

COUNCIL POLICY



COUNCIL ADVISORY BODY POLICY

1. PURPOSE

To outline the guiding principles and procedures for establishment and conduct of all North Cowichan commissions, committees, and other advisory bodies.

2. SCOPE

This policy applies to all advisory bodies established by the Mayor and/or Council. This policy is intended to be used in conjunction with North Cowichan's current Council Procedure Bylaw, Council's Standards of Conduct Policy, Terms of Reference approved by Council or the Mayor, applicable Council resolutions and any additional legislation specific to Committees or Commissions.

3. DEFINITIONS

"ADVISORY BODY" includes Committees, Commissions and Other Advisory Bodies but does not include the Board of Variance;

"CAO" means the individual appointed by Council as the Chief Administrative Officer for the Municipality of North Cowichan, or their designate;

"CHAIR" means the Council Member appointed by the Mayor or Council to preside at the meeting;

"COMMISSION" shall have the same meaning as defined under the Council Procedure Bylaw, as revised or replaced from time to time;

"COMMITTEE" shall have the same meaning as defined under the Council Procedure Bylaw, as revised or replaced from time to time;

"CORPORATE OFFICER" shall have the same meaning as defined under the Council Procedure Bylaw, as revised or replaced from time to time;

"COUNCIL MEMBER" means the Mayor or a Councillor of the Municipality of North Cowichan;

"COUNCIL PROCEDURE BYLAW" means the procedures established by Council, by bylaw, to be followed by Council and Committee, Commission and Other Advisory Body Members in conducting their business, in accordance with section 124 of the *Community Charter*, as revised or replaced from time to time;

"EQUITY-SEEKING GROUP" means communities that face significant collective challenges in participating in society as a result of barriers to equal access, opportunities and resources due to disadvantage and discrimination, marginalization that could be created by attitudinal, historic, social and environmental barriers based on the intersections of age, ethnicity, disability, economic status, gender, nationality, race, sexual orientation and transgender status, etc.;

"MEMBER" means the person appointed by the Mayor and/or Council as a volunteer to an Advisory Body, including the Member appointed by Council as the Chair;

"MEMBERS OF THE PUBLIC" include residents, property owners, business owners or other stakeholders involved in the community;

"MUNICIPALITY" means the Municipality of North Cowichan;

"OTHER ADVISORY BODY" means a body comprised of Members who are not Council Members, who are chosen by Council for their knowledge, expertise and experience to provide advice to Council or engage community members or specific sectors on proposed projects, policy decisions or new initiatives;

"PUBLIC INPUT AND MEETING CONDUCT POLICY" means the procedures and guidelines established by Council to receive public input during a Council or Committee of the Whole meeting, as revised or replaced from time to time;

"RECORDER" means the Legislative Services staff member designated by the Corporate Officer to provide administrative support to the Advisory Body. The Recorder is not a Member and is not entitled to vote or be counted in determining quorum;

"SELECT COMMITTEE" is a Committee established by Council to consider or inquire into a particular matter and report their findings and recommendations to Council, in accordance with section 142 of the *Community Charter*, as revised or replaced from time to time;

"STAFF" are employees of the Municipality of North Cowichan who provide professional advice and expertise to Council; implement Council's strategic priorities; and enforce the rules established by Council and relevant legislation. Staff are also responsible for municipal operations dependant upon Council's allocation of resources;

"STAFF LIAISON" means the staff person(s) designated by the CAO, or their delegate, to support the Advisory Body. The Staff Liaison is not a Member and is not entitled to vote or be counted in determining quorum;

"STANDARDS OF CONDUCT POLICY" means the standards of conduct, established by Council, that apply to all interactions by Members in relation to municipal matters whether in a duly constituted meeting, interactions with Staff or the public, and during their use of social media, as revised or replaced from time to time;

"STANDING COMMITTEE" is a Committee established by the Mayor for matters which the Mayor considers would be better dealt with by Committee, in accordance with section 143 of the *Community Charter*, as revised or replaced from time to time;

"TERMS OF REFERENCE" are the instructions given to an Advisory Body that are approved by Council [or the Mayor for Standing Committees] that define what the Advisory Body is to consider or investigate on a particular subject, describes the Advisory Body's objectives, and specifies any limits of responsibility that determine the activities of the Advisory Body; and,

"VISIBLE MINORITY" means persons, other than Indigenous peoples, who are non-Caucasian in race or non-white in colour.

4. POLICY

Decision-Making Authority

- 4.1. Council is the main governing and legislative body of the Municipality and is made up of the Mayor and six (6) Councillors who are elected at large for a four-year term.

