

Bill No. 605
2018

By-law No. CPOL.- ____ - __

A by-law to repeal By-law No. CPOL.-59-291 being “General Policy for Advisory Committees”, and all amendments thereto and to enact a new Council Policy, “General Policy for Advisory Committees”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to repeal By-law No. CPOL.-59-291 being “General Policy for Advisory Committees” and all amendments thereto, and replace it with a new Council Policy entitled “General Policy for Advisory Committees” to reflect changes to the Striking Committee;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. CPOL.-59-291 being “General Policy for Advisory Committees” and all amendments thereto, is hereby repealed.
2. The policy entitled “General Policy for Advisory Committees”, attached hereto as Schedule ‘A’, is hereby enacted.
3. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on November 6, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – November 6, 2018
Second Reading – November 6, 2018
Third Reading – November 6, 2018

Schedule “A”

Policy Name: General Policy for Advisory Committees

Legislative History: Adopted August 22, 2017 (By-law No. CPOL.-59-291); Amended July 24, 2018 (By-law No. CPOL.-59(a)-401)

Last Review Date: September 17, 2018

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 This policy establishes the various expectations and protocols for City Council’s Advisory Committees.

2. Definitions

- 2.1 Not applicable.

3. Applicability

- 3.1 This policy applies to any Advisory Committee of the City Council.

4. The Policy

4.1 Role of Advisory Committees

While it is the legislative mandate of the Municipal Council to make the final decision on all matters that affect the Municipality, the role of an Advisory Committee is to provide recommendations, advice and information to the Municipal Council on those specialized matters which relate to the purpose of the Advisory Committee, to facilitate public input to City Council on programs and ideas and to assist in enhancing the quality of life of the community, in keeping with the Municipal Council’s Strategic Plan principles. Advisory committees shall not give direction to the Civic Administration or to any local board or commission, nor shall Advisory Committees request, without the approval of the Municipal Council, the preparation of any administrative reports, research or work assignments. This does not preclude Advisory Committees from directly asking the Civic Administration for information and data when, in the opinion of the Civic Administration, such requests can be reasonably accommodated within existing workloads and priorities, and do not place an unreasonable demand on available resources.

4.2 Ongoing Review of Advisory Committees

The terms of reference for each Advisory Committee shall be reviewed on an ongoing basis by its parent Standing Committee in order to ensure that the terms of reference, the need and the role of each Advisory Committee remains relevant and appropriate. The results of such reviews shall be reported to the Strategic Priorities and Policy Committee, together with any recommendations that a Standing Committee might have with respect to changes in the Council’s Advisory Committee structure, or to the terms of reference of individual advisory committees.

4.3 Resignations and Appointments

Advisory Committee members wishing to resign their appointment mid-term shall submit their resignation in writing to the City Clerk. When the resignation is accepted by the City Clerk, the City Clerk shall also consider the need to replace the Advisory Committee member, having regard to the remaining composition of the Advisory Committee, the current workload of the advisory committee and the length of time remaining in the Council term. If the City Clerk deems it advisable to replace the Advisory Committee member, then vacancies for citizen-at-large or sectoral Advisory Committee members shall be publicly advertised and residents of the Municipality shall be invited to apply to fill the vacancy. Vacancies for Advisory Committee members who represent a particular organization/agency

shall be nominated by that organization/agency and the City Clerk shall have the delegated authority to confirm those appointments on behalf of the Municipal Council. All Advisory Committee appointments occurring mid-term shall be recommended by the committee mandated with that task by the Municipal Council, for consideration by the Municipal Council, with the exception of those appointments otherwise delegated to the City Clerk. Individuals who are unsuccessful in being appointed to an Advisory Committee at the beginning of a Council term shall be notified by the City Clerk of any vacancies that arise on the Advisory Committee to which they applied during that term, and be given an opportunity to re-apply for the vacancy.

The City Clerk shall, in the month of September immediately preceding a new Council term, invite applications for a Striking Committee being established by the Municipal Council to nominate appointments to Advisory Committees at the beginning of each new Council term.

