the Committee's Terms of Reference for inclusion on the agenda by giving them to the Secretary by the agenda deadline date.
- 7.5 The Chair, in consultation with the Secretary and Staff assigned to the Committee, set the agenda, based on matters submitted prior to the agenda deadline.
- 7.6 The Chair will accommodate Member requests for inclusion of agenda items, whenever possible, but the Chair has the final decision about which items are included on the agenda.
- 7.7 The Secretary will make the agenda available to the public after delivery of the agenda to the Members and the Clerk.
- 7.8 Any communication or agenda item that is received prior to a Meeting but too late to be included in the agenda may be added to the agenda by the Chair, if it pertains to a matter listed on the agenda or is considered by the Chair to be urgent. Otherwise, it will be included on the agenda of the next subsequent Meeting.
- 7.9 In accordance with the principles of adequate notice, transparency and openness new substantive items should not be introduced on the Agenda during a Meeting as new business.
- 7.10 Confidential material will be distributed by the Secretary to the Members and Staff assigned to the Committee under confidential cover, and may also be provided to selected City officials.
- 7.11 The Minutes shall record who was in attendance, where the Meeting took place, when the meeting started and adjourned, who chaired the Meeting, whether any participants left or arrived while the meeting was in progress and if so, what time this occurred, any persons that appeared and addressed the Committee, a detailed description of the substantive and procedural matters discussed, including any specific documents considered, any Motions, including the Member moving the Motion, and all votes taken, and all actions approved or directions given.

7.12 The minutes of each Meeting will be submitted to the Committee for confirmation at the next meeting, or as soon as possible.

7.13 Committees shall keep all papers and documents pertaining to the business of the Committee, and all books, documents and files kept by the Committee shall be under the custody and control of the Clerk.

## **PART 8 - QUORUM**

8.1 A quorum shall consist of a simple majority of the Members.

8.2 A vacant position will not be counted to calculate quorum.

8.3 In the event quorum is not present 15 minutes after the time the Meeting is to start, or if quorum is lost during a meeting for a period of 15 minutes or the Member leaving the Meeting clearly indicates that they will not return to the Meeting, any Member present may ask the Secretary to call the roll and record the names of the Members present and the meeting will then stand adjourned until the next scheduled Meeting, or at the call of the Chair.

8.4 If neither the Chair nor Vice-Chair has arrived 15 minutes after the time the Meeting is to start and, if a quorum is present, one of the other members of the Committee may by unanimous consensus assume the Chair and preside at the Meeting until the arrival of the Chair or vice-chair.

8.5 In the event that there is no quorum or if quorum is lost during a Meeting, Members present may agree to proceed informally with the agenda and any proposals made at the informal gathering will be reported by the Secretary to the next scheduled Meeting for consideration. No Motions or votes can be taken at an informal gathering.

## **PART 9 - MEETINGS**

9.1 A Committee may meet at the call of the Chair or may decide to adopt a schedule of regular meetings, unless the Terms of Reference provide otherwise.

9.2 Special meetings of the Committee may be called by the Chair, on 24 hours' notice, when exceptional or urgent circumstances require the Committee to meet. The notice of a special meeting shall include an agenda and indicate the exceptional or urgent circumstances that require the meeting.

9.3 If a written request is made by a majority of the Members to call a special meeting, it is the duty of the Chair to summon a special meeting on 24 hours' notice.

9.4 A regular meeting that is rescheduled is not a special meeting.

9.5 Members of the Committee are expected to try to attend every Meeting at the time established, be prepared for the Meeting by reading the Agenda in advance, and to be prepared to discuss agenda items.

9.6 Meetings of the Committee shall not conflict with regular meetings of Council or Council in General Committee, and shall have regard to Staff resources and availability.

9.7 Meetings of the Committee shall be held at City Hall, unless otherwise provided in the Terms of Reference or approved by resolution of the Committee.

9.8 Notice of Committee Meetings shall be provided to the public by posting notice of the time and place of the meeting on the City's web-site, together with a copy of the agenda. The Secretary shall comply with the direction of the Clerk regarding procedures for public notice.

#### **PART 10 - OPEN MEETINGS**

10.1 All ordinary meetings of Committees shall be open, and no person shall be excluded from a meeting except for improper conduct.

10.2 Open Meetings, require Members to discuss and debate the matters on the agenda at the Meeting held for that purpose. It is not appropriate for Members to discuss or deal with a matter that materially advances the business or decision making of the Committee outside of Meetings, including through electronic communications.

