



BY-LAW

NO. 2023 –

**Being a By-law to Adopt an Advisory Committees of Council and Local Boards –
Administration 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 Advisory Committees of Council and Local Boards – Administration Policy; now therefore be it

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

1. That the Advisory Committees of Council and Local Boards – Administration 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 That all other Policies passed by By-law and/or Resolution inconsistent with this By-law, be repealed.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 "Advisory Committees of Council and Local Boards – Administration 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

Policy No.: LS.02

Section: Your Government and People

Policy Title: Advisory Committees of Council and Local Boards – Administration Policy

Adopted Date: September 13, 2023

By-law No.: 2023 -

Revision Date:

1. Purpose

The purpose of this policy is to provide a consistent and transparent framework for the establishment, operation, dissolution and report of Advisory Committees of Council.

2. Scope

The Policy applies to Council, Staff, advisory committees, volunteers and the public. The advisory committees include statutory committees and ad-hoc 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.

“Clerk” means the Manager of Legislatives 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. General

- a. Advisory Committees of Council and Local Boards play an important part in the corporate decision-making process by providing Council and staff advice and expertise from residents.
- b. Advisory Committees of Council and Local Boards report to Council through staff and their recommendations to Council are advisory only (except where otherwise noted in legislation or terms of reference).
- c. Advisory Committees of Council and Local Boards do not have the authority to direct the work of staff or make budgetary decisions (except where otherwise noted in legislation or terms of reference).

6. Establishing a New Advisory Committees of Council

- a. Council shall consider the following questions in determining the establishment of Advisory Committees (Ad-Hoc or Statutory):
 - Is the Advisory Committee of Council required by legislation/regulation?

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- Is there a demonstrated need for a non-statutory committee related to priorities and plans established in the Municipality's strategic plan, budget, and approved master plans?
 - Is there sufficient staff capacity and resources to provide adequate support to ensure that each committee receives the necessary assistance to fulfill its purpose and responsibilities?
 - How many committees (including Statutory Committees) per department currently exist?
 - Is there a need for advice from the public/experts in addition to that provided by staff?
 - Can a clear set of objectives, scope, questions for examination, and expected outcomes be given to the committee and codified in a terms of reference document?
 - Is there an existing Advisory Committee of Council, other body or alternative practice that could deal with the associated objectives and/or proposed mandate?
 - Is there enough funding available?
- b. Council shall ask staff for a report on the creation of an Advisory Committee of Council. The report shall be drafted by the relevant department in consultation with the Clerk.
- c. All reports requesting new Advisory Committees of Council will include:
- Strategic and other priorities as approved by Council.
 - Draft Terms of Reference.
 - Necessary skills, competencies, and experience for the committee members.
 - Anticipated duration.
 - Reporting requirements to Council.
 - Legislative requirements.
 - An overview of the budget and staffing support required.
 - An inventory of previous and existing activities related to the issue, including public consultation/engagement.
- d. Council will approve Advisory Committees of Council through approval of a Terms of Reference (TOR).
- e. After approval of the Advisory Committee of Council, the Clerk will facilitate the appointment process in accordance with the Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy

7. Staff Liaison & Secretary

- a. Staff Liaisons are appointed by the CAO and the Secretary is appointed by the Clerk.

8. Budget

- a. Advisory Committees of Council budgets must be directly related to the goals and objectives identified in the TOR and may be identified on their own or as part of a departmental budget.
- b. Any expenses submitted without Council's prior authorization will not be approved.
- c. Administration of Committee budgets will be the responsibility of the Staff Liaison.
- d. Any budget allocation to an Advisory Committee of Council shall be at the sole discretion of Council and subject to Council's annual budget deliberations.

9. Terms of Reference

- a. Terms of Reference (TOR) for Advisory Committees approved by Council shall include the following:
 - Mandate
 - Goals and Objectives
 - Strategic Plan Priorities
 - Key Success Factors and Performance Indicators
 - Membership - Roles and Responsibilities, Number of Members, Member Qualifications
 - Reporting Structure
 - Public Communications
 - General – Frequency of Meetings, Procedures
- b. TOR for Advisory Committees of Council shall be reviewed on a regular basis in accordance with the Reporting to Council section of this policy.
- c. Ad hoc reviews of a TOR may be conducted at any time by requests of Council, staff liaison or the Advisory Committee of Council. Such reviews shall include consultation with the Advisory Committee of Council and will be conducted with the support of the Clerk.
- d. New and revised TORs shall be approved by Council.