Public Input on Advisory Body Recommendations

- 4.2. Unless provided for in the Terms of Reference or establishing bylaw, Members of the Public do not present to Advisory Bodies. All public input should be directed to Council as the Municipality's main governing and decision making body where the recommendation is considered.

Advisory Body Structure Review

- 4.3. In consultation with Staff, Council will review the Advisory Body structure and mandate on a regular basis to determine its continued alignment with Council's strategic priorities and corporate objectives. The Terms of Reference and establishing bylaw for each Advisory Body will also be put before Council as part of the review process, except for Standing Committees, in which case the Mayor shall review and approve the Terms of Reference.
- 4.4. A regular review shall take place in the year preceding a general local election.

Considerations for Establishing an Advisory Body

- 4.5. When considering the establishment of an Advisory Body, Council ~~will~~may consider alignment with each of the following:
- (i) Council's Strategic Plan;
 - (ii) Official Community Plan and the seven (7) identified goals;
 - (iii) Five-Year Financial Plan and allocated resources;
 - (iv) Council Procedure Bylaw and this Policy; and,
 - (v) Any other relevant plans adopted by Council.
- 4.6. The mandates for each Advisory Body should directly assist Council and the organization in achieving its strategic priorities and corporate objectives. Refer to Appendix A for a detailed description of the types of Advisory Bodies that may be established in accordance with the *Community Charter* or *Local Government Act*.

5. APPOINTMENTS AND RECRUITMENT

Recruitment

- 5.1. Staff will regularly review the terms of each Member to determine any upcoming vacancies. Recruitment methods shall be reviewed as part of the Advisory Body Structure Review described in Section 4.4.
- 5.2. Vacancies that occur partway through a Member's term will be reviewed by Staff to determine whether recruitment is required immediately or can be postponed until the end of the term.

- 5.3. Appointments to Advisory Bodies will be made by Council, unless otherwise stipulated by Council or as provided in the Terms of Reference or establishing bylaw.
- 5.4. Applications for Membership shall be submitted on the Municipality's application form prescribed by the Corporate Officer, as may be amended from time to time.
- 5.5. All applications submitted to the Municipality will be provided to Council for their consideration at a closed ("in-camera") meeting, pursuant to Section 90(1)(a) of the *Community Charter*. Council resolutions to appoint Members will subsequently be reported publicly in an open meeting of Council, as a "Rise and Report" item.
- 5.6. Members will serve without remuneration.
- 5.7. Members may be reimbursed for pre-approved "out of pocket" expenses incurred in performing their duties. These expenses must be pre-approved by the Staff Liaison's director or manager, as appropriate.

Terms of Appointment

- 5.8. Members ~~may shall~~ be appointed for a term ~~of up to two (2) calendar years to coincide with the term of Council~~, unless otherwise stipulated by Council or as provided in the Terms of Reference or establishing bylaw.
- 5.9. The Council Member appointed as the Chair will serve a term that coincides with the Council term. This appointment may be superseded by resolution of Council at any time.
- 5.10. Vice-Chairs will be elected by Members on an annual basis to preside at meetings where the Chair is unable to act or is absent.
- 5.11. Advisory Body appointments may continue until a successor is appointed by Council.
- 5.12. To ensure a fair and equitable representation on an Advisory Body that is reflective of the diversity of the Municipality, Council will aspire to give precedence to Indigenous people, people from an Equity-Seeking Group or a Visible Minority when appointing Members to an Advisory Body.
 - a) To assist in achieving the diversity set out under this Section, applications will include optional self-identified information.
 - b) To be given precedence the individual must meet the expertise requirements or has a demonstrated knowledge of the area(s) of expertise as set out within the Terms of Reference.
- 5.13. Subject to Section 7.22, Council may appoint Members to fill vacancies on any Advisory Body for the unexpired term of former Members. In the event of a vacancy, the person appointed to fill the vacancy will hold office for the remainder of the term of the vacated office.
- ~~5.14. Unless otherwise appointed by Council, or as stipulated in Section 5.15 below or in the Terms of Reference or establishing bylaw, a Member can serve for up to a maximum of six (6) consecutive years on any one Advisory Body.~~

- ~~a) When considering re-appointments for a consecutive term, Advisory Body stability and membership continuity may be considered.~~
- ~~b) At the completion of their term, all Members wishing to continue serving on the Advisory Body must submit an application to Council for consideration of re-appointment during the appropriate recruitment period.~~

~~5.15. Despite Section 5.14 Council may take into consideration any extenuating circumstances regarding the status of any Advisory Body appointment and extend any appointment as it deems necessary. A resolution of Council passed by a two-thirds vote, of Council Members present, in the affirmative is required to extend a Member's appointment beyond the maximum period of six (6) years.~~

Committee Attendance

~~5.16.~~5.14. Unless otherwise provided for in the Terms of Reference or establishing bylaw, any Member who is absent from three (3) consecutive scheduled meetings without permission or leave from, or without satisfactory reasons to the Chair, will cease to be a Member. The Staff Liaison will be advised by the Chair and will undertake the appropriate process to fill the vacancy in consultation with the Corporate Officer.

