



BY-LAW

NO. 2023 –

Being a By-law to Adopt a Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy for The Corporation of the Municipality of Kincardine

Whereas pursuant to the said Municipal Act, Sections 8 and 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas Section 270 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

Whereas the Council of the Corporation of the Municipality of Kincardine desires to adopt a new Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy for The Municipality of Kincardine, attached hereto as Schedule 'A' and forming part of this By-law be adopted.
2. That this By-law shall come into full force and effect upon its final passing.
3. That all other Policies passed by By-law and/or Resolution inconsistent with this By-law, be repealed.
4. That By-law may be cited as the "Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy By-law".

Read a First and Second Time this 13th day of September, 2023.

Read a Third Time and Finally Passed this 13th day of September, 2023.

Mayor

Clerk

Schedule 'A'

Policy No.: LS.03

Section: Your Government and People

Policy Title: Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy

Adopted Date: September 13, 2023

By-law No.: 2023 -

Revision Date:

1. Purpose

The Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy provides a consistent and transparent framework for public appointments to advisory committees of Council and local boards.

Municipality of Kincardine ("Municipality") Council and staff recognize that the use of advisory committees is an effective means for public participation, public consultation, and a source of input on Municipal policies and programs. Committees play an important part in the corporate decision-making process by providing a means for staff and Council to receive the views and advice from citizen members on a variety of matters.

2. Scope

This policy applies to Council, Staff, advisory committee and local board volunteers and the public. The advisory committees include statutory committees and ad-hoc committees.

To encourage participation, the Municipality will adopt the general concepts of equality, accessibility, and accommodation, to ensure that all citizen members have equal opportunity. Members on committees will, as much as possible, reflect the Municipality's diversity and demographics including but not limited to gender, race, and geographic representation.

For greater clarity, this policy does not apply to the appointment of Members of Council or staff to committees.

3. Definitions

"Ad-Hoc Committee" means a committee created by Council with a defined ending, to report directly to Council on a specific matter.

"Advisory Committee" means Statutory Committees and Ad-Hoc Committees.

"Business Representative" means owners or operators of businesses operating within the Municipality.

"Clerk" means the Manager of Legislative Services/Clerk of The Corporation of the Municipality of Kincardine, or their designate authorized by the Municipal Act and appointed by By-law.

"Council" means the Members of the Council of The Corporation of the Municipality of Kincardine.

"Local Board" means a local board of the Municipality as defined in the Municipal Act.

"Municipality" means The Corporation of the Municipality of Kincardine.

"Staff Liaison" means the Municipal staff noted in the Terms of Reference to provide staff support for an advisory committee or local board.

“Statutory Committee” means such committees as the Municipality must establish by applicable statute.

“Terms of Reference” or “TOR” means the terms of reference for an advisory committee or local board approved by Council.

4. Responsibility

The Manager of Legislative Services/Clerk is overall responsible for this policy and will work closely with other departments, Council, and advisory committees and local boards during its implementation.

5. Recruitment and Application Process

a. Recruitment Occurrences

There are three specific occasions when recruitment occurs:

- Immediately after a municipal election for Statutory Committees.
- As Council approves an advisory committee or local board.
- As vacancies occur.

b. Notices of Vacancies

Notice of advisory committee or local board vacancies will include the following:

- Name of the advisory committee or local board and brief description of mandate.
- Eligibility criteria and key qualifications.
- Time commitment of advisory committee or local board as prescribed by Council and the approximate number of meetings during this time.
- Proposed meeting date and time.
- Process for submitting applications and deadline for receipt of applications.
- Direction for more detailed information and staff liaison contact.
- Notice regarding the confidential voluntary disclosure of information.
- Notice of Council meeting appointment date.

c. Vacancy Advertisements

The following measures may be used to provide public notice of advisory committee or local board vacancies:

- Public Notice in local newspaper.
- Municipal website.
- Announcements at Council and advisory committee or local board meetings.
- Newsletters.
- Email distribution lists to individuals or groups.
- Social media channels.

d. Applications Submission

- Applicants must complete the Advisory Committee and Local Board Application Form.
- Application forms are available at the Municipal Administration Centre and in electronic format on the Municipal website.
- Applicants may apply for more than one advisory committee or local board on one application form.
- Subject to exceptions noted in this policy, applicants are eligible to serve on only one advisory committee or local board at a time.
- Completed applications may be submitted by completing the online application, regular mail, email to clerk@kincardine.ca or in-person at the Municipal Administration Office to the attention of the Clerk.

