



**Advisory Committees of  
Council Policy and Procedure**

**February 2022 (as amended)**

# Table of Contents

1.	Introduction.....	1
2.	Purpose and Application.....	1
3.	Definitions.....	2
4.	Establishment and Review of Advisory Committees.....	4
4.1	Terms of Reference.....	4
4.2	Review of Advisory Committees.....	5
5.	Membership Administration .....	6
5.1.	Recruitment, Selection and Appointment .....	6
5.1.1.	Resident Members, Student Members .....	6
5.1.2.	Stakeholder Members .....	7
5.2.	Terms of Office.....	7
5.2.1.	Resident Members .....	7
5.2.2.	Student Members .....	8
5.2.3.	Council Member Appointees .....	8
5.2.4.	Stakeholder Members .....	8
5.2.5.	Chair and Vice-Chair of Advisory Committees.....	8
5.3.	Member Resignation .....	8
5.4.	Attendance Management .....	9
6.	Duties and Conduct .....	9
6.1.	Advisory Committee Chair.....	9
6.2.	Advisory Committee Vice-Chair .....	10
6.3.	Subcommittee Chair.....	11
6.4.	Working Group Chair.....	11
6.5.	Members (inclusive of the Chair and Vice-Chair) .....	11
6.6.	Council Member Appointees .....	13
6.7.	Staff.....	13
6.7.1.	Clerk .....	14
6.7.2.	Policy Advisor .....	15

6.7.3.	Support Staff.....	15
7.	Municipal Freedom of Information and Protection of Privacy.....	16
8.	Operating Procedures .....	16
8.1.	Quorum .....	16
8.2.	Meeting Scheduling.....	16
8.2.1.	First Meetings .....	16
8.2.2.	Regular Meetings .....	17
8.2.3.	Special Meetings .....	17
8.2.4.	Subcommittee Meetings .....	17
8.2.5.	Working Group Meetings.....	17
8.2.6.	Meeting Cancellation/Postponement.....	17
8.3.	Notice of Meetings.....	18
8.4.	Open and Closed Meetings.....	18
8.5.	Order of Business for Regular Meetings .....	18
8.5.1.	Additional Agenda Items.....	19
8.5.2.	Declarations of Pecuniary Interest.....	19
8.5.3.	Presentations.....	19
8.5.4.	Delegations.....	20
8.5.5.	Referrals from City Council and/or Standing Committee .....	20
8.5.6.	Correspondence .....	20
8.5.7.	Reports.....	21
8.5.8.	Items Introduced by Members .....	21
8.6.	Order of Business for Special Meetings .....	21
9.	Rules of Debate.....	21
10.	Motions.....	23
11.	Voting .....	25
12.	Minutes and Reporting .....	25
12.1.	Minutes.....	25
12.2.	Reports to Standing Committee .....	26
12.3.	Annual Reporting Requirements .....	26

13.	Working Groups and Subcommittees .....	26
13.1.	Working Groups .....	27
13.2.	Subcommittees .....	28
14.	Committee Finances.....	28
14.1.	Budget and Work Plan .....	28
14.2.	Fundraising Activities .....	29
14.3.	Member Remuneration.....	29
15.	Media and Communications .....	29
15.1.	Social Media.....	29
15.2.	Media Materials and Media Events .....	30
16.	Code of Conduct.....	30
16.1.	Conduct at Meetings.....	30
16.2.	Conduct Respecting Others .....	31
16.3.	Conduct Respecting Staff.....	31
16.4.	Advisory Committee / Staff Working Relationships .....	32
16.5.	Gifts and Benefits .....	32
16.6.	Municipal Resources / Uses of City Property .....	32
16.7.	Compliance .....	33
16.8.	Complaint Procedure - Informal.....	33
16.9.	Complaint Procedure – Formal .....	34
16.9.1.	Criminal Matter .....	35
16.9.2.	Municipal Conflict of Interest.....	35
16.9.3.	M.F.I.P.P.A. ....	35
16.9.4.	Matter Already Pending .....	35
16.9.5.	Other .....	35
16.10.	Records and Review .....	35
16.11.	Reprisals and Obstruction .....	36

## **1. Introduction**

Advisory Committees provide recommendations and advice to City staff and Council. Such bodies play an important part in the corporate decision-making process by providing a means to receive the views and advice from residents and stakeholders on a variety of matters that contribute to the development of policies, programs and initiatives that enhance the municipality's quality of life.

These Committees, both statutory and non-statutory, allow local residents from various backgrounds to participate in local government. The City can benefit greatly from citizen volunteer experience, enthusiasm and civic pride.

Advisory Committees report to Council through the Standing Committee process and the nature of Advisory Committee recommendations to Council is purely advisory, not advocacy.

## **2. Purpose and Application**

The Advisory Committees of Council Policy and Procedure ("the Policy") provides a fair and equitable approach for the establishment and operation of Advisory Committees. The Policy applies to all Council-approved Advisory Committees and is intended to address:

- The process for establishing and reviewing Advisory Committees;
- Advisory Committee recruitment, selection, appointment and resignation processes;
- Member and staff duties and conduct;
- Requirements under the Municipal Freedom of Information and Protection of Privacy Act and other appropriate legislation as required;
- Operating procedures;
- Rules of Debate;
- Reporting requirements;
- Media Relations;
- Financial Requirements; and,
- Member Code of Conduct.

Advisory Committees will be compliant with this Policy, which respects Council's Procedure By-law 111-2017, as amended, regarding meeting process. The Procedure By-law may be referenced directly through City Clerk Services should further clarification on meeting process be required for matters not addressed in the Policy. Changes or clarifications of policy or procedure will be reflected in updates to the Policy, which may be supplemented by guidelines and training materials, as appropriate, by the City Clerk.

### **3. Definitions**

"Advisory Committee" or "Committee" means a committee created by Council to provide advice and expertise on issues of municipal interest and make recommendations to City Council through its Standing Committees;

"City" means the City of Oshawa;

"Chair" means the head of the Advisory Committee as appointed by the Members on an annual basis;

"Clerk" means the City Clerk of the City of Oshawa and includes persons from time to time acting on behalf of the Clerk;

"Council" means the Council of the Corporation of the City of Oshawa;

"Council Member Appointee" means a Member of Oshawa City Council that sits as a voting Member of an Advisory Committee;

"Delegation" means, as the context may require, a person to address or seeks to address a Committee or the content of the person's address to Committee;

"Information Package" means the package prepared and circulated as described in Council's Procedure By-law 111-2017, as amended;

"Majority Vote" means an affirmative vote of more than one-half of the Members present and voting;

"Mandate" means the statement that describes the Advisory Committee's purpose or responsibilities and will align with Council's strategic directions;

"Meeting" means any meeting of an Advisory Committee or Subcommittee where Quorum is present and at which Members discuss or otherwise deal with any matter in any way that materially advances the business or decision making of the Committee;