Resignation of Member

~~5.17.~~5.15. Any Member wishing to resign is requested to provide the resignation in writing to the Chair, with a copy to the Staff Liaison. The Staff Liaison will advise the Corporate Officer of a vacancy. The Corporate Officer will action as appropriate.

Removal of Member

~~5.18.~~5.16. At the request of an Advisory Body, or on its own initiative, Council may remove or request the resignation of any of its Member appointees for wrongdoing, lack of attendance, violations of the Municipality's Standards of Conduct Policy, or any other good and sufficient cause.

6. ROLES AND RESPONSIBILITIES

6.1. The main role of an Advisory Body is to provide advice and recommendations to Council on matters related to their mandate or referred to them by Council. The mandate of an Advisory Body is outlined in the Terms of Reference or establishing bylaw, as approved by Council.

Duties and Responsibilities of the Mayor

6.2. The Mayor shall establish the Terms of Reference for all Standing Committees, in accordance with section 141 of the *Community Charter*, prior to appointing any Members. At least half of the Members appointed must be Council Members.

6.3. The Mayor may remove a Member of a Standing Committee at any time and replace that Member with a new Member of the Mayor's choosing.

6.4. The Mayor may appoint a Chair to preside at the Standing Committee meetings, unless the Terms of Reference provide for the Chair to be selected by an alternate method.

Duties and Responsibilities of Council

- 6.5. Council shall establish the Terms of Reference for a Select Committee, a Commission or Other Advisory Body prior to appointing any Members.
- 6.6. Council shall appoint and/or remove Members of a Select Committee, Commission or Other Advisory Body, except where the Terms of Reference have specified specific persons or organizations are to be appointed by the organization which they represent on the Advisory Body.
- 6.7. At least one Council Member must be appointed as a Member of a Select Committee in accordance with section 142 of the *Community Charter*. The Council Member appointed to the Select Committee, shall be appointed as the Chair and will preside at the Select Committee meetings, unless otherwise provided in the Terms of Reference.
- 6.8. Council Members, other than the Mayor who is an ex-officio member as per Section 53 (2) of the Council Procedure Bylaw, who are attending (in person or electronically) an Advisory Body meeting of which they are NOT an appointed Member:
 - a) May participate in a discussion, only with the permission of the majority of all Members of the Advisory Body; and,
 - b) Must not vote on a question.

Advisory Body Members

- 6.9. Advisory Body Members will:
 - a) Attend orientation and training sessions, as provided by the Municipality;
 - b) Represent community interests within the mandate of the Advisory Body;
 - c) Participate and come prepared to meetings;
 - d) Make recommendations to Council in a collective manner; and,
 - e) Adhere to the standards of ethical behaviour as established by Council under their Standards of Conduct Policy.
- 6.10. All Members have equal voting rights.

Chair and Vice Chairs

- 6.11. Chairs (or Vice Chairs) will:
 - a) Preside over and maintain order at meetings and ensure compliance with this Policy and the Council Procedure Bylaw;
 - b) Maintain compliance with the Advisory Body's mandate as defined in the Terms of Reference or establishing bylaw as approved by Council (or the Mayor for Standing Committees);
 - c) Uphold Council's Standards of Conduct Policy;
 - d) Ensure all Members and applicants (as appropriate) have an opportunity to participate and be heard at meetings;
 - e) Work with the Staff Liaison and the Corporate Officer, or their delegate, to develop agendas;
 - f) Facilitate adherence to agenda items;

- g) Ensure a Member is not present at any part of a meeting where a conflict of interest has been declared;
- h) Report back to the Advisory Body the outcome of any Council decisions pertaining to Advisory Body recommendations; and,
- i) Provide an information and liaison role between Council and the Advisory Body.

Staff Liaisons

6.12. Staff Liaisons will:

- a) Prepare technical reports and deliverables, and provide information and professional advice to the Advisory Body;
- b) Provide professional recommendations to Council which may not necessarily align with those of the Advisory Body when submitting a staff report under Section 7.33;
- c) Assist the Chair with meeting procedures and maintaining the Advisory Body's mandate;
- d) Support the Chair in developing agendas and gathering supporting documents, arranging meetings, writing reports and recommendations to Council, developing Annual Reports and Annual Work Plans (if required under the Terms of Reference) and promoting effective Advisory Body operation;
- e) Monitor and report on the Advisory Body's budget (if applicable);
- f) Following each regular recruitment process, work with the Corporate Officer to develop and deliver a comprehensive Member orientation program, including roles and responsibilities and the mandate of the Advisory Body; and,
- g) Perform other duties as assigned by the department head, or their delegate, regarding the function of the Advisory Body.