- Applications received directly by staff liaisons will be provided to the Clerk's Office.
- Applications received after the submission deadline and for non-advertised vacancies will not be considered.
- All applications will be acknowledged by the Clerk.
- Initial screening of applications residency qualifications will be conducted by the Clerk.
- Only those meeting the age and residency qualifications will be brought forward to the next stage.

e. **Eligibility and Qualifications**

- Unless otherwise specified in a TOR, applicants must be residents or owners of property in the Municipality.
- Specific skills and experience for membership on each advisory committee or local board shall be established by way of the TOR.
- Appointees are required to maintain their eligibility and qualifications throughout the term of their appointment.
- Municipal Staff are not permitted to serve as members on an advisory committee or local board.
- Business Representatives, as defined within the definitions of this policy, are eligible for appointment to an advisory committee or local board and need not be residents of the Municipality.
- Where members of an advisory committee or local board represent a particular interest group or are nominated to serve on a committee by another body, those members need not be residents of the Municipality.
- Disclosure (or non-disclosure) of any conflicts of interest are the responsibility of the applicant. Disclosure of potential conflicts of interest will not result in automatic ineligibility. The nature of the conflict will be considered in determining whether the applicant should be appointed.

f. **Guideline for Establishing Qualifications**

- Qualifications for an advisory committee or local board vary considerably and are to be established in the advisory committee or local board TOR.
- The following guidelines may be considered in establishing any such qualifications:
 - a. Ability to perform the duties of the advisory committee or local board, including any complementary skills and/or competencies.
 - b. Areas of specialization where required, experience or community service.
 - c. Individuals with lived experience.

g. **Information Sessions**

- Information sessions may be held prior to and/or during the recruitment process. These sessions may provide the public and potential applicants with information regarding the Council governance structure, the mandate, and responsibilities of advisory committee or local board, and the role of members.

6. Application Review and Recommendations

- a. Applications shall be reviewed in a closed session of Council, under per Section 239(2) of the Municipal Act – “Personal matters about an identifiable individual”.

- b. Council will come out of closed session and report out into open session and pass a by-law with the appointment of applicants.
- c. The Clerk will prepare a report for the closed session that summarizes all applications by committee including:
 - the name of each applicant
 - the other committee(s) for which the person has applied;
 - whether a current incumbent and, if so, length of service.
- d. The Clerk will circulate the report together with the full applications to Council with the agenda for the closed session.
- e. Council shall recognize the needs of the Municipality and the advisory committee or local board are best met when applicants are matched to the advisory committee or local board TOR.

7. Confidentiality Requirements and Obligations

- a. The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) imposes confidentiality duties and obligations on the Municipality and Members of Council to refrain from disclosing personal information. In furtherance to those duties and obligations, the following procedures are provided:
 - Only members of Council and designated Municipal staff who are providing support in the creation of the closed session report shall be provided with copies of the applications.
 - Member of Council shall return all applications and related confidential material in their possession to the Clerk once Council approves the appointments.
 - Members of Council may not copy, disclose, or otherwise disseminate information contained in any closed session report including a list of applicants, information from applications, or other information received in closed session. They may not repeat any confidential information heard at those meetings.

8. Resignations

- a. In the event an advisory committee or local board member resigns within twelve months of appointment, the Clerk may reconsider applications submitted during the initial recruitment period and may recommend appointments from the retained pool of applicants.

9. Reappointment

- a. Acknowledging the value of experience and the need for continuity, appointees who are eligible and wish to seek reappointment to serve a subsequent term are to contact the staff liaison and/or the Clerk with their intention for reappointment.
- b. Appointees seeking reappointment after the initial appointment to the same advisory committee or local board will not be required to submit a new Advisory Committee and Local Board Application Form.
- c. Appointees seeking reappointment to an advisory committee or local board beyond four years of their initial appointment will be required to submit an updated application.
- d. Reappointment applications shall be given consideration at the same time as applications from the public at large.
- e. Reappointment of appointees is not guaranteed.

10. Stakeholders as Nominating Panels

- a. Where the TOR of an advisory committee or local board indicates that interests of stakeholders are to be represented on an advisory committee or local board, or to obtain special expertise from a professional or technical organization, one or more positions may be nominated by specific interest groups.
- b. The designated special interest/stakeholder group, or professional/technical organization will nominate individuals and shall communicate those nominated in writing to the Clerk which shall be provided to Council for consideration.