“Member” means a Resident Member, Council Member Appointee and/or Stakeholder Member of the Advisory Committee, as context applies;

“Point of Order” means a statement made by a Member of an Advisory Committee during a Meeting drawing to the attention of the Chair a breach of the operating procedures;

“Point of Personal Privilege” means a motion concerning the health, safety, rights or integrity of the Member, Committee, or anyone present at the Meeting;

“Policy Advisor” means a City staff person from a relevant department assigned to provide advice related to City policies and procedures to Advisory Committees in a non-voting capacity;

“Quorum” means the number of Members required to be present at any Meeting in order for business to be conducted, and is a simple majority of the members, including vacancies, of the Advisory Committee or Subcommittee;

“Resident Member” means a voting Member of an Advisory Committee, recruited from the general public, and selected and appointed by Council;

“Special Meeting” means a meeting to consider matters related to the Advisory Committee Work Plan or Mandate that are, in the opinion of the Policy Advisor, time sensitive in nature;

“Stakeholder Member” means an organization holding the position of a voting Member of an Advisory Committee, appointed by Council and represented at the Advisory Committee by the Stakeholder Representative;

“Stakeholder Representative” means the individual selected by the Stakeholder Member to participate on the Advisory Committee;

“Standing Committee” means a Standing Committee of the Council of the Corporation of the City of Oshawa;

“Student Member” means a voting Member of an Advisory Committee, recruited as an enrolled student of an educational institution, and selected and appointed by Council;

“Subcommittee” means a formal committee composed of no fewer than three Members of the Advisory Committee, chaired by a Member of the Advisory Committee, established in consultation with the Clerk and Policy Advisor to carry out specific activities of the Advisory Committee and are subject to open Meeting provisions and rules of procedure;

“Subcommittee Chair” means the Chair of a Subcommittee, who will be a Member of, and report to, the Advisory Committee;

“Terms of Reference” means the document approved by Council that provides a general overview of the Advisory Committee, the content of which is prescribed by the Advisory Committee of Council Policy and Procedure;

“Two-Thirds Majority Vote” means an affirmative vote of at least two-thirds of the Members present and voting;

“Working Group” means an informal group composed of no fewer than three Members of the Advisory Committee established, as required, to carry out specific projects included in the annual work plan submission, to be disbanded upon completion. Working Groups are not subject to open Meeting provisions and rules of procedure;

“Working Group Chair” means the Chair of a Working Group who will be a Member of, and report to, the Advisory Committee; and,

“Vice-Chair” means the member appointed on an annual basis to assume the duties of the Chair if the Chair is absent.

#### **4. Establishment and Review of Advisory Committees**

Advisory Committees are established by Council. The creation of a new Advisory Committee will be supported with the following information prepared by the relevant department in consultation with the Clerk:

- Inventory of previous and existing activities related to the issue including any public consultation initiatives;
- Statutory requirements (if any); and,
- Draft Terms of Reference.

Advisory Committees will seek approval from Council for any change in Advisory Committee name.

##### **4.1 Terms of Reference**

The Terms of Reference for an Advisory Committee will be approved by Council. Advisory Committees may not recommend changes to the Terms of Reference. The Terms of Reference of each Advisory Committee will be reviewed on an ongoing basis in accordance with



Section 4.2 by relevant staff to ensure that each Advisory Committee and the Terms of Reference remain relevant and appropriate.

As the Policy addresses a number of areas common to all Advisory Committees, the Terms of Reference only need to address the following:

- a) **Mandate:** A description of the general purpose of the Advisory Committee, including areas of responsibility taking into account any statutory requirements.
- b) **Goals and Objectives:** A listing of the goals and objectives of the Advisory Committee, to be addressed in annual work plans.
- c) **Guiding Principles:** Identifies the principles that will guide the work of the Advisory Committee.
- d) **Key Success Factors:** An explanation of what factors will demonstrate the Advisory Committee's success.
- e) **Number of Members:** The number of Members on the Advisory Committee, including the number of each type of membership category if applicable.
- f) **Member Qualifications:** A list of the recommended qualifications of Members given the Mandate of the Advisory Committee.
- g) **Frequency of Meetings:** Indicates how often the Advisory Committee will meet, or sets a minimum number of Meetings annually. Meeting calendars are adopted by Advisory Committees annually at the final Meeting of the previous year.

## **4.2 Review of Advisory Committees**

Generally, within the last two years of a term of Council, Council will review the Policy and Advisory Committees in place. The Clerk, in consultation with the relevant department(s) will provide a report to Council of all Advisory Committees, including but not limited to the following:

- a) A list of all Advisory Committees;
- b) All Terms of Reference documents and most recent work plan submissions;

- c) Recommendations related to the Advisory Committees such as Policy updates, additional training requirements, facilitation needs, size, structure or composition of committees, etc.

## **5. Membership Administration**

The Clerk will be responsible for overseeing the recruitment, selection, appointment processes for Members whose terms have expired and for vacancies that may arise from time to time.

For end-of-term appointments, the Clerk will prepare a report to City Council in November of each year that appointments are being made. For vacancies arising mid-term, the Clerk will prepare reports as needed for consideration by the appropriate Standing Committee for recommendation to City Council.

### **5.1. Recruitment, Selection and Appointment**

#### **5.1.1. Resident Members, Student Members**

- a. Advertisements for vacancies will include the Mandate of the Advisory Committee, the term of office, Member qualifications, application process and contact information.
- b. The Clerk will advertise for Student Members in March with Council appointments prior to the summer recess. Student appointments will be one-year terms, starting in September.
- c. The Clerk will take measures to encourage recruitment of individuals reflective of the City's diversity including outreach and potential partnerships with relevant community organizations.
- d. Applicants must be a resident, property owner or tenant in Oshawa and a minimum of 18 years of age unless otherwise determined by Committee membership requirements set out in the Terms of Reference. City of Oshawa employees are not eligible to participate on Advisory Committees.
- e. Applicants will be required to complete and submit to the Clerk an application form, available from City Clerk Services or the City's website.

- f. All applications will be reviewed by City Clerk Services for short-listing purposes to support a diverse and appropriate membership and Council's review of applicants. Short-listing may include telephone, in person or virtual interviews, questionnaires or drop in sessions as appropriate. However, Council receives copies of all applications.
- g. After appointments are made by Council resolution, the Clerk will advise all applicants of Council's decision.
- h. The Policy Advisor in consultation with the Clerk, will ensure that new Advisory Committee Members are provided with appropriate orientation and training specific to Meeting and Advisory Committee protocols.