10. Workplans

- a. Advisory Committees of Council should use workplans to ensure that goals and objectives set out in the TOR are aligned with Council and staff workplans.
- b. Workplans shall include a list of proposed initiatives to be undertaken that are directly linked to the TOR, identify strategic priorities, and provide proposed deadlines for reporting to Council.
- c. Workplan development shall be a collaboration of the staff liaison, chair and Advisory Committee of Council members.

11. Sub-committees

- a. Sub-committees shall be established only in accordance with the TOR and by way of a motion by the Advisory Committee of Council.
- b. Motions shall include the specific purpose/scope, composition and defined start and end date after which it will report to the Advisory Committee of Council.
- c. Sub-committees will automatically disband once they have provided a final report or at the defined end date.
- d. Staff liaisons must be consulted by the chair prior to creating a new sub-committee to confirm that staff resources are available to provide administrative support.
- e. Sub-committees shall meet in public and post agendas and minutes to comply with the Municipal Act and Municipality of Kincardine Procedure By-law.

12. Dissolving Advisory Committees of Council

- a. Dissolution of an Advisory Committee of Council shall be initiated by a staff report and shall address the following:
 - Where the Advisory Committee of Council's term has expired (if applicable).
 - Where the principle objectives, mandate or key performance indicators have been met.
 - Whether an alternative arrangement has been found to continue the work of the Advisory Committee of Council (e.g., consolidation/merger with another Advisory Committee).
 - Where the issues involved with respect to the mandate or the legislative requirement to maintain the Advisory Committee no longer exist.

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- b. When an Advisory Committee of Council dissolves, letters of appreciation will be sent by the Mayor to Members. The Municipality may also acknowledge the contributions of Members through a program of recognition.

13. Ad Hoc Committee Report to Council

- a. An Ad-Hoc Committee is responsible for providing Council with a final report prepared by the Staff Liaison with assistance of the Chair and the support of the Clerk.
- b. Reports shall be completed on the template prescribed by the Clerk.
- c. Reports shall include (but is not necessarily limited to):
 - Committee mandate
 - Goals and Objectives
 - An overview of the work completed by the Committee in its pursuit of achieving its mandate (e.g., what activities were undertaken, what discussions were had, what strategic questions came up)
 - Key successes
 - Presentation of advice to Council and explanation of rationale, analysis, data, etc. that supports the advice
 - Policy, financial, stakeholder, and risk assessment of the advice
 - Number of meetings held and any other relevant information.

14. Statutory Committee Report to Council

- a. A Statutory Committee is responsible for providing Council with an annual report prepared by the Staff Liaison with assistance of the Chair and the support of the Clerk.
- b. Reports shall be completed on a template prescribed by the Clerk.
- c. Reports shall include (but is not necessarily limited to):
 - Committee Mandate
 - Goals and Objectives
 - Key actions and a summary of items which were addressed through the Statutory Committee
 - Number of meetings held and any other relevant information.

15. Advisory Committee of Council Recommendations

- a. All staff and information reports presented to Council on topics where the Advisory Committee of Council have provided advice shall include all relevant Advisory Committee of Council resolutions and feedback, without alteration, other than in regarding to terminology or for procedural reasons.
- b. The Chair or their designate shall attend and be listed with staff as a presenter to the staff report before Council where Advisory Committee advice, resolutions and feedback have been included.

16. Rules of Procedure

- a. Rules of Procedures for Committees are contained in the Municipality of Kincardine Procedure By-law, as amended from time to time.

17. Related Policies

- a. Municipality of Kincardine Procedure By-law
- b. Code of Conduct for Council, Local Board and Committee Members
- c. Volunteer Policy
- d. Recruitment and Appointment of Advisory Committees of Council and Local Boards 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

19. Additional Information/Subjects can be added as needed.