#### **PART 11 - MEETINGS CLOSED TO THE PUBLIC**

11.1 A Committee may meet in private only if the subject to be discussed relates to:

- (i) The security of the property of the City;
- (ii) Personal matters about an identifiable individual, including City employees;
- (iii) A proposed or pending sale or purchase of land for City purposes;
- (iv) Labour relations or employee relations;
- (v) Litigation or potential litigation including matters before administrative tribunals affecting the City;
- (vi) The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
- (vii) A matter in respect of which the Committee is authorized by provincial statute to meet in private.

11.2 Committee Chairs or the Committee Secretary should consult with the Clerk or the City's legal counsel prior to meeting in private.

11.3 A Motion is required before meeting in private and the Motion must identify the general subject matter to be discussed and the reason for meeting in private.

11.4 Voting is not permitted in private. Any Motions must be moved and voted on in public.

11.5 Where a matter has been discussed in private, and where the matter remains confidential, Members must not disclose the content of the matter discussed or the substance of the discussions.

## **PART 12 - RULES OF DEBATE**

12.1 The Chair decides the order in which Members speak or ask questions and makes sure that every Member indicating a desire to speak has an opportunity to speak to an item on the agenda.

12.2 When a proposal is made, the Chair may re-state the proposal to ensure that everyone understands the intent. The proposal may then be discussed and the discussion may include possible changes to the wording of the proposal. When the discussion is concluded the Chair may frame the resulting proposal as a Motion that can be voted upon.

12.3 A Committee may act by unanimous consent and a formal vote will not be necessary. The Chair may specify a proposed action and, if there is no objection, announce that the action is approved. If a Member disagrees with the proposed action, a formal Motion to approve the action and a vote is required.

12.4 A Motion requires a mover but does not need to be seconded.

12.5 A Motion relating to a matter not within the Terms of Reference of a Committee is not in order.

12.6 A Motion to approve the minutes of a previous Meeting is an opportunity for the Members to correct any errors or omissions in the minutes. It is not in order on a Motion to approve the minutes to re-open the discussion on any matter recorded in the minutes.

12.7 A Motion to reconsider any matter previously decided by the Committee may only be moved by a member that voted on the prevailing side, and requires a two-thirds majority of the Members present to pass. No matter may be reconsidered more than once during the term of the Committee that decided it.

12.8 A Committee cannot submit a recommendation to Council on an issue that has already been decided by Council during the previous 12 months of the current term of Council unless Council has re-opened the matter and authorized the Committee to do so.

12.9 A Committee may hear depositions from the public at its discretion and may set limits for speaking time. It is in order for the Committee to limit the maximum number of depositions on matters not on the agenda. The Chair may end a public deposition if there is disorder or a failure to observe decorum.

12.10 Members of the Committee may ask questions of speakers but should not engage in debate. The Chair shall instruct speakers to address their comments or questions through the Chair.

12.11 A Committee may invite specific persons, experts, organizations, or groups to make a public presentation to it on any matter within its Terms of Reference.

12.12 Members of Council that are not Members of the Committee may attend any open Committee Meeting and may speak once on any matter that is on the agenda, prior to the Committee discussion.

### **PART 13 - VOTING**

13.1 Every Member that is present at a meeting when the vote is taken, including the Chair, must vote, unless they have declared a conflict of interest.

13.2 If a Member that has not declared a conflict of interest abstains from voting, it will be counted as a NO vote.

13.3 No Member shall be permitted to cast any vote by proxy.

13.4 A tie vote means that the Motion is defeated.

13.5 All votes will take place by show of hands and recorded votes are not permitted.

13.6 Upon the request of any Member, and when the Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal may be taken separately.

## **PART 14 - CONFLICT OF INTEREST**

14.1 Citizen Members should disclose any personal financial interest in a matter under consideration at a meeting, and should avoid taking part in any discussion of the matter or voting if their financial interest is not an interest in common with other persons interested in the Committee's Terms of Reference, and is of a sufficiently significant and personal nature that it could influence their participation.

14.2 Except as provided in clause 14.2, Members that attend Committee meetings in their capacity as representatives of organizations are not required to declare a conflict of interest that is personal, nor is a pecuniary interest of the organization a conflict of interest.

14.3 Members of Council and Local Boards that participate on Committees shall comply with the same rules that are applicable to members of Council or Local Boards pursuant to the *Municipal Conflict of Interest Act*.

14.4 The Secretary will record all declarations of a financial interest in the minutes and whether or not the Member participated in the discussions and vote on the matter.

## **PART 15 - CODE OF CONDUCT**

15.1 The City's Code of Conduct for Elected Officials, Local Boards and Advisory Committees applies to the conduct of all Members of Committees, with necessary modifications.

## **PART 16 - VACANCIES, REAPPOINTMENT**

16.1 If a Member misses three consecutive Meetings, without cause acceptable to the Committee, the absences will be reported to the Clerk who will contact the absent Member to discuss the reasons for the absenteeism.