#### **5.1.2. Stakeholder Members**

- a. When a Stakeholder Representative vacancy occurs, the Clerk will contact the Stakeholder Member to seek a new Representative.
- b. Stakeholder Representatives do not need to be appointed by Council, however new Stakeholder Members must be approved by Council.
- c. The Policy Advisor in consultation with the Clerk will ensure that new Advisory Committee Members are provided with appropriate orientation and training.

### **5.2. Terms of Office**

#### **5.2.1. Resident Members**

Resident Members will serve at the pleasure of Council for a four (4) year term and may apply to be considered for reappointment for another four (4) year term to a maximum of eight (8) consecutive years. Terms of office on each Advisory Committee will be staggered to ensure continuity.

Resident Members who have served eight (8) years may reapply after an absence of one (1) year. A Member may request Council consider waiving the one (1) year mandated absence.

Resident Members may only serve on one (1) Advisory Committee at a time.

#### **5.2.2. Student Members**

Student Members (at least 16 years of age and as may be defined in an Advisory Committee Terms of Reference) will be appointed for one (1) year and may be re-appointed upon reapplication for three additional consecutive terms for a total of four (4) years.

Student Members may only serve on one (1) Advisory Committee at a time.

#### **5.2.3. Council Member Appointees**

Council Member Appointees will serve on Advisory Committees on a one (1) year renewable term unless otherwise legislated.

#### **5.2.4. Stakeholder Members**

Term of office provisions will not apply to Stakeholder Members or Stakeholder Representatives.

#### **5.2.5. Chair and Vice-Chair of Advisory Committees**

The Chair and Vice-Chair will be appointed to a one (1) year term at the first Meeting of each year by the Advisory Committee. The Chair and Vice-Chair may be re-appointed for two (2) consecutive years for a total of three (3) terms.

If the Chair and/or Vice-Chair have reached their term limit for holding office as described above and no other Resident Member or Stakeholder Representative wishes to stand for appointment to the office, the Advisory Committee may extend the term limit for the current Chair and/or Vice-Chair for one (1) year for a total of four (4) consecutive terms, provided they are willing stand for reappointment.

### **5.3. Member Resignation**

Members will provide written notice of resignation to the Clerk who will provide the notice of resignation to Council via the next available Information Package, which is distributed to Council and posted on the City's website.

As soon as written notice of resignation is received, the Clerk will commence the recruitment and selection process to fill the vacancy left by the resignation.

If, during the term of their appointment a Member becomes ineligible to serve on the Advisory Committee based on the membership qualifications stated in the Advisory Committee Terms of Reference and/or this Policy, they are automatically deemed to have resigned as a Member and the Clerk will notify Council and commence the recruitment process.

#### **5.4. Attendance Management**

If a Member is absent from three (3) consecutive, regularly scheduled Meetings without notice, the Clerk, in consultation with the Policy Advisor, will recommend to Council that the Member's seat be declared vacant.

In the case of a Stakeholder Representative, the Clerk will contact the Stakeholder Member following the second absence of the Representative. The Stakeholder Member will have the option to confirm its representative, or to have an alternate Stakeholder Representative appointed. If the Stakeholder Member is unable to confirm a Representative, the Clerk, in consultation with the Policy Advisor will recommend to Council that the Member's seat be declared vacant.

Once Council declares a Citizen or Stakeholder Member's seat vacant, the Clerk will initiate the recruitment and selection process.

### **6. Duties and Conduct**

Advisory Committees work on behalf of Council for the residents of Oshawa. The Advisory Committee may engage in activities that puts Members in direct contact with residents and various organizations. Advisory Committee Members will reflect a professional and courteous manner when interacting with the public, Members of Council and each other.

Should a Member of an Advisory Committee exhibit inappropriate conduct, the Advisory Committee or the administration may request that Council rescind the Member's appointment.

#### **6.1. Advisory Committee Chair**

- a. Preside over all Advisory Committee Meetings, ruling on any points of order;

- b. Facilitate the Meeting, following the Policy and respecting Procedure By-law 111-2017, as amended;
- c. Participate as an active and voting Member, encouraging active participation by all Advisory Committee Members;
- d. Call on the Vice-Chair to take their place in order to move motions or take part in significant debate. Chairs are permitted to ask questions and provide brief comments during discussion;
- e. Undertake any necessary work, including special projects and research between Meetings;
- f. Act as the point of contact with Council and any media relations, unless otherwise designated by resolution of the Advisory Committee;
- g. Lead the preparation of the annual budget submission to Council;
- h. Recognize that all Members are volunteers and understand the workload limitations of the membership of the Advisory Committee; and,
- i. Attend any training offered by the City.

**6.2. Advisory Committee Vice-Chair**

- a. Assume the duties of the Chair if the Chair is not able to fulfil their position;
- b. Chair the Advisory Committee Meeting if the Chair is not present within the first ten minutes of the scheduled Meeting start time (provided Quorum is present);
- c. Participate as an active and voting Member, encouraging active participation by all Advisory Committee Members;
- d. Undertake any necessary work, including special projects and research between Meetings;
- e. Recognize that all Members are volunteers and understand the workload limitations of the membership of the Advisory Committee; and,
- f. Attend any training offered by the City.

### **6.3. Subcommittee Chair**

- a. Preside over all Subcommittee Meetings, ruling on any Points of Order;
- b. Facilitate the Meeting, following the Policy and respecting Procedure By-law 111-2017, as amended;
- c. Undertake any necessary work, including project work and research between Meetings;
- d. Recognize the work load limitations of the Subcommittee;
- e. Report progress and recommendations to the Advisory Committee as necessary; and,
- f. Attend any training offered by the City.

### **6.4. Working Group Chair**

- a. Preside over all Working Group Meetings;
- b. Facilitate the Meeting, preparing meeting notes as required;
- c. Undertake any necessary work, including project work and research between Meetings;
- d. Recognize the work load limitations of the Working Group;
- e. Report progress and recommendations to the Advisory Committee; and,
- f. Attend any training offered by the City.