Recorder

6.13. The Recorder, who is a member of the Legislative Services Department, will:

- a) Prepare meeting agendas and meeting minutes in accordance with the Municipality's established standards;
- b) Maintain Member attendance records and ensure that the Advisory Body membership list and contact information is current, and updated regularly;
- c) Circulate completed agendas and official copies of minutes to the Corporate Officer for filing following each meeting;
- d) Assist the Staff Liaison with logistical support such as arranging meeting space and completing required set-up and clean-up; and,
- e) Assist the Chair and Staff Liaison to prepare routine correspondence as approved by the Advisory Body, as appropriate.

Corporate Officer

6.14. The Corporate Officer is responsible for administrative oversight of all Advisory Bodies, and will:

- a) Maintain official records of the Advisory Bodies;
- b) Work with the Staff Liaison to coordinate recruitment and orientation of Members;
- c) Provide administrative advice and guidance as required to Chairs and to Advisory

- Bodies as a whole; and,
- d) In the absence of the Recorder, the Corporate Officer, or their delegate, will assist with the preparation of agendas and the taking of minutes.

7. PROCEDURES

Drafting Terms of Reference

- 7.1. In considering the formation of any new Advisory Bodies, Council (or the Mayor in relation to Standing Committees) will request Staff to prepare Terms of Reference or an establishing bylaw for consideration by Council prior to establishing the Advisory Body.
- 7.2. At a minimum, the Terms of Reference approved by the Mayor (for Standing Committees), by Council resolution (for Select Committees), or by bylaw (for Commissions) to establish an Advisory Body must include:
- Name the Advisory Body;
 - Define the Advisory Body's mandate (why it was formed);
 - Provide specific directives that define the Advisory Body's goals or tasks;
 - Establish the composition (i.e., the number of members and organizations or areas of expertise which membership should be drawn from) and terms of appointment of Members (e.g., for 2 years or coincide with the term of Council);
 - Establish the requirements for reporting to Council, if different than those established under this Policy; and
 - Allocate any necessary budget or other resources required to support the activities of the Advisory Body.

Meetings Open to the Public

- 7.3. Unless a meeting or part of a meeting is authorized to be closed to the public in accordance with the provisions of the *Community Charter*, all Advisory Body meetings shall be open for public attendance.
- 7.4. Members should refrain from engaging in any information sharing, discussion, deliberations or decision-making outside of a duly constituted meeting.

Meeting Schedule

- 7.5. The Staff Liaison shall provide the Corporate Officer with the Advisory Body's annual schedule of regular meetings for the following year, on or before December 1 so that it may be incorporated with Council's schedule of regular meetings that is published in accordance with section 5 of the Council Procedure Bylaw.
- 7.6. Meetings will not be held in the month of a general local election or a bi-election.
- 7.7. Meetings, when held in person, will be held in the Large Committee Room at the Municipal Hall whenever possible, or at an alternate location approved by the Corporate Officer or CAO, in accordance with the District's current Council Procedure Bylaw.
- 7.8. Public Notice of all meetings must be posted in accordance with the *Community Charter*

and the Council Procedure Bylaw.

- 7.9. Meetings shall be adjourned no later than two (2) hours from the scheduled start time of the meeting. If business cannot be completed within two (2) hours, the meeting may continue if a vote to continue the meeting beyond the two (2) hours passes by a two-thirds vote in the affirmative, or the Advisory Body may adopt a motion to fix the time to adjourn. The motion must include the date and time the meeting will resume and where it will be held. Otherwise the unfinished business will be brought forward to the next Advisory Body meeting agenda.

Electronic Meetings

- 7.10. At least 48 hours prior to publishing an agenda that includes a recommendation that the Advisory Body or Council pass a resolution to conduct a future meeting(s) by electronic means, the Staff Liaison shall confirm with the IT department that there is sufficient IT staff resources available to support an electronic Advisory Body meeting.
- 7.11. Meetings conducted electronically by Advisory Bodies shall not be recorded.

Preparing Agendas

- 7.12. The Staff Liaison is responsible, in consultation with the Chair, for developing the meeting agenda topics.
- 7.13. Agenda packages will be prepared and distributed to Members by the Recorder, in accordance with the Council Procedure Bylaw. Agenda packages will also be posted to the Municipