

The Corporation of the Township of North Kawartha

By-law 2022-0104A

Being a by-law of the Corporation of the Township of North Kawartha to adopt a policy for public appointments to North Kawartha Boards and Committees and a template to establish Terms of Reference for Committees and to repeal By-Law 2010-0028.

Whereas under Section 5 (1) of the Municipal Act, 2001, S.O. 2001, c.25, the powers of a Municipality shall be exercised by its council;

And Whereas under Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And Whereas the Council of the Corporation of the Township of North Kawartha deems it desirable to adopt a policy for appointments to North Kawartha Boards and Committees and a template to establish Terms of Reference for Committees;

Now Therefore the Council of the Corporation of the Township of North Kawartha hereby enacts as follows:

1. That the said policy and template shall be attached hereto as Schedule "A" and form part of this by-law;
2. That any of the prescribed provisions of this by-law may be modified by resolution of Council where it is established that strict compliance with the terms hereof would be unnecessary, inapplicable, or inappropriate in the circumstances;
3. That By-Law 2010-0028 and the provisions of any policies contrary to this by-law be hereby repealed.

This by-law shall come into effect on the 6th day of December, 2022.

Read and Adopted in open Council on the 6th day of December, 2022.



Carolyn Amyotte, Mayor

Kelly Picken

Signed with ConSignO Cloud (2022/12/14)
Verify with verify.com or Adobe Reader.



Kelly Picken, Deputy Clerk

**Subject: Public Appointments to North Kawartha Boards and Committees and
Template to establish Terms of Reference for Committees**

Effective: 2022/12/06	Revised:	Revision No.:	Page 1 of 9	Policy No.: A09 - 2022-0104
Review Date / Associated Documents / Legislation (if applicable) Municipal Act and Public Libraries Act				

Purpose

This policy will assist with openness, transparency, fairness and competition in public appointments to North Kawartha boards and committees. Where relevant legislation exists that legislation shall prevail over this policy.

Strategic Plan

This policy aligns with the Corporate Strategic Plan goals to maintain a strong, accountable municipal government and maintain policies that enable effective governance.

Scope

This policy applies to North Kawartha Council and staff.

Responsibilities

Council as a whole is responsible for providing direction to staff with respect to:

- establishing and dissolving Committees of Council
- selection and appointment of public members to boards and committees

Staff are responsible for:

- advertising and coordination of the application process
- scheduling review of the applications in a closed meeting for protection of personal information under Section 239 of the Municipal Act, as amended
- notifying the successful appointee and, if applicable, notifying the Chair of the board or committee

Definitions

Public Appointee means a member of the public who meets the related legislation or eligibility criteria as set out in this policy and who is appointed by North Kawartha Council to sit on a North Kawartha Board or Committee.

Implementation or Procedures

Invitations for persons to sit on boards and committees shall be in compliance with legislation or as directed by North Kawartha Council.

Invitations for applications for board and / or committee members shall be publicly advertised as directed by Council or as deemed appropriate by the Clerk in consultation with the CAO. The following list provides options that are currently available and may be operationally amended from time to time.

Township website and social media platforms
Electronic Sign at the North Kawartha Community Centre
Township bulletin boards
Municipal facilities
Local Newspaper(s) / Publications as may be available and appropriate

Appointment to boards shall comply with legislation as set out in the relevant Act, for example the Public Libraries Act. If not specified in the relevant legislation, appointments to North Kawartha Boards and Committees shall be open to persons who are at least 18 years of age, who reside in the Township of North Kawartha or who are the owner or tenant of land in the Township.

Council has the option to extend an appointment or reappoint person(s) to boards and committees for a second term, if in compliance with relevant legislation and if the appointee continues to maintain their eligibility status.

Council shall review all applications in a closed session of Council for protection of personal information about identifiable individuals as permitted in Section 239 of the Municipal Act.

In selecting candidates Council shall approve qualifications relevant to the responsibilities of the individual board or committee and make appointments that ensure that the board or committee members collectively cover the range of skills, knowledge and experience required to effectively make decisions. In addition, Council shall give consideration to geographical representation and the ability of the candidate to fulfill the time commitment required to be effective in their role as a board or committee member.

To remain on the board or committee appointees are required to maintain their eligibility status throughout their term of office

Variations from Policy

That any variations of this policy must be approved by resolution of the Council of the Township of North Kawartha and only in exceptional circumstances.

Emergency Appointments

In the event of an unexpected and immediate vacancy on a board or committee, Council may fill the vacancy from the applications originally submitted. In this case the person will be contacted to determine continued eligibility and interest.

Template to Establish Terms of Reference for Committees

How to use this document: This Accessible Template may be used as a base to set Terms of Reference for various types of committees / task forces.

As defined in S. 238(1) of the Municipal Act, "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards. These committees of Council must be subject to the procedural by-law. The Municipal Act does not govern committee composition therefore Council is not required to have 50% Council membership. This definition may have been included to prevent a quorum of Council in a committee structure. Council may choose to have any committee subject to the procedural by-law.

Relevant Legislation shall be consulted for composition of boards.

Committee Name: _____

Committee Type: _____

(Types: Adhoc Committee / Task Force / Advisory Committee / Subcommittee / Legislated Committee)

Background:

Reason for establishing Committee.

Mission:

This will be the mission statement, the main purpose of the Committee / Task Force. Include some parameters.

The mission of the Committee / Task Force is to:

The Committee / Task Force will have due regard for the following: (add/change/delete as applicable)

- Township of North Kawartha Strategic and Other Plans
- Applicable Township of North Kawartha Policies and Procedures
- Township Official Plan and Zoning By-Laws
- Township Procedural By-Law
- Available resources
- Specific documents related to the purpose of the committee eg. budget, studies, any provincial documents

- Specific Legislation

Measurable Objectives:

The Committee / Task Force will be responsive to the needs of the Township of North Kawartha and its stakeholders. In order to do this, the Council will:

- Identify key success factors, risks, barriers, and challenges to timely implementation of key initiatives and develop appropriate mitigating strategies. The Committee may request Council to consider alterations to the measurable objectives.
- Communicate and collaborate with other municipalities and organizations as approved by Council.
- Make recommendations to Council about funding however, neither the Chair nor any member of the Committee will commit any funds or resources (including in-kind resources) on behalf of the Township.
- Communicate recommendations and information to Council but no Committee / Task Force Member will speak on behalf of the Council or the Township.

Term:

Include term of current Council or a specific period of time eg. 1 – 2 years or until a milestone or goal is met.

The term of the Committee / Task Force shall be _____.

Composition:

This could include members of Council, staff and / or paid members or volunteers, interested parties / Ministries as participants, observers or resources. This should also include any comment regarding the possibility of Subcommittees or Working Groups. An odd number is usually recommended to reduce tie votes.

The Committee / Task Force shall be composed of number (#) members of Council, and number (#) members of staff, number (#) members of the Public.

Identify the Secretary for the Committee / Task Force or a member of the Committee / Task Force to be elected as Secretary.

Municipal Staff Resource for the Committee / Task Force shall include the Chief Administrative Officer and other County or Municipal Staff as may be required.

A liaison from _____ organization or non-profit group. A representative from Ontario Ministry of _____

Deputations may be requested from, but not limited to _____

Remuneration:

This should state if the members are paid as per the in effect By-Law to Establish Rates of Remuneration for Council and its Boards and Committees or are non- paid volunteers. Members of other organizations, non-profits and Ministries would not likely be paid by the

Township however this should be laid out in the terms, for example: perhaps mileage to tour the Township is covered. Who is paying, for example: Ministry pays Ministry staff, Township covers mileage and if no pay is expected, for example: volunteered time, this should be stated clearly.

Council and Committee / Task Force Members will be paid based on the in effect By-Law to Establish Rates of Remuneration for Council and its Boards and Committees of the Township of North Kawartha. Staff will be paid as per their regular salary arrangement. Volunteers will not be paid. Mileage will be provided at the current mileage rate at the Township of North Kawartha, as approved by Council or Committee.

Reporting Relationships

The Committee / Task Force will report to Council through the Chair. The Committee / Task Force shall make recommendations to Council. A copy of the minutes of each meeting shall be submitted to Council on the Agenda for information.

Reports:

Reports will be provided to Council at their regular meeting monthly / quarterly or as determined by Council.

Meeting Procedures:

This should clarify whether or not the committee is subject to the Township's Procedural By-Law.