### **6.5. Members (inclusive of the Chair and Vice-Chair)**

- a. Attend all scheduled and special Advisory Committee Meetings (and Subcommittee/Working Group Meetings, as appropriate) sending regrets to City Clerk Services otherwise;
- b. Understand their role and expectations, including relevant City policies;
- c. Follow the agenda and stay focused on the topic at hand;
- d. Understand and follow the Terms of Reference of the Advisory Committee, including its relationship to Council;

- e. Understand and respect the role and expectations of all participants;
- f. Disclose any conflicts of interest with respect to items before the Committee prior to discussion of the item;
- g. If the Chair and Vice-Chair are not present within the first ten minutes of an Advisory Committee Meeting but Quorum is present, the Members present will appoint another Member as Acting Chair by consensus, who will preside for the duration of the Meeting or until the Chair or Vice-Chair arrives;
- h. Participate as an active and voting Member, asking questions, and seeking clarification through the Chair;
- i. Undertake work necessary to implement the Council-approved work plan, or work as assigned by Council, including reading agendas, doing research, etc. between Meetings;
- j. Develop and maintain a climate where mutual support, trust, respect, courtesy, teamwork, and creativity are valued;
- k. Maintain a high degree of professionalism;
- l. Respect the individual worth and dignity of other Members utilizing the diverse knowledge, expertise and talents of all Members to optimal advantage;
- m. Challenge ideas and not people, creating a climate where it is okay to disagree;
- n. Communicate directly and concisely, listening without interruption, and be open-minded, allowing a variety of opinions to be heard;
- o. Work effectively with the administration to provide excellent service to residents and customers, recognizing the professional obligations of staff as employees of the City of Oshawa and not intervening in administrative practices;
- p. Refrain from criticizing individual members of staff in a way that questions their professional competency and credibility;



- q. Respect that decisions of Council are final and accurately communicate the decisions of Council even if they disagree with the decision of the Advisory Committee;
- r. Defer to the Chair of the Advisory Committee as spokesperson to Standing Committees, Council and the media unless otherwise designated by the Advisory Committee by resolution;
- s. Respect that resolutions made will reflect the position of the Advisory Committee. Members, acting as individuals or as Members of the Advisory Committee, may not provide a delegation or submit correspondence to Standing Committee or Council on a matter that was before an Advisory Committee of which they are a Member unless appointed by the Committee to do so;
- t. Respect and protect confidential information;
- u. Attend any training session offered by the City.

#### **6.6. Council Member Appointees**

Council Members are appointed on a one-year renewable term, unless otherwise legislated, in accordance with Council resolution. Council Member Appointees are Advisory Committee Members, but will also have due regard for the Council Charter and Council Code of Conduct.

Members of Council will not be appointed as Chair or Vice-Chair of any Advisory Committee, Subcommittee or Working Group.

To the extent of any conflict between the Council Member's role as a Member of an Advisory Committee and the Council Member's role as a Member of Council, the City and Council's interests will prevail.

#### **6.7. Staff**

Advisory Committees may not direct staff. Any request, advice or recommendations of an Advisory Committee that require implementation, reports or other action by staff that is outside the normal scope of work as set out in this Policy will be requested by motion to be considered by the appropriate Standing Committee responsible for the matter in question.

Staff has three (3) principle functions related to Advisory Committees: the Clerk role, policy advice role and support staff role. Where staff have a

role, they will follow the direction of their relevant supervisor in undertaking any variation to the responsibilities set out in this Policy.

#### **6.7.1. Clerk**

- a. Provide Clerk services to Advisory Committees of Council, including Subcommittees as defined by the Policy;
- b. Call to order the first regular Meeting of an Advisory Committee annually and conduct the appointment process for the Chair and Vice-Chair;
- c. Understand the role of all participants;
- d. Implement attendance management as set out in the Policy;
- e. Coordinate a training/orientation session for Advisory Committee Members at the first Meeting of each Committee annually;
- f. Coordinate Chair and Vice-Chair training following appointments annually;
- g. Prepare agendas and relevant materials in cooperation with the Policy Advisor;
- h. Post notice of Advisory Committee (not Subcommittee) Meetings and webstream on the City's website for subscription distribution;
- i. Arrange for or set up Meeting areas including audio-visual requirements, attendance by the public and Delegations and ensuring accessibility for anyone who has identified a need;
- j. Determine if Quorum is met;
- k. Offer procedural and process advice to the Chair and Committee Members;
- l. Prepare meeting follow up as required;
- m. Prepare minutes for distribution in the Information Package and circulation as per the Clerks administrative practices; and,

- n. Maintain Advisory Committee and Subcommittee minutes, item numbers, reports of the Advisory Committee and correspondence records.

### **6.7.2. Policy Advisor**

- a. Attend the Meetings of the Advisory Committee and Subcommittee(s). Attendance at Working Group Meetings is optional;
- b. Understand the Mandate of the Advisory Committee, including its relationship to Council;
- c. Understand the role and expectations of the Chair, Advisory Committee Members, Council Member Appointees and staff;
- d. Approve operating expenses, adhering to the City of Oshawa Purchasing By-law and oversee the administration of funds, maintaining a full and accurate account of all receipts and disbursements and preparing year-end reports;
- e. Assist the Advisory Committee by offering policy advice in a non-voting capacity on matters before the Advisory Committee;
- f. Remain impartial during discussions of Advisory Committee matters with all Members;
- g. Subject to priority workload demands as determined by management, assist with the implementation of the work plan;
- h. Assist the Advisory Committee to review goals and objectives and ensure the annual work plan and budget is realistic, up-to-date and being followed; and,
- i. Ensure that any recommendations proposed by the Advisory Committee do not contradict existing Council decisions or the City's budget, by-laws, policies or procedures.

### **6.7.3. Support Staff**

Support staff will attend Meetings of Advisory Committees as necessary, relevant to their area of expertise to provide information

and/or advice. The role of staff is to act as a resource to the Advisory Committee on a project-by-project basis, not to do the work of the Advisory Committee unless specifically assigned to do so by management.

## **7. Municipal Freedom of Information and Protection of Privacy**

The Municipal Freedom of Information and Protection of Privacy Act (M.F.I.P.P.A.) applies to Advisory Committees, and members of the public may request access to City records under the Act by filing a Freedom of Information request. The City must follow the process outlined in the Act to release the information which may include disclosure of reports, correspondence or emails sent by Members to staff regarding committee matters.

Members have the same access rights to municipal information as any other resident of the municipality, unless the information relates specifically to a matter before the Advisory Committee. Requests for information should be referred to the appropriate staff to be addressed either as an informal request to access municipal records, or as a formal request under M.F.I.P.P.A..

Members may receive personal or other confidential information as part of their role on the Advisory Committee. It is expected that this information be protected, including keeping the information physically and electronically secure from unauthorized use.

## **8. Operating Procedures**

### **8.1. Quorum**

Quorum will be a simple majority of the total number of Advisory Committee Members, including any vacancies. Non-quorum Meetings will not be permitted. Subcommittees are subject to Quorum requirements.

If there is no Quorum within fifteen minutes of the established start time of a Meeting, the Clerk will record the names of the Members present and the Meeting will adjourn until a Special Meeting called by the Chair or the next regular Meeting of the Advisory Committee.

### **8.2. Meeting Scheduling**

#### **8.2.1. First Meetings**

The first Meeting each year of an Advisory Committee (or the first Meeting of a new Advisory Committee) will be called and chaired by the Clerk until a Chair and Vice-Chair are appointed.

### **8.2.2. Regular Meetings**

Regular Meetings of the Advisory Committee will be established by resolution of the Advisory Committee at the last Meeting of the Advisory Committee in each year. All Meetings will be held in the Committee Meeting Room at City Hall unless taking place electronically and will not conflict with any other Advisory Committee, Subcommittee, Standing Committee or Council Meetings.

### **8.2.3. Special Meetings**

Special Meetings of the Advisory Committee may be called by the Chair, in consultation with the Clerk and the Policy Advisor.

### **8.2.4. Subcommittee Meetings**

Subcommittee Meetings may be scheduled on a set recurring schedule or may be held as Special Meetings based on Member availability.

### **8.2.5. Working Group Meetings**

Working Group Meetings will be scheduled at the call of the Chair, based on Member availability.

### **8.2.6. Meeting Cancellation/Postponement**

A Meeting may be cancelled or postponed by the Clerk in consultation with Policy Advisor where Quorum cannot be achieved, when a Meeting is no longer required or in the event of an emergency.

Notice of a Meeting cancellation or postponement will be given by the Clerk as soon as possible by providing notice to Members electronically, by posting a notice on the City's website and by posting a notice on the entrance to City Hall. In the event of an emergency such as extreme weather, a cancellation notice will be provided as soon as possible in a manner deemed appropriate by the Clerk.

### **8.3. Notice of Meetings**

Public notice of all regular and Special Meetings of Advisory Committees will be provided by posting the agenda or Special Meeting notice to the City's website.

Agendas and Meeting notices must include the date, time, location and purpose of the Meeting. Meeting notices will be posted no less than 24 hours prior to the start of the Meeting.

### **8.4. Open and Closed Meetings**

All Meetings of Advisory Committees and Subcommittees will be open to the public and web streamed live and archived on the City's website. Very specific, limited provisions exist within the Municipal Act for closed Meetings. The Committee Chairs and Policy Advisors should consult with the Clerk prior to meeting in a closed session.

If, after consultation with the Clerk it is determined that the Advisory Committee has a legal, valid reason to hold a Meeting or portion of a Meeting in closed session, Advisory Committees will follow procedures set out in the Closed Meetings section of Procedure By-law 111-2017 as amended.

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

### **8.5. Order of Business for Regular Meetings**

The business of each Meeting will be taken up in the order in which it stands on the agenda, unless otherwise decided by the Advisory Committee, subject to a Two-Thirds Majority Vote. The following order of business will apply to all regular Advisory Committee Meeting agendas:

- I. Additional Agenda Items
- II. Declarations of Pecuniary Interest
- III. Presentations
- IV. Delegations
- V. Referrals from City Council and/or Standing Committee
- VI. Correspondence

VII. Reports

VIII. Items Introduced by Members

**8.5.1. Additional Agenda Items**

An additional agenda item received after the agenda is published that, in the Clerk's determination relates directly to a matter on the agenda, may be added to the agenda with a Majority Vote and disposed of in the relevant agenda heading following the items listed on the published agenda.

An additional agenda item received after the agenda is published that does not relate to an item on the agenda but is, in the Clerk's determination in consultation with the Policy Advisor is time sensitive, may be added to the agenda with a Two-Thirds Majority Vote and disposed of in the relevant agenda heading following the items listed on the published agenda.

**8.5.2. Declarations of Pecuniary Interest**

A Member must declare any direct or indirect pecuniary interest that they may have on any matter before the Advisory Committee at the beginning of the Meeting. If the Member misses making the declaration at the beginning of the Meeting, the declaration should be made when the matter comes up for discussion. The Member must state the matter to which they have a conflict and the reason why.

The Clerk will record declarations of pecuniary interest made by a Member in the minutes, noting the matter and general nature of the pecuniary interest.

A Member who has made a declaration of interest on an item may not participate in debate, discussion or voting on the item.

**8.5.3. Presentations**

Presentations will not exceed ten (10) minutes and will be limited to presentations by City staff, consultants retained by the City or others as may be invited by the Policy Advisor. An Advisory Committee may, by resolution, invite specific persons, experts, organizations or groups to make a presentation on any matter within its Council-approved work plan.

Whenever possible, a visual representation of presentations will be provided, in particular those referencing mapping, diagrams or site designs. Such material will be submitted to City Clerk Services two (2) business days prior to the Meeting in order to be provided to Members.

Members of the Advisory Committee may ask questions related to presentations, but should not engage in debate with presenters.

#### **8.5.4. Delegations**

Subject to the rules related to Delegations as set out in Procedure By-law 111-2017, as amended, a person is welcome to address an Advisory Committee as a Delegation about any matter on a published agenda or on the Advisory Committee's Council-approved work plan.

A written request to be heard must be submitted to the Clerk, and the Advisory Committee will vote to hear or refuse to hear any Delegation.

Delegations are limited to ten (10) minutes but a one-time extension of two (2) minutes may be provided, subject to a Two-Thirds Majority Vote. Those wishing to use technological means during their Delegation must submit the presentation file to the Clerk no later than 12:00 noon on the business day immediately prior to the Advisory Committee Meeting.

Members of the Advisory Committee may ask questions of Delegations, but should not engage in debate with Delegations.

#### **8.5.5. Referrals from City Council and/or Standing Committee**

Council or a Standing Committee may refer a matter to an Advisory Committee for review or comment. The Advisory Committee will report back to Standing Committee or Council on any matter referred to them.

#### **8.5.6. Correspondence**

Subject to the rules related to Correspondence as set out in Procedure By-law 111-2017, as amended, a person is welcome to submit correspondence to an Advisory Committee about any matter



within its Terms of Reference. Staff may prepare recommendations related to correspondence for the Advisory Committee's consideration.

#### **8.5.7. Reports**

Reports may include reports from staff or Working Groups/Subcommittees of the Advisory Committee. Staff reports and reports from Subcommittees will be in writing and may include recommendations related to the report for the Advisory Committee's consideration. Reports from Working Groups may be either written or verbal, however as identified in Section 13.1, if a Working Group is providing recommendation(s) for further action by the Advisory Committee, the recommendation(s) must be provided to the Clerk within the timelines as set by the Clerks administrative practices for inclusion on the published agenda.

#### **8.5.8. Items Introduced by Members**

Any Member may introduce a new item to be considered by the Advisory Committee for action, provided it is directly related to the Advisory Committee Council-approved work plan. Members are encouraged to provide information regarding items they plan to introduce at a Meeting in advance to the Policy Advisor where possible.

#### **8.6. Order of Business for Special Meetings**

The order of business for Special Meetings will be determined by the Clerk in consultation with the Policy Advisor and will be dependent on the matters to be considered at the Meeting.

### **9. Rules of Debate**

- a) Decisions of Advisory Committees will be by resolution. Unless otherwise required by the Policy or Procedure By-law, a simple Majority Vote of the Committee Members present will be followed.
- b) The Chair will preside over the conduct of the Meeting, including the preservation of good order and decorum, ruling on Points of Order and deciding all questions relating to the orderly procedure of the Meetings, subject to an appeal by any Member to the Committee from any ruling of the Chair.

