

# MUNICIPALITY OF THE COUNTY OF KINGS



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## BY-LAW # 102

### COMMITTEES GOVERNANCE BY-LAW

#### A BY-LAW TO DEFINE THE MANDATE, ADOPT TERMS OF REFERENCE AND ADOPT MEETING PROCEDURES FOR COMMITTEES ESTABLISHED BY OR APPOINTMENTS TO EXTERNAL COMMITTEES BY THE MUNICIPALITY OF THE COUNTY OF KINGS

**WHEREAS** By-law 64, 'Meetings and Procedure By-law', establishes the rules and procedures under which meetings of all committees established by Council, except for Committee of the Whole, are to operate; and

**WHEREAS** Council establishes committees and makes appointments to committees and boards of external bodies that may include any combination of members of the public, members of Council and/or members of Municipal staff;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Municipality of the County of Kings enacts as follows:

#### 1. DEFINITIONS

**Appointee** means a Citizen Appointee, Council Appointee or Staff Appointee.

**Board** means a Board of a body that Council makes appointments to as a matter of law or under the terms of an intermunicipal agreement or memorandum of understanding to which the Municipality is a party.

**Citizen Appointee** means a member of the public appointed by Council to serve on a Committee or External Committee.

**Committee** means any committee of Council established or approved by Council on a special, standing or advisory basis with terms of reference approved by Council but does not include the Committee of the Whole.

**Council Appointee** means a member of Council appointed by Council to serve on a Committee or External Committee.

**External Committee** means a committee which is not a Committee of Council and may include an external Board, commission, committee, authority or quasi-judicial committee created pursuant to statute or agreement or memorandum of understanding to which the Municipality is a party to.

**Regularly scheduled meeting** means a committee meeting that is scheduled on a regular basis in accordance with section 2.3 (a).

**Staff Appointee** means a member of Municipal staff appointed by the CAO and approved by Council to serve on a Committee or External Committee.

**Sub-Committee** means a committee established by a standing committee of Council with a clear mandate that has a beginning and ending and reports directly to the creating standing committee and may include members of the public, members of Council and/or members of Municipal Staff.

## **2. GENERAL PROVISIONS**

2.1 Except as otherwise provided for in this by-law, all Committees and Committee members must conform to the rules governing the procedures of a meeting of Council as outlined in the 'Meetings and Procedure By-law 64'.

2.2 Where an Appointee is appointed by Council to an External Committee, the Appointee shall, subject to the by-laws of the External Committee, comply with the provisions of this By-law.

### **2.3 Attendance and Regularly Scheduled Meetings**

(a) At the first meeting of a Committee in a calendar year, the Committee shall pass a motion setting the schedule for regularly scheduled meetings of the Committee for the year and report the schedule back to the Municipal Clerk. In determining the frequency of regularly scheduled meetings, the Committee shall consider the nature of the Committee, the Committee's Terms of Reference and the Committee's objectives and shall set the schedule on a recurring basis weekly, monthly, quarterly, biannually or annually, as deemed necessary by a majority of the Committee members.

(b) The Committee Chair shall ensure that attendance of Committee members is recorded in the minutes of the meeting.

### **2.4 Absenteeism, Alternates and Vacancy**

(a) Attendance of Council Appointees and Citizen Appointees shall be reported by the Chair of the Committee to the Municipal Clerk on a quarterly basis. Council Appointees and Citizen Appointees to an External Committee shall each report his or her personal attendance to the Municipal Clerk on a quarterly basis. A report of attendance of all Council Appointees and Citizen Appointees on both internal Committees and External Committees shall be prepared by the Municipal Clerk and submitted to Council on a quarterly basis.

(b) Subject to section 2.4 (d), if any member of a Committee is absent for three (3) regularly scheduled consecutive meetings without cause acceptable to the Committee, the person ceases to be a member.

- (c) The Chair of the Committee shall immediately notify the Municipal Clerk of a vacancy, and the Council shall fill the vacancy.
- (d) In the event that a Council Appointee is unable to attend a regularly scheduled meeting of either a Committee or an External Committee, as the case may be, the Council Appointee shall make every effort to arrange for another Council member as an alternate. For the purposes of section 2.4 (b), the absence of a Council Appointee shall not count provided that an alternate Council member has agreed to attend in advance.
- (e) Any Citizen Appointee to a Committee or External Committee who is absent without acceptable cause to Council for more than thirty per cent (30%) of the regularly scheduled meetings since their term of appointment will not be eligible for reappointment.
- (f) A member of a Committee of Council who intends to leave a meeting before the meeting is adjourned must inform the Chair of this intention either at the start of the meeting or prior to leaving.
- (g) The quarterly payment of any honorarium payable by the Municipality to a Citizen Appointee pursuant to FIN-05-002 shall be reduced pro rata on a per meeting basis for each meeting missed by the Citizen Appointee in the previous three month period.

## **2.5 Mayor as Ex-Officio Member of Committees**

- (a) Subject to the Terms of Reference of any Committee, the Mayor of the Municipality is *ex-officio* a member of every Committee or Sub-Committee;
- (b) Where a Committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor of the Council, such number is automatically increased by one, being the Mayor of the Council, as provided under (a) above, when the Mayor is present, and all members of the Committee are present.
- (c) In those instances when all members are not present, the Mayor's attendance replaces an absent member and the membership number is not automatically increased by one.
- (d) The Mayor is able to participate in the business of the Committee without any restriction except voting unless the Mayor is replacing another Council Appointee or unless the Committee's Terms of Reference indicate otherwise.
- (e) Subject to section 2.5 (d), only members appointed by Council who have been appointed to a Committee, or their alternate, are entitled to vote at a meeting.

## **2.6 Criteria to Serve on Committee**

Every member of a Committee or every Appointee of Council to an External Committee must be either a member of Council or a person eligible to be elected as a member of the Council, in accordance with the Municipal Elections Act. All appointments to Committees are made at the pleasure of Council.

## **2.7 Termination of Committee**

Except for an External Committee, Council has the right to abolish a Committee at any time.

## **2.8 Retention of Applications to Serve on Committees**

Applications from members of the public who are not appointed during the regular appointment process will be kept on file in the office of the Municipal Clerk for a period of three months from the date of submission. If a vacancy occurs on a Committee within three months, the applicants who applied to serve on that Committee and were not appointed will be contacted and asked if they are still interested in serving. Names of those who continue to have an interest to serve on the Committee will be submitted to the Nominating Committee for consideration to fill the vacancy. At the direction of Nominating Committee, the Clerk's Office may also re-advertise the vacancy in the newspaper.

## **2.9 Report to Council**

Council Appointees are responsible to report back to Council, on a quarterly basis, on the business of the Committee or External Committee, as the case may be, and in any event shall report the following as soon as becoming aware of:

- (a) the creation of a sub-committee of the committee;
- (b) the creation or termination of a material contract;
- (c) matters which may have a financial impact on the Municipality;
- (d) matters which may give rise to liability for the Municipality; and
- (e) any material information that may affect the interests of the Municipality.

Where Council has more than one Council Appointee on a Committee or External Committee then the Council Appointees must determine amongst themselves who is responsible to report to Council at the first meeting where the schedule is agreed to.

## **2.10 Agenda**

The Agenda of every Committee will be structured as follows:

- 1) Meeting to Order
- 2) Roll Call
- 3) Amendments to Agenda

- 4) Approval of the Agenda
- 5) Business Arising from the Minutes
- 6) Approval of Minutes
- 7) Disclosure of Conflict of Interest Issues
- 8) Business
- 9) Other Business
- 10) Correspondence
- 11) Date of Next Meeting
- 12) Public Comments
- 13) Adjournment

In accordance with requirements for public notice, transparency and disclosure, new substantive items should not be introduced on the Agenda under Other Business.

### **2.11 Public Participation at Committee Meetings**

At Committee meetings that are open to the public, once a motion has been introduced, members of the Committee may speak to the motion. Following the members' discussion, the Chair may invite members of the public to share their comments, views, suggestions and opinions. The Committee will then conclude its deliberations and decide on the motion.

### **2.12 Election of Officers**

Each Committee will meet as soon as possible after the day of the inaugural meeting of Council and/or in December each subsequent calendar year to appoint a Chair and Vice-Chair from its membership for a term commencing December 1<sup>st</sup> and terminating November 30<sup>th</sup> or until a successor is appointed. For the purpose of clarity, a member of the Committee who served as Committee Chair or Vice-Chair may be reappointed as Committee Chair or Vice-Chair unless otherwise stipulated in the Terms of Reference of the Committee.

### **2.13 Minute Keeping**

The Chair of each Committee shall be responsible to ensure that minutes are taken of each meeting of the Committee and that a record of the approved minutes is provided to the Municipal Clerk to be posted online on the Municipal website.

## **3 TERM OF APPOINTMENT**

3.1 (a) In those instances where the appointments to a Committee are to be staggered over the term of Council, the Committee will establish which members will serve for the staggered term and advise Council accordingly. Council may, by resolution, confirm the term of the appointments as recommended by the Committee.

(b) Where a Council member is appointed to a committee, the Council member's appointment ceases if and when the person ceases to be a Council member and

that former Council member shall not be eligible to apply as a Citizen member for 6 months.

- (c) Terms of office and membership of Council Appointees, Staff Appointees or Citizen Appointees on External Committees must be in accordance with this By-law unless the term of office is established under statute or the terms of an agreement or memorandum of understanding to which the Municipality is a party.
- (d) Where a Committee member resigns before the end of their term of appointment, the chair of the Committee must notify the Municipal Clerk within three days that there is a vacancy on the Committee. The Municipal Clerk shall notify the Nominating Committee and subject to section 3.2, a recommendation shall be brought forward by the Nominating Committee to Council for an appointment to fill the balance of the term at a meeting of Council.

### **3.2 Duration of Citizen Appointments**

- (a) Appointments of a Citizen Appointee to a committee are for a term of two years unless the Terms of Reference indicate otherwise.
- (b) Members of the public will be eligible to serve for a maximum of four consecutive years on the same Committee unless, at the end of the four year period, there are no other applications acceptable to the Nominating Committee, in which case, upon the recommendation of the Nominating Committee, the member is eligible to serve for an additional two years but in no event, shall a member of the public serve for more than six consecutive years on a committee;
- (c) Members of the public are required to take at least one year absence after serving on the same Committee for six years. After a one year absence, the member of the public is eligible to re-apply to serve on the former Committee. In exceptional circumstances and on the recommendation of the Nominating Committee, a member of the public may, upon application, be appointed beyond six years if there are compelling reasons;
- (d) During the one year absence from a Committee, a member of the public may apply to serve on a different Committee and subject to 3.2 (g), a member of the public may serve on more than one committee;
- (e) A member of the public who has been appointed to replace a citizen Committee member and is filling a partially completed term will be appointed for the balance of that member's term and subject to section 3.2 (c), upon the expiry of the partial term, the new member is eligible to apply for a re-appointment for a maximum of four consecutive years or, subject to section 3.2 (b), six years;
- (f) Renewed membership on a Committee is not automatic; any member of the public who wishes to serve for an additional term must complete and submit the approved application form for re-appointment.

- (g) No member of the public may serve on more than two committees at the same time.

## **COMMITTEE COMPOSITION**

### **4 Committees of Council - Schedule 'A'**

4.1 The composition and terms of reference for Committees established by the Municipality of the County of Kings are in accordance with Schedule 'A', attached hereto and forming a part of this By-law.

4.2 It is the responsibility of the Chair of Committees of Council to report to Council on all matters connected with their duties or referred to them by the Council and to recommend such action as they deem necessary.

### **5 External Committees - Schedule 'B'**

5.1 The External Committees to which Council makes appointments, but are not Committees of Council, are included in Schedule 'B'. These Committees are bound by the rules established by their governing body.

### **6 Sub-Committees - Schedule 'C'**

6.1 The composition and terms of reference for sub-Committees that report to a Committee are in accordance with Schedule 'C', attached hereto and forming part of this By-law.

## **7 EFFECT**

7.1 This By-law will come into force and take effect on the date of its passing.

### **History of this By-law**

Enacted November 1, 2016

**Schedule A - Committees of Council**

Budget and Finance Committee

Centreville Area Advisory Committee

Fire Services Advisory Committee

Greenwood Water Utility Source Water Protection Committee

Kingston Area Advisory Committee

Lake Monitoring Committee

McMaster Mill Historic Park Committee

New Minas Area Advisory Committee

Nominating Committee

Planning Advisory Committee

Police Services Advisory Committee

Port Williams Area Advisory Committee

Port Williams Source Water Protection Committee

Race Relations and Anti-Discrimination Committee

Regional Sewer Committee

Sandy Court Source Water Protection Committee

**Schedule B - External Committees**

Annapolis Valley Regional Library Board

Annapolis Valley Trails Coalition Board

Grand View Manor Board

Kentville Joint Fire Services Committee

Kentville Water Commission

Kings Partnership Steering Committee

Kings Point-to-Point Board

Kings Regional Rehabilitation Centre Board

Kings Region Emergency Advisory Committee

Kings Transit Authority Board

Landscape of Grand Pré Inc. Board

Trans County Transportation Society (West) Board

Valley Community Fibre Network Board

Valley Regional Enterprise Network Liaison & Oversight Committee

Valley Waste Resource Management Authority Board

Western Regional Housing Authority Board

Wolfville Source Water Protection Committee

**Schedule C - Sub-Committees**