16.2 Upon confirmation that the Member will no longer be serving on the Committee, the Clerk will advise Council of the vacancy and the need for a replacement. If the Member indicates a desire to continue to serve, the Member will be advised that attendance is required or the Committee may request Council to declare the seat vacant and replace the Member.

16.3 In the case of a vacancy, for any cause, the member appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is vacant.

16.4 Members shall be eligible for reappointment, unless the Terms of Reference provide otherwise.

### **PART 17 - ROLE OF STAFF**

17.1 Staff are not Members and do not vote, unless the Terms of Reference provide otherwise.

17.2 Committees do not direct Staff. Any advice or recommendations of the Committee that require implementation, reports or other action by staff, that is outside the scope of work reasonably contemplated by the Committee's Terms of Reference, shall be requested in a Motion to be considered by the General Committee and, when necessary, approved by Council unless otherwise delegated.

17.3 Committee Members shall not make or incur any liability for any operating expenditure.

### **PART 18 - ACTION TO BE TAKEN**

18.1 Where a Committee approves an action to be taken that is within the authority of the Committee, the person authorized to take the action may do so immediately and does not need to wait for the minutes of the Committee to be approved.

### **PART 19 - SUB-COMMITTEES**

19.1 Sub-committees shall be established by Motion and the Motion shall include the specific purpose of the Sub-committee, the Members of the Sub-committee, and a proposed time-frame within which it will make a final report to the Committee. When a Sub-committee has made its final report it is automatically disbanded.

19.2 Members of Sub-committees shall be Members of the Committee that established it, unless the Terms of Reference provide otherwise.



**PART 20 - ANNUAL REPORT**

20.1 Every Advisory Committee assigned to a Sustainability Committee shall provide an annual written report to its Sustainability Committee, on or before May 01 in which it provides a brief summary of its work during the preceding calendar year, or as otherwise directed by the Sustainability Committee.

20.2 Task Forces shall report to Council upon completion of their work plan or Terms of Reference.

## **APPENDIX E**

### **MUNICIPAL CONFLICT OF INTEREST ACT**



Français

**Municipal Conflict of Interest Act**

R.S.O. 1990, CHAPTER M.50

**Consolidation Period:** From July 1, 2010 to the e-Laws currency date.

Last amendment: 2009, c. 33, Sched. 21, s. 7.

**Definitions**

**1.** In this Act,

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; (“enfant”)

“controlling interest” means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; (“intérêts majoritaires”)

“council” means the council of a municipality; (“conseil”)

“elector” means,

(a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(b) in respect of a school board, a person entitled to vote at the election of members of the school board; (“électeur”)

“interest in common with electors generally” means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part; (“intérêt commun à tous les électeurs”)

“judge” means a judge of the Superior Court of Justice; (“juge”)

“local board” means a school board, board of directors of a children’s aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village,

board or committee of management of a long-term care home, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board; (“conseil local”)

“meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be; (“réunion”)

“member” means a member of a council or of a local board; (“membre”)

“municipality” includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board; (“municipalité”)

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child; (“père ou mère”)

“school board” means a board as defined in subsection 1 (1) of the *Education Act*, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the *Education Act*; (“conseil scolaire”)

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office; (“dirigeant”)

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10; 2007, c. 8, s. 219.

### **Indirect pecuniary interest**

**2.** For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(a) the member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

(b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

**Interest of certain persons deemed that of member**

**3.** For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

EXCEPTIONS

**Where s. 5 does not apply**

- 4.** Section 5 does not apply to a pecuniary interest in any matter that a member may have,
- (a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;
  - (b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
  - (c) by reason of the member purchasing or owning a debenture of the municipality or local board;
  - (d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
  - (e) by reason of having an interest in any property affected by a work under the *Drainage Act* or by a work under a regulation made under Part XII of the *Municipal Act, 2001* or Part IX of the *City of Toronto Act, 2006*, as the case may be, relating to local improvements;
  - (f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;
  - (g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;
  - (h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;
  - (i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
  - (j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
  - (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O.

1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1).

#### DUTY OF MEMBER

##### **When present at meeting at which matter considered**

**5. (1)** Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

##### **Where member to leave closed meeting**

**(2)** Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

##### **When absent from meeting at which matter considered**

**(3)** Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

#### RECORD OF DISCLOSURE

##### **Disclosure to be recorded in minutes**

**6. (1)** Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

##### **Idem**

**(2)** Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6 (2).

#### REMEDY FOR LACK OF QUORUM

##### **Quorum deemed constituted**

**7. (1)** Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).



### **Application to judge**

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

### **Power of judge to declare s. 5 not to apply**

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7 (3).

## **ACTION WHERE CONTRAVENTION ALLEGED**

### **Who may try alleged contravention of s. 5 (1-3)**

8. The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge. R.S.O. 1990, c. M.50, s. 8.

### **Who may apply to judge**

9. (1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his or her knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (1).

### **Contents of notice of application**

(2) The elector in his or her notice of application shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (2).

### **Time for bringing application limited**

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred. R.S.O. 1990, c. M.50, s. 9 (3).

### **Power of judge to declare seat vacant, disqualify member and require restitution**

10. (1) Subject to subsection (2), where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), the judge,

- (a) shall, in the case of a member, declare the seat of the member vacant; and
- (b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and
- (c) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he or she is a member or former member. R.S.O. 1990, c. M.50, s. 10 (1).

### **Saving by reason of inadvertence or error**

(2) Where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention

was committed through inadvertence or by reason of an error in judgment, the member is not subject to having his or her seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1). R.S.O. 1990, c. M.50, s. 10 (2).

**Member not to be suspended**

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member. R.S.O. 1990, c. M.50, s. 10 (3).

**Transition: disqualification**

(4) A disqualification of a member of a school board under this section that would have continued after December 31, 1997 but for the dissolution of the school board continues for its duration with respect to membership on any board whose members are elected by members of the electoral group who elected the member. 1997, c. 31, s. 156 (2).

**Definition**

(5) In subsection (4),

“electoral group” has the same meaning as in Part VIII of the *Education Act* as the Part read on January 1, 1997. 1997, c. 31, s. 156 (2).

**Appeal to Divisional Court**

11. (1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. M.50, s. 11 (1).

**Judgment or new trial**

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal. R.S.O. 1990, c. M.50, s. 11 (2).

**Appeal from order or new trial**

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11 (3).

**Proceedings not invalidated but voidable**

12. The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 12.

**Other procedures prohibited**

13. Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under this Act. R.S.O. 1990, c. M.50, s. 13.



GENERAL

**Insurance**

**14. (1)** Despite section 279 of the *Municipal Act, 2001* or section 218 of the *City of Toronto Act, 2006*, as the case may be, the council of every municipality may at any time pass by-laws,

- (a) for contracting for insurance;
- (b) despite the *Insurance Act*, to enable the municipality to act as an insurer; and
- (c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the *Insurance Act*,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2).

**Insurance Act does not apply**

**(2)** The *Insurance Act* does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

**Surplus funds**

**(3)** Despite section 387 of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in such securities as a municipality may invest in under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be. R.S.O. 1990, c. M.50, s. 14 (3); 1996, c. 32, s. 76 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (3); 2007, c. 7, Sched. 27, s. 1.

**Reserve funds**

**(4)** The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the *Insurance Act* is complied with. R.S.O. 1990, c. M.50, s. 14 (4); 2009, c. 33, Sched. 21, s. 7.

**Local boards**

**(5)** A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

**Former members**

**(6)** A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).

**Conflict with other Acts**

**15.** In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.

**APPENDIX F**

**GUIDELINES FOR MEDIA/NEW RELEASES**

**TEMPLATE**

## **Guidelines for Media and New Releases**

A news release and media advisory template have been provided for the use of committees. These items clearly indicate the committee's name and affiliation with the City of St. Catharines.

Media Advisory – Use only when you are inviting media to cover an event.

News Release – Use to share information about an initiative the committee is undertaking.

Depending on individual circumstances one or both of these items will be used by the committee. For example a news release can be distributed to media to generate advance coverage on an upcoming event. A media advisory can be sent to the media a couple days before the event to request coverage of the event.

Before any news release or media advisory is distributed to members of the media, they must be first vetted by members of the Corporate Communications staff. Staff liaisons are responsible for sending drafts to Corporate Communications and sharing feedback with their committee.

The City's Corporate Communication staff are available to provide guidance in communications and public relations matters. Requests for assistance of this nature should be made through individual committee staff liaisons.

{Insert Name of Committee}

**News Release**

**Headline goes here**

**DATE** – Body of news release goes here. Body of news release goes here. Body of news release goes here.

Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here.

Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here.

Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here. Body of news release goes here.

Body of news release goes here. Body of news release goes here. Body of news release goes here.

-30-

*(Above notation marks the end of the public information contained in the news release. Contact information below is for media only and will not appear in coverage/articles.)*

**Contact:**

Name (Committee member)  
Title  
Phone Number

Name (City Staff liaison)  
Title  
Phone Number

{Insert Name of Committee}

**MEDIA ADVISORY**

## **Headline goes here**

- Who:** Include detail on who will be there
- What:** Describe what the event is
- Where:** Provide address and specific instructions to locate the event
- When:** Provide date and time
- Why:** Explain why is the event happening (often this has been covered off in What and can be omitted).

**Contact:**

Name (Committee member)  
Title  
Phone Number

Name (City Staff liaison)  
Title  
Phone Number