- c) If the Chair desires to leave the Chair for the purpose of taking part in the debate or to move a motion, they will call on the Vice-Chair to fill his/her place until they resume the Chair.
- d) Before debate begins on any item, a Motion will be presented for discussion.
- e) Every Member, before speaking to any motion, will be recognized by the Chair.
- f) When two or more Members wish to speak, the Chair will name the Member who, in their opinion, first raised their hand.
- g) A Member will not:
- speak disrespectfully to or about another Member, member of staff, or Member of Council;
  - use offensive words or unparliamentary language during Meetings;
  - disobey the procedures of the Committee, or decision of the Chair or the Committee on questions of order or practice or upon the interpretation of the Policy;
  - leave his/her seat or make any noise or disturbance while a vote is being taken and until the result is declared; or
  - interrupt a Member while speaking except to raise a Point of Order.
- h) If any Member persists in a breach of the rules after having been called to order by the Chair, they may be ordered by the Chair to leave their seat for that Meeting. If an apology is made by the offender they may, by vote of the Committee, be permitted to resume their seat.
- i) When a Member wishes to raise a Point of Personal Privilege, they may do so at any time, and the Point will take precedence over other matters.
- j) When a Member desires to call attention to a violation of the rules of procedure, they will ask the Chair to be permitted raise a Point of Order. Once permission is granted:
- The Member will state the Point of Order with an explanation and resume their seat until the Chair will have decided the Point of Order.

- Unless a Member immediately appeals to the Committee, the decision of the Chair will be final.
  - If the decision is appealed, the Committee will decide the question without debate and its decision will be final.
- k) When the Chair calls a Member to order, they will immediately sit down and cease discussion until the Point of Order is dealt with and they will not speak again without permission of the Chair unless to appeal the ruling of the Chair.

## 10. Motions

The following rules will apply to motions made at Advisory Committees and Subcommittees:

- a) Every motion at an Advisory Committee Meeting requires a mover. A seconder is not required.
- b) All motions other than those solely related to procedural matters must be in writing.
- c) After a motion is accepted by the Chair, it is deemed to be in possession of the Committee, but may be withdrawn at any time before decision or amendment with a vote of the Committee. The motion to withdraw is not amendable or debatable.
- d) There is no limit to the number of times a Member may speak to a motion.
- e) A Member may ask questions to another Member or to staff at any time during discussion, but the question must relate directly to the matter under discussion.
- f) A motion to call the vote will not be allowed.
- g) Any Member may require the motion under discussion to be read at any time during the debate, but may not interrupt another Member who is speaking.
- h) When a motion is under consideration, no motion will be received other than a motion to:
  - Adjourn, which is always in order except when another Member has position of the floor or a vote has been called or is in the process of

being taken. A motion to adjourn is neither amendable nor debatable;

- Recess, which will specify the length of time of the recess and is debatable only as to the length or timing of the recess and amendable only as to the duration;
  - Table, which motion is not debatable;
  - Defer action, which will postpone all discussion on a matter until a future date and time as set out in the motion. A motion to defer is only debatable as to the advisability of postponement and amendable as to the date and time to which the matter is to be deferred;
  - Refer, which directs the matter under discussion to another body for further examination or review. A motion to refer is debatable as to the timing and instructions of the referral, and can be amended as to whom it is being referred and the timing and instructions for reporting back; or
  - Amend the motion.
- g. Only one amendment at a time can be presented to the main motion, and cannot directly contradict or negate the effect of the main motion. Only one sub-amendment can be presented to an amendment, but when the sub-amendment to the amendment has been disposed of, another may be introduced, and when an amendment has been decided, another may be introduced.
- h. A sub-amendment to an amendment, if any, will be voted on first, then if no other sub-amendment is presented, the amendment will be voted on next, then if no other amendment is introduced, the main motion (as may be amended), will be put to a vote.
- i. Nothing in this section prevents other proposed amendments from being read for the information of the Members.
- j. After any matter has been decided by the Committee and prior to reporting to the appropriate Standing Committee, any Member may move for a reconsideration. No discussion of the motion that has been decided will be allowed until the motion for reconsideration has carried on a Two-Thirds Majority Vote, and no matter will be reconsidered more than once

in the same calendar year. Advisory Committees cannot reconsider any existing decision of Standing Committee or Council.

- k. All motions not disposed of, will be placed on the agenda for the next regular Meeting unless otherwise decided by the Committee.

## **11. Voting**

- a. Recorded votes will not be permitted.
- b. When the motion under consideration contains two or more distinct parts, any Member may request division to vote on each part separately.
- c. After the Chair begins to take a vote, no Member will speak to or present another motion until the vote has been taken on the motion, amendment or sub-amendment.
- d. If a Member does not disclose a pecuniary interest and does not vote on a matter, the Member will be deemed as having voted in the negative.
- e. Any motion on which there is a tie vote will be deemed to be defeated.
- f. Special guests, volunteers, organizational representatives and City staff do not constitute committee Members, and are unable to vote.

## **12. Minutes and Reporting**

### **12.1. Minutes**

Minutes will record who was in attendance (including noting the time Members leave early or arrive late), where the Meeting took place, when the Meeting started and adjourned, who chaired the Meeting, any persons that appeared and addressed the Advisory Committee and actions taken or recommendations for each item on the agenda. Minutes will be taken by the Clerk without note or comment and will not include questions from Members or discussion on any matter.

Meeting minutes will be the official record of a Meeting, documenting the decisions of the Advisory Committee. Minutes do not require Advisory Committee approval, but will be provided to Advisory Committee Members and the public by posting to the City's website for information. All Advisory Committee Meeting minutes will be provided to Council in the Information Packages.

## **12.2. Reports to Standing Committee**

After each Meeting, the Clerk will prepare a Report to Standing Committee including any item that requires Council approval.

Matters are reported to the appropriate Standing Committee that deals with the subject matter and may include, but are not limited to, the following:

- Advice to City Council as related to the Mandate of the Advisory Committee;
- Directions to staff;
- Advice, recommendations or suggestions the Advisory Committee wishes to provide to bodies other than City Council, as related to the Mandate of the Advisory Committee; or
- Matters that have been referred by City Council or a Standing Committee to the Advisory Committee.

Standing Committees and Council may approve, amend, refer or propose other resolutions, as the Standing Committee or Council sees appropriate. Once an Advisory Committee recommendation has been reported to Standing Committee or Council, an Advisory Committee will not reconsider, recommend or advise on the matter, unless directed by Council.

## **12.3. Annual Reporting Requirements**

Within the first quarter each year, Advisory Committees will submit to Council a summary of the previous year's accomplishments as well as a final year-end financial statement comparing actual expenses against the approved budget. This report will be distributed to Council via the Information Package.