The Striking Committee shall be comprised of the following voting members and will be provided secretariat support by a Committee Secretary designated by the City Clerk:

- 1 Past Member of the Diversity, Inclusion and Anti-Oppression Advisory Committee
- 1 Representative of Pillar Non-Profit Network
- 1 Representative of the Urban League of London
- 1 Representative of the London and District Labour Council
- 1 Representative of the London Chamber of Commerce
- 5 Citizens-at-Large selected by the outgoing Municipal Council

The Strategic Priorities and Policy Committee shall meet in advance of the last Council meeting of a Council term to review the applications for Striking Committee and nominate appointees for the Municipal Council's consideration by no later than the last regular Council meeting of the Council term.

Vacancies for citizen-at-large and sectoral Advisory Committee members shall be publicly advertised. All Advisory Committee appointments to be made at the commencement of a Council term shall be recommended by the Striking Committee for consideration by the Strategic Priorities and Policy Committee and recommendation to the Municipal Council, with the exception of Advisory Committee members who represent a particular organization/agency. Advisory Committee members who represent a particular organization/agency shall be confirmed by the City Clerk, on behalf of the Municipal Council. The Striking Committee may, at its discretion, liaise with the outgoing Advisory Committee chairs with respect to the qualifications of any returning citizen-at-large and sectoral applicants. The City Clerk shall advise the Striking Committee of any considerations with respect to the attendance history of applicants, and any other relevant information that may assist the Striking Committee in its review of the applicants. All applications shall be sought and handled in keeping with the Council Policy established to set the guidelines for same and where a Provincial Statute prescribes the type of appointments to be made by the City to an Advisory Committee, the Statute shall be complied with.

4.4 Eligibility for Appointment

Council Members and individuals from the Civic Administration shall not be appointed as voting members to Advisory Committees, nor shall any residents who are not of legal voting age in the Province of Ontario. Advisory Committee members who represent a particular organization or agency shall be nominated by the organization or agency of which they are a member. No member of the Striking Committee noted in part 4.3 shall be eligible for appointment to an Advisory Committee or City Agency, Board or Commission, for the term for which that Striking Committee is recommending appointments.

4.5 Term of Appointment

Appointments to Advisory Committees shall be for a four-year term, commencing March 1 of the first year of a Council term and ending on February 28 or, in the case of a leap year, February 29 of the first year of the following Council term.

4.6 Maximum Length of Service

Advisory Committee members shall serve on the same Advisory Committee no longer than two consecutive full terms plus, if applicable, one preceding partial term in those cases where Advisory Committee members are initially appointed mid-term to fill a vacancy.

4.7 Remuneration

Advisory Committee members shall serve without remuneration.

4.8 Orientation Sessions

Following the Advisory Committee appointment process at the beginning of each Council term, the City Clerk's Office shall conduct an orientation session for new Advisory Committee members and shall provide training on parliamentary procedure for the Advisory Committee. The City Clerk's Office shall also conduct orientation sessions for new replacement members during the term. An orientation manual will be provided to each member of the Advisory Committee.

4.9 Bus Tickets and Parking at City Hall

Advisory Committee members shall be provided with either free parking in the Civic Square Parking Garage or with two free L.T.C. bus tickets when attending Advisory Committee meetings or when conducting Advisory Committee-related work at City Hall. In the event of a public transit stoppage, appointed members of City of London Advisory Committees who face financial barriers in securing alternative transportation when attending Advisory Committee meetings, or when conducting Advisory Committee-related work at City Hall, may be eligible for full reimbursement of those alternative transportation costs. Reimbursement of alternative transportation costs is subject to the submission of detailed receipts to the City Clerk, including supporting documentation providing information as to origin, destination, date, time, method and purpose of any travel for which they are seeking reimbursement. The City Clerk shall review such requests for reimbursement and may grant full or partial reimbursement based upon the information submitted and subject to budget availability.

4.10 Staff Support

Advisory Committee meetings shall be attended by staff representatives of the appropriate civic departments to provide resource support and general liaison. However, in order to ensure optimum use of staff resources, particular staff shall not be required to attend an Advisory Committee meeting which does not have matters falling within that staff's purview on the agenda. The affected Managing Director shall determine the representative from their Service Area who shall attend particular Advisory Committee meetings. Staff representatives shall not vote at Advisory Committee meetings. The day-to-day support of Advisory Committees (such as the co-ordination of meeting schedules, the preparation of Advisory Committee agendas and reports and the communication of Advisory Committee actions) shall be provided by the City Clerk's Office.

4.11 Expenditures by Advisory Committees

- a) Any annual budget allocation to an Advisory Committee shall be at the sole discretion of the Municipal Council and subject to the Municipal Council's annual budget deliberations, taking into consideration the requests of the advisory committees.

- b) All expenditures by an Advisory Committee must relate to matters directly within its mandate.
- c) Each Advisory Committee shall provide an annual report to the Municipal Council, through the appropriate Standing Committee, detailing all expenses incurred against its annual budget allocation and in a format established by the City Clerk.
- d) All Advisory Committee expense information is considered to be public information and shall be made available upon request to the City Clerk.
- e) Authorization for expenditures shall be as follows:
 - i) the City Clerk, or their designate, shall have the authority to process all payments for standard items within the Advisory Committee's mandate, subject to budget availability, such as costs associated with Council-approved events (e.g. speaker's gifts, mailing costs, room rentals, refreshments, etc. for open houses and workshops), costs associated with workshops and conferences attended by members of an Advisory Committee which are relevant to that Advisory Committee's mandate, plaques issued by the London Advisory Committee on Heritage, communication supports for persons with disabilities, and purchase of publications to assist in carrying out the Advisory Committee's mandate;
 - ii) expenses associated with communication and/or promotional efforts being undertaken by an Advisory Committee, within its mandate, are to be approved by Communications for consistency in messaging and proper branding, via the Committee Secretary, prior to those expenses being incurred. If Communications approves the content of those items, then the City Clerk, or their designate, shall have the authority to process those expenses, subject to budget availability. Expenses associated with communication and/or promotional efforts that are not to the satisfaction of Communications, shall require the approval of the Municipal Council, via the appropriate Standing Committee; and
 - iii) financial grants/contributions or awards to third party individuals, organizations or groups shall be directed to the appropriate service area to be addressed through the approval and reporting processes already established by the Municipal Council for those situations, unless that authority is explicitly provided for by the Municipal Council in an Advisory Committee's mandate. If that authority has been explicitly provided for in an Advisory Committee's mandate, then the City Clerk, or their designate, shall have the authority to process those particular expenditures.

4.12 Election of Chair and Vice Chair

The presiding officer of all Advisory Committees shall be referred to as "Chair". Advisory Committees shall elect, from among their voting members, a Chair and a Vice Chair at their first meeting each year. An Advisory Committee member shall not serve as a Chair or as a Vice Chair for more than two consecutive years unless approved, on an exception basis, by the Municipal Council.

4.13 Sub-Committees/Working Groups

Advisory Committees may form sub-committees or working groups as may be necessary. Meetings of working groups that have been formed by the Advisory Committee may meet at any time and at any location but shall meet on different dates than the Advisory Committee. Staff support, including a recording secretary from the City Clerk's Office, shall not be provided to such sub-committees or working groups unless otherwise approved by the appropriate Managing Director.

4.14 Schedule and Location of Meetings

Advisory Committees shall meet at a frequency determined by the Municipal Council as part of the Advisory Committee's mandate. However, if there is a time-sensitive matter that must be attended to in the opinion of the Chair and the

Committee Secretary, a special meeting of the Advisory Committee may be called to deal with the time-sensitive matter. Advisory Committee meetings shall be held at City Hall and shall be open to the public, except during closed sessions which may be held in accordance with the Council Procedure By-law. Advisory Committee meetings may, with the approval of the Municipal Council, be held away from City Hall for a specific purpose.

4.15 Parliamentary Procedures

The parliamentary rules outlined in the Council Procedure By-law shall be observed, as far as applicable, by each Advisory Committee; however, Advisory Committee members should recognize that many individuals feel more comfortable when exchanging views with their peers in an informal atmosphere where they have an opportunity to appreciate the abilities and knowledge of other Advisory Committee members.

4.16 Attendance at Meetings

Advisory Committee members, including members-at-large and agency representatives, shall be deemed to have resigned their appointments if they are absent from 25% of their regular Advisory Committee meetings, without the prior consent of the Municipal Council, unless they are absent for health reasons, in which case the continuation of their appointment shall be determined by the City Clerk, in consultation with the Advisory Committee Chair. While alternate members are encouraged to regularly attend meetings so as to remain current with the Advisory Committee's business, the 25% attendance rule shall only apply to absences from those meetings for which they have been requested to attend as a voting member, but have not done so.

The City Clerk shall be required to give written notice to any member who has exceeded the above absence threshold and shall invite the absentee to provide a written explanation for the absences, on the understanding that such written explanation will be reviewed with the Advisory Committee Chair before a decision is made by the City Clerk.

Advisory Committee members shall inform their committee's recording secretary of any anticipated absences from upcoming meetings and such advance notice shall be recorded in the Advisory Committee's report.

4.17 Advisory Committee Agendas

Advisory Committee agendas shall be prepared by the committee's recording secretary. Agendas shall be distributed electronically to Advisory Committee members at least five business days in advance of a meeting. Agendas shall be based on the written communications that relate to matters within the mandate of the Advisory Committee. Agenda material that is received after the agenda has been prepared and mailed (but before the meeting) shall be placed on the agenda for the next following meeting.

Advisory Committees shall not consider a matter that is not listed on its agenda, unless such a matter is deemed, by the Advisory Committee, to be a matter of legitimate urgency. Such matters that are not considered urgent by the Advisory Committee shall be listed on the next agenda for the next following meeting.

4.18 Advisory Committee Reports

Reports of Advisory Committee meetings shall be prepared by the Committee's Recording Secretary in a format which is consistent with the reports of the Council's Standing Committees. Advisory Committee reports shall be forwarded exclusively to the standing committee to which the Advisory Committee reports for its consideration/information save and except where the Municipal Council may, from time to time, determine it would like there to be a mutual exchange of advisory committee reports between specific Advisory Committees. Advisory Committee reports shall also be listed on the respective Advisory Committee's next agenda for information purposes. Any request of staff included in an Advisory

Committee report shall be directed through the appropriate Service Area head.

An Advisory Committee chair, or their designate, may be requested by the Standing Committee to which it reports to be a delegation at the Standing Committee's meeting in order to provide further information or clarification with respect to matters coming forward from the Advisory Committee. The above does not preclude an Advisory Committee chair, or their designate, from initiating their own request for delegation status at the Standing Committee to which the Advisory Committee reports, if the Advisory Committee wishes them to do so. On the rare occasion where there is a matter that falls within the mandate of an Advisory Committee that does not fall within the mandate of the Standing Committee to which it reports, the Advisory Committee, through a motion adopted by a majority of its members, may recommend to its Standing Committee that the Advisory Committee's recommendation be referred to the Standing Committee having responsibility for the matter by virtue of its mandate. Similarly, if there is a public meeting being held by another Standing Committee, which is relevant to the mandate of a particular Advisory Committee, the Advisory Committee may, through a motion adopted by a majority of its members, direct the Chair or his/her designate to make representation, on behalf of the Advisory Committee, to the appropriate Standing Committee in order to provide the position of the Advisory Committee on matters falling within the Advisory Committee's jurisdiction. In these instances, the City Clerk will determine the appropriate Standing Committee for a matter, based on the jurisdictions outlined in the Council Procedure By-law.

The Advisory Committee chair, or their designate, shall accurately represent the views of the Advisory Committee as a whole, when presenting on an Advisory Committee's behalf.

4.19 Reporting Time Frames for Matters Referred to Advisory Committees

- a) Reporting time frames for matters referred to Council-appointed Advisory Committees where such matters involve development or business-related applications or initiatives being processed by the City of London for various types of required approvals (hereinafter referred to as "a matter") shall be as follows:
 - i) when a matter has been listed on the agenda of an Advisory Committee for which advice is being sought from the Advisory Committee, that Advisory Committee will provide its written advice to the requestor or requesting body by no later than 35 days after the matter has been first listed on the agenda of the Advisory Committee, unless the requestor or requesting body has identified a different deadline date in its referral request to the Advisory Committee for exceptional situations;
 - ii) when an Advisory Committee deems it necessary to refer a matter to one of its sub-committees or working groups for consideration, that particular sub-committee or working group will be expected to complete its review and to report back to its parent Advisory Committee in time for the Advisory Committee to meet the 35 day deadline or any different specified deadline date;
 - iii) when it appears to an Advisory Committee that it will be unable to meet the 35 day deadline or a different specified deadline date for providing advice on a matter referred to it:
 - A) the Advisory Committee may ask the requestor or the requesting body for an extension of the 35 day deadline or of the different specified deadline date, to a date to be suggested by the Advisory Committee; however, the decision of the requestor or of the requesting body with respect to agreeing to such extension will be final; and
 - B) the Advisory Committee, failing the acceptability of the process outlined in section (i) above, may give its Chair (or designate) the power to act with respect to providing a response on the matter by the 35 day deadline or by a different specified deadline date, to the requestor or the requesting body;

- iv) when requestors or requesting bodies are transmitting matters to Advisory Committees for their advice, the requestors and requesting bodies will be mindful of the established monthly meeting dates or such other regular meeting dates of the particular Advisory Committee with a view to maximizing the time available to an Advisory Committee to provide its written advice to a requestor or requesting body; and
- v) when an Advisory Committee had not responded to the requestor or the requesting body by the 35 day deadline or by the different deadline date, the requestor or the requesting body may proceed with the processing of the matter in the absence of advice from the Advisory Committee.

4.20 Annual Report and Work Plan

Advisory Committees shall submit an annual report to its parent Standing Committee outlining the previous year's accomplishments and a work plan for the upcoming year, for Municipal Council approval. The work plan shall set out proposed initiatives to be undertaken that are directly linked to the mandate of the Advisory Committees and the priorities as set out in the City of London's Strategic Plan. The work plan shall include any work required under their mandate and applicable legislation.

4.21 Committee Conduct

This Committee Conduct Policy applies to all members of Advisory Committees, special committees or task forces (hereinafter referred to as "committee(s)") who are not Municipal Council members or employees of The Corporation of the City of London.

Committees are established to provide informed advice and guidance and to facilitate public input to City Council on programs and ideas.

Council recognizes the value of the impartial and objective advice received from committee members and the challenges and inherent restrictions facing committee members in assessing and recommending various options in a conscientious and ethical manner.

The following Committee Conduct Policy is provided as a general standard for all committees and shall be applicable to all City of London committees.

General Conduct

Advisory committees, when carrying out their committee responsibilities, are expected to:

- a) abide by the provisions of the Ontario Human Rights Code, City of London policies and any other applicable related statutes and, in doing so, shall treat every person, including other committee members, corporate employees, individuals providing services on a contract for service, students on placements, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination;
- b) act in the best interest of The Corporation of the City of London;
- c) seek to advance the common good of the community which they serve; and
- d) truly, faithfully and impartially exercise their duties to the best of their knowledge and ability.

Definitions

"Relative" means a person's spouse, common-law spouse, same-sex partner, child, parents, siblings or a spouse of any of the forgoing. "Child", "parent", "spouse" shall have the meanings ascribed to them in the Municipal Conflict of Interest Act.

Specific Conduct

- a) Advisory committee members shall, when conducting committee business, preparing written correspondence, interacting with Members of Council, the media, the public or staff, act in a manner that:
 - i) fulfills the mandate of the committee;
 - ii) respects due process and the authority of the Chair, Vice-Chair or Presiding Officer;
 - iii) demonstrates respect for all fellow committee members, Council, the public and staff;
 - iv) respects and gives fair consideration to diverse and opposing viewpoints;
 - v) demonstrates due diligence in preparing for meetings, special occasions, or other committee related events;
 - vi) demonstrates professionalism, transparency, accountability and timeliness in completing any tasks or projects undertaken by the committee;
 - vii) conforms to relevant legislation, by-laws, policies and guidelines; and
 - viii) contributes in a meaningful manner, offering constructive comments to Council, staff and fellow committee members.
- b) In the performance of his or her duties, a committee member shall not:
 - i) place him or herself in a position where a member is under obligation to any person who might benefit from special consideration or favour or who might seek preferential treatment in any way;
 - ii) accord preferential treatment to relatives or to organizations in which the member, his or her child, parent or spouse, have an interest, financial or otherwise;
 - iii) deal with an application to the City for a grant, award, contract, permit or other benefit involving the member or his or her immediate relative;
 - iv) place his or herself in a position where the member could derive any direct benefit or interest from any matter about which he/she can influence decisions; and
 - v) benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public.
- c) Where an Advisory Committee member believes he or she has a conflict of interest in a particular matter, he or she shall:
 - i) prior to any consideration of the matter, disclose his or her interest and the general nature thereof;
 - ii) remove themselves from the table for the duration of time that the matter is being considered and during in-closed session, remove themselves from the room;
 - iii) not take part in the discussion or the vote on any question or recommendation in respect of the matter; and
 - iv) not attempt in any way whether before, during or after the meeting to influence the voting on any such question or recommendation.
- d) Where the number of members who by reason of conflict are disqualified from participating in a meeting is such that the remaining members are not of sufficient number to constitute a quorum, then the remaining members shall be deemed to constitute a quorum provided such number is not less than two.
- e) A request for an investigation of a complaint that a member of an Advisory Committee has contravened the Conduct Policy shall be:
 - i) made in writing, setting out reasonable and probable grounds for the allegation that a member has contravened the Conduct Policy and signed by an identifiable individual (which includes the authorized signing officer of an organization);

- ii) filed with the City Clerk, who, in the case of a complaint not involving an employee of the Corporation, shall investigate the matter and present the findings to Council in a closed meeting of Council or, in the case of a complaint involving an employee of the Corporation, the City Clerk shall forward the information subject to the complaint to the Corporation's Intake Administrator, who, in the event mediation or other informal attempts to resolve the complaint as provided for in the applicable policy are not appropriate or prove ineffective and where Human Resources determines that further inquiry is warranted, will conduct an investigation in accordance with the applicable policy and the Corporation's Formal Investigation Process. Upon the conclusion of the investigation, any positive findings will be provided to the City Clerk, who shall make a determination on the application of this Committee Conduct Policy. The findings of the City Clerk shall be reported to City Council as per the normal procedure respecting such matters.
- f) Council, may determine:
 - i) that there has been no contravention of the Conduct Policy;
 - ii) that a contravention occurred although the member took all reasonable measures to prevent it;
 - iii) that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith; or
 - iv) that the member has contravened the Conduct Policy and take any corrective actions, including removal from the Advisory Committee.

4.22 Recognition

The Municipal Council shall host an annual reception, subject to budget availability, to honour those members-at-large and those agency representatives who have served the Municipal Council, without remuneration by the Municipality, as a voting member of one or more of its Advisory Committees and whose attendance has been in keeping with set policy.

4.23 Other Acts, Regulations, By-laws and Policies

Advisory Committees shall, at all times, conduct themselves in accordance with the provisions of other applicable Acts and Regulations (e.g. *Municipal Freedom of Information and Protection of Privacy Act*, *Ontario Human Rights Code*, etc.), as well other by-laws or policies that the Municipal Council may establish from time to time (e.g. City of London Procurement of Goods and Services Policy, etc.).