11. Term of Appointment

- a. Subject to the TOR, advisory committee and local board members may serve on only one advisory committee and local board at a time.
- b. Statutory Committees and local boards will be appointed for the term of Council.
- c. Ad-hoc committees will be appointed for the term as set out in the TOR.
- d. Exception to appointment to more than one advisory committee and local board are as follows:
 - When an insufficient number of applications have been received for a vacant position on an advisory committee or local board.
 - If a particular area of expertise is required and there are no other eligible/qualified candidates.
 - If indicated in the advisory committee and local board TOR.
- e. An appointment of an advisory committee or local board member who is serving on another advisory committee or local board shall identify the special circumstances and recommend a waiver of the 11 a. as part of the closed staff report.

12. Communication of Appointments

- a. When Council approves appointments, the Clerk shall advise all applicants in writing of the status of their applications, thanking every applicant for their interest.
- b. The applications will be kept on file in accordance with the Municipality's Records Retention By-law.
- c. All applicants must read and sign the following documents prior to taking their seat on any Municipality of Kincardine Advisory Committee of Council and Local Board:
 - Municipality of Kincardine Advisory Committee of Council and Local Board Membership Responsibility Agreement (Schedule A);
 - Volunteer Management Policy and Volunteer Agreement and Release, Waiver of Liability, and Indemnity Statement of Confidentiality
 - Confirmation of Volunteer Accessibility Training.

13. Remuneration

- a. Advisory committee and local board members serve on a voluntary basis and do not receive any form of remuneration unless otherwise identified in the advisory committee or local board TOR.

14. Removal of Member from an Advisory Committee

- a. Council retains the right to replace an appointed advisory committee or local board member at any time for any reason.
- b. Violations of the following may result in removal of an advisory committee or local board member:
 - Release of confidential information;
 - Legal claims against the Municipality;
 - Breaches of the Code of Conduct for Council, Local Boards and Committee.
 - Being absent for more than three consecutive meetings without authorization to do so.
- c. The following procedures shall be followed for removal of Advisory Committee members for unexplained absences.
 - After an advisory committee or local board member's second absence from a meeting, staff liaisons shall contact the advisory committee or local board member, in writing, to advise that a third absence may result in a forfeiture of their position on the advisory committee or local board.
 - After an advisory committee or local board member's third absence from a meeting, staff liaisons shall contact the advisory committee or local board member, in writing, to advise of the forfeiture of the position.
 - One opportunity shall be offered to the advisory committee or local board member to provide written reasons for their absences and a request to continue as an advisory committee or local board member.
 - The Clerk shall provide the reasons and request provided by the advisory committee or local board member to Council in closed session.
 - Council will rise and report out into open session and pass a resolution to permit or deny the advisory committee or local board member's request to remain on the advisory committee or local board.
 - Failure by the advisory committee or local board member to provide reasons by the deadline to the Clerk, will result in an automatic forfeiture of the position.
 - If no reasons are received or all reasonable efforts to contact the advisory committee or local board member regarding their absences have failed, the Clerk will advise Council of the forfeiture by way of listing in the consent agenda.

15. Temporary Leaves of Absence

- a. Advisory committee or local board members may request a temporary leave of absence for absences that will exceed three consecutive meetings.
- b. Such leaves will be granted for the following reasons:
 - Birth and/or care of a baby.
 - Care for a sick family member.
 - Illness.
- c. Other requests for leave will be evaluated on a case-by-case basis.
- d. The following procedures shall be followed for requests for temporary leaves of absence from an advisory committee or local board.

- Advisory committee or local board members must make requests for temporary leaves of absence to the Clerk, in writing, setting out reasons for their request.
- The Clerk will review each request and provide a decision to the advisory committee or local board member directly.
- The advisory committee or local board will be advised of the temporary leave and length of leave by way of communication from the Clerk.
- Staff liaisons will give consideration and advise the Clerk as to whether a temporary appointment will be required during the leave of absence.

16. Resignations

- a. The following procedures shall be followed for resignations from advisory committees or local boards:
 - Advisory committee or local board member's resignation shall be submitted in writing to the staff liaison and the Clerk.
 - Resignations shall indicate the date upon which the resignation will commence.
 - Resignations will appear on the Council agenda to inform Council.
 - Advisory committee or local board members will be advised of the resignation by way of communication from the staff liaison.

17. Related Policies

- a. Municipality of Kincardine Procedure By-law
- b. Code of Conduct for Council, Local Board and Committee Members
- c. Volunteer Management Policy

18. Related Documents/Legislation

- a. Municipal Act, 2001, S.O. 2001, c.25
- b. Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56