## **13. Working Groups and Subcommittees**

When Advisory Committees identify a project on its Council-approved Work Plan that requires additional work by a smaller group of individuals, the Advisory Committee may establish a Working Group or Subcommittee as outlined in Sections 13.1 and 13.2 below. Except under specific circumstances where a Subcommittee is required, Advisory Committees will form Working Groups.

Working Group and Subcommittee membership should consist of less than a Quorum of Members of the Advisory Committee.

Both Working Groups and Subcommittees are formed by resolution of the Advisory Committee. Members of the public who are not current Members but would be eligible for appointment to the Advisory Committee may participate, but the majority of the Members on Working Groups and Subcommittees must also be Members of the Advisory Committee. The motion to form a Working Group or Subcommittee must include:

- An explanation of the purpose or Mandate of the Working Group or Subcommittee, identifying which item on the work plan the project relates to and, if appropriate, a timeline in which to complete the project;
- The total number of Members required for the Working Group or Subcommittee;
- Then names of all Members to be appointed to the Working Group or Subcommittee, including any members of the public; and,
- The name of the Chair of the Working Group or Subcommittee, who must also be a Member of the Advisory Committee.

### **13.1. Working Groups**

Working Groups may be established, as required, with three or more Members to carry out specific projects included in the annual work plan submission, to be disbanded upon completion of the project(s). Working Groups have greater flexibility related to procedure and structure, permitting free discussion and brainstorming. Working Groups will:

- Be permitted to meet at any location determined by the Working Group;
- Complete Meeting notes if desired; and,
- Not have services provided by the Clerk.

Working Groups will not operate autonomously. Working Groups will regularly report progress of the assigned project(s) by way of a report at a regular Meeting of the Advisory Committee.

Where a Working Group is providing an update of its activities but not making a recommendation for action, this report may be a verbal update to be received for information by the Advisory Committee.

Should a Working Group recommend an action to be taken by the Advisory Committee, the Working Group Chair will submit a report to the Clerk prior to the agenda deadline to allow publication on the Advisory Committee agenda. Such report will provide the recommendation from the Working Group and may provide additional information to the Advisory Committee regarding the reasons for the recommendation.

Working Groups which fail to complete a project within the assigned timeline will be disbanded unless otherwise extended by the Advisory Committee.

### **13.2. Subcommittees**

A Subcommittee may be established in consultation with the Clerk and Policy Advisor to carry out specific activities of the Advisory Committee that require official records of the Subcommittee actions, such as the provision of recommendations directly to staff, as in the case of the O.A.A.C. Built Environment Subcommittee.

Subcommittees are formal bodies subject to Quorum rules, and will:

- Hold Meetings at a City facility;
- Follow the Policy as it relates to Meeting procedures;
- Complete minutes and agendas; and,
- Have services provided by the Clerk.

A summary of the actions taken or recommendations provided by the Subcommittee will be provided to the Advisory Committee to be received for information.

## **14. Committee Finances**

### **14.1. Budget and Work Plan**

The fiscal year of the Advisory Committee will be the calendar year. Based on the timing requirements of Finance Services, Advisory Committees will prepare an annual work plan submission, which will include a work plan and budget for the upcoming year, including any requests for operating and capital funding. Budget requests must relate to the Advisory Committee Mandate and be supported by project descriptions.

This submission will be submitted to Finance Services for inclusion in the annual budget for Council approval. Once approved by Council, the work



plan cannot be modified by the Advisory Committee without subsequent Council approval.

Operating budgets, if not expended by year-end, will be returned the City's general fund. Capital funds may be carried over for the specific project for a maximum of two years.

The City will track Advisory Committee expenditures and revenues in a separate expense and revenue account for each Committee. All purchases must adhere to the City of Oshawa Purchasing By-law.

#### **14.2. Fundraising Activities**

Advisory Committees will not undertake any fundraising activities, including event or program sponsorship without prior approval from Council. All fundraising activities will be on a project-by-project basis, clearly identified in the Advisory Committee work plan with financial oversight by the City.

#### **14.3. Member Remuneration**

Members of Advisory Committees are volunteers, and serve without remuneration. Members may be reimbursed for official Advisory Committee attendance at conferences and special events, including any reasonable travel expenses previously approved by the Advisory Committee. Advisory Committee Members with disabilities will be reimbursed for any necessary travel expenses to and from Advisory Committee, Subcommittee or Working Group Meetings that occur within the City of Oshawa. Any expenses submitted without the Advisory Committee's prior approval will not be reimbursed.

### **15. Media and Communications**

The actions and recommendations of Advisory Committees are subject to the policies and administrative practices of the City, including provisions pertaining to the use of the corporate logo(s), letterhead, website, information pamphlets, media advertisements and the like.

#### **15.1. Social Media**

Advisory Committees are not authorized to launch social media accounts, but may provide messaging related to their respective Advisory Committee and Committee Mandate via the City's official social media accounts by providing content to the Policy Advisor as per the City's Social Media Governance and Guidelines Manual.

## **15.2. Media Materials and Media Events**

All corporate media materials and media events related to the respective Advisory Committee must be approved by the Policy Advisor following the City's Media Relations Guidelines Manual and Media Events, Ground Breaking, Grand Opening and Opening Ceremonies Guidelines Manual available through City staff. Advisory Committee Members shall not speak to the media on City of Oshawa matters, unless authorized by the Advisory Committee and the City's Corporate Communications.

Advisory Committee Members who communicate in any public form (e.g. interviews, editorials, writing of a regular column or blog post, etc.) when not in their official capacity as Advisory Committee spokespersons for related corporate media advisories and releases, where they are identified as a Member of a recognized Advisory Committee of the City of Oshawa, the Advisory Committee Member will be expected to provide the following disclaimer stating, "The opinions reflected by the Member are their own personal comments and are not endorsed nor representative of the Advisory Committee, the City of Oshawa or Oshawa City Council."

## **16. Code of Conduct**

Advisory Committees are expected to maintain principles of good conduct and ethics reasonably expected from individuals appointed by the Council of the City of Oshawa to ensure all municipal affairs are conducted with professionalism and integrity.

Every Member, including Members of Working Groups or Subcommittees that are not Members of the Advisory Committee, will observe and comply with all provisions of this Policy, as well as all applicable legislation and other policies or procedures adopted or established by Council.

Advisory Committee positions will not be used for personal gain. Without limitation, no Member will use their appointed position to influence, or attempt to influence, the decision of any other person, for the Member's private advantage or that of a Member's family member.

### **16.1. Conduct at Meetings**

Every Member will conduct themselves properly and in a civil manner at Council, Standing Committee or Advisory Committee Meetings and in accordance with the provisions of the City's Procedure By-Law, this Policy and other applicable policies or laws.

## **16.2. Conduct Respecting Others**

Every Member has the duty and responsibility to treat Council, the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment.