If not subject to the Township Procedural By-Law include information on meeting procedures.

Consider: Closed Meetings, Accountability and Transparency, meeting location, electronic meetings, notice of meetings, applicable parliamentary authority etc...

The Committee / Task Force shall meet regularly on (date, time) electronically or in the North Kawartha Council Chambers. Notice shall be given by posting on the Township website, social media, bulletin boards etc....

All meetings shall be open to the public save and except meetings closed to the public as permitted by legislation.

Public Delegations and input shall be encouraged by the Committee / Task Force.

The Committee / Task Force shall have due regard and consideration for any delegations or professionals that Council may deem appropriate.

Agendas and minutes shall be prepared for all meetings as set out in the Municipality's Procedural By-law. All Committee / Task Force minutes and recommendations shall be provided to Council at the next reasonable meeting of Council. Recommendations to Council will not be acted upon until approved by motion of Council.

Roles, Responsibilities and Resources:

This should include roles of the Chair, Vice-Chair, Secretary and Members. It may include Staff resources to be provided, activities, budget amounts.

Role of the Chair

"Committee Chair" shall mean the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member (as per the Procedural By-Law)

The Chair of the Committee / Task Force is responsible for the following:

- Determining the business to be discussed and approving Agendas for meetings
- Ensuring that the mission, objectives and outcomes for the Committee / Task Force are clearly defined and that their achievement is well documented
- Chairing the meetings
- Reporting to Council on the recommendations of the Committee / Task Force
- Maintaining order and decorum at meetings

Role of the Co-Chair / Vice-Chair

The Co-Chair / Vice-Chair shall assume the Role of the Chair in the Chair's absence.

Role of the Secretary

The Secretary for the Committee / Task Force is responsible for:

- Maintaining minutes of the meetings
- Submitting agendas and minutes to the Chair for review and approval prior to distribution
- Preparing and circulating agendas to members of the committee and submitting a copy of the minutes of each meeting to Council for information

Role of Committee / Task Force Members

Committee / Task Force Members will fully participate in the discussion at meetings, will research and contribute information, provide new information, make decisions within the ability of the Committee / Task Force, complete tasks as assigned and make recommendations to Council as necessary.

To support full participation, a member who misses three consecutive meetings without prior approval from the Chair will be removed from the Committee / Task Force.

Volunteers

Volunteers may be engaged for special projects upon Council approval.

Conflict of Interest

Members are subject to the provisions of the Municipal Conflict of Interest Act and shall declare any direct or indirect pecuniary interest in a matter before the Committee / Task Force and refrain from participating in any discussion or votes pertaining to the matter that they may have an interest in.

Decision Making

The following principles shall guide the decision-making of the Committee / Task Force:

- The Committee / Task Force shall operate in a non-judgmental manner, respecting individual rights and confidentiality, employing no fault discussion and reaching consensus.
- The Committee / Task Force will strive for consensus with consensus being defined as being able to live with and support a decision, which does not necessarily require total agreement.
- At any meeting of the Committee / Task Force, a quorum shall consist of a presence of the majority of all members of the Committee / Task Force.
- The Chair shall allow for and control participation in discussion by all members in attendance.
- When a matter is put to a vote, all voting members of the Committee / Task Force shall vote unless prohibited by Statute. A decision can only be passed by a majority of the voting members present voting in favour.

Municipal Resources

The Committee / Task Force will be supported in its mission with appropriate Municipal resources. List specific resources where appropriate. The Committee / Task Force is not responsible for budget and all requests for funding must be made through Council.

Sub-Committees/Working Groups:

The Committee / Task Force may establish subcommittees / working groups to support a specific scope of work. Public Members of the subcommittee / working group shall be selected in accordance with the current by-law to adopt a policy for public appointments to North Kawartha Boards and Committees. Members shall be accountable through the Committee / Task Force to Council.

Budget and Procurement:

This would include any budget provided at the commencement of the committee's / task force's work. The in effect Procurement by-law must be followed to obtain prices or quotations. Approval of Council may be required prior to the expenditure of any funds. If purchases are allowed up to the annual budget amount, the Chair or their designate may be authorized to complete the purchases.

Errors / Omissions:

The accidental omission to give notice of any meeting of the Committee / Task Force to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Committee / Task Force may at any time waive notice of any meeting.