The Human Rights Code and the Occupational Health and Safety Act recognize the right to freedom from harassment. Under the Human Rights Code and the City's Harassment and Violence in the Workplace Policy, all persons are to be treated with dignity and respect in the workplace in an environment free of abuse, discrimination and of personal and/or sexual harassment.

Harassment whether it occurs inside or outside the workplace but is related to the work environment is considered to be harassment and is inappropriate behaviour for the purpose of this Policy.

Any complaints of abuse, bullying, intimidation or harassment will be investigated in accordance with the procedures set out in the City's Harassment and Violence in the Workplace Policy

## **16.3. Conduct Respecting Staff**

Under the direction of the Chief Administrative Officer and Corporate Leadership Team, and in accordance with the decisions of Council, municipal employees are required to serve the municipal corporation as a whole.

All Members will be respectful of the role of employees to provide advice based on political neutrality and objectivity and without undue influence from any Member. Accordingly, no Member will question the professional or ethical reputation of any employee. Every Member will show respect for staff and for their professional capacities and responsibilities.

No Member will ask any employee to engage in partisan political activities, or subject any employee to threat or discrimination for refusing to engage in such activity.

No Member will use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or influencing improperly any employee or interfering with that person's duties, including the duty to disclose improper activity.

#### **16.4. Advisory Committee / Staff Working Relationships**

Members are appointed by Council to provide advice to Council. Employees are ultimately accountable to the Chief Administrative Officer and are responsible for implementing the decisions of Council, and ensuring the efficient and effective operation of municipal services. Members and employees will work cooperatively based on shared values of honesty, trust, mutual respect, and leadership for continuous improvement.

Members are encouraged to contact employees to answer questions, identify concerns or request services that are normally available to any Oshawa resident.

#### **16.5. Gifts and Benefits**

A gift or benefit will not be accepted if it was intended to influence, or could reasonably be perceived that it might influence or was intended to influence, the Member in the performance of their duties as a Member or that the gift or benefit was intended or could reasonably be perceived as intended as a reward for any action or impending action by the Member.

Notwithstanding this section, Members may accept the following:

- Food and beverages at banquets, receptions, ceremonies or similar events to which they have been invited as a Member;
- A gift such as a souvenir, memento or commemorative item that is given in recognition of service, for speaking at an event, or representing the City at an event;
- Compensation authorized by Council or law.

#### **16.6. Municipal Resources / Uses of City Property**

Members will only use City property for activities associated with their duties as a Member, unless otherwise approved. In the event a Member is nominated for a position governed by the Municipal Elections Act, 1996 (M.E.A.), the Member will comply with the M.E.A. and procedures developed and approved by the City Clerk and/or Council for the use of corporate resources for election purposes.

## **16.7. Compliance**

All Members will be aware of and comply with this Policy. Members are accountable to Council and, in addition to any other consequence imposed by law. Members found to have breached this Policy may be subject to discipline or corrective action up to and including removal from the Advisory Committee to which they have been appointed.

Any individual, including members of the public, City employees and Members who have reasonable grounds to believe that a Member has breached a provision of the Policy may proceed with a complaint.

Complaints must be submitted within six (6) weeks of the matter becoming known to the individual and no more than six (6) months after the alleged violation occurring. The City Clerk will be responsible for ensuring compliance with these deadlines, and will take no action on a Complaint received beyond these deadlines.

## **16.8. Complaint Procedure - Informal**

Any individual who has identified or witnessed behaviour or activity by a Member that appears to be in contravention of the Policy may address their concerns in the following manner:

- Advise the Member that their behaviour or activity appears to contravene the Policy;
- Encourage the Member to stop the prohibited behaviour or activity;
- If applicable, confirm to the Member your satisfaction or dissatisfaction with the response received to the concern identified;
- Keep a written record of the incidents including dates, times, location, other persons present and any other relevant information including steps taken to resolve the matter. If the individual is not satisfied with the response received through the informal process, they may submit a formal Complaint to the City Clerk as outlined in the following section.

If an informal complaint is reported to City Clerk Services, the Member that appears to be in contravention will be contacted for a meeting by City Clerk Services and appropriate staff including the relevant department Commissioner and Chief Administrative Officer to encourage the Member to stop the prohibited behaviour or activity and discuss additional training

or education to be offered, if required, related to the complaint. Following the meeting, the Member will be provided written documentation of the meeting, including the agreed-upon course of action and any identified future steps.

#### **16.9. Complaint Procedure – Formal**

Any individual who believes that a Member has contravened the Policy may make a request (the “Complaint”) that the matter be formally reviewed.

Every Complaint will:

- a. be in writing;
- b. set out the grounds for the belief and the contravention alleged;
- c. be signed by an identifiable individual or authorized signing officer of an organization (note: the identity of the complainant will not be maintained in confidence);
- d. include the original or copy of any supporting documentation or other supporting material available to the complainant; and
- e. include the name and contact information of the complainant and any witness.

Upon receipt of a Complaint, the City Clerk will present the Complaint to Council in a closed Meeting of Council. Council, in its sole discretion may determine that:

- there has been no contravention of the Policy;
- the Complaint is frivolous, vexatious or not made in good faith, or that there are insufficient grounds for an investigation;
- a contravention occurred although the Member took all reasonable measures to prevent it;
- a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith; or,
- the Member has contravened the Policy, and as such direct corrective actions outlined in this Policy.

**16.9.1. Criminal Matter**

If the Complaint is an allegation of a criminal nature consistent with the Criminal Code of Canada, the Complainant will be advised that pursuit of such an allegation must be made through the appropriate Police Service.

**16.9.2. Municipal Conflict of Interest**

If the Complaint is an allegation with respect to matters under the Municipal Conflict of Interest Act, the Complainant will be advised to review the matter with their own legal counsel.

**16.9.3. M.F.I.P.P.A.**

If the Complaint is more appropriately addressed under the Municipal Freedom of Information and Protection of Privacy Act, the matter will be referred to the Office of the Clerk for review under that Act.

**16.9.4. Matter Already Pending**

If the Complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, Human Rights complaint or similar process, the Clerk may, in his/her sole discretion, suspend any further action pending the result of the other process.

**16.9.5. Other**

If the matter is covered by other policies or legislation, the Complainant will be advised and directed to proceed in a manner as considered appropriate by the Clerk.

**16.10. Records and Review**

The Clerk will maintain a comprehensive record of all complaints submitted with respect to the Policy and the details and decisions associated with each complaint. In making any judgement or decision with respect to a complaint, the comprehensive record of complaints and decisions rendered will be consulted with a view to maintaining consistency.

### **16.11. Reprisals and Obstruction**

Members will respect the integrity of the Policy and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Clerk is prohibited. It is also a violation of this Policy to obstruct the Clerk carrying out of his/her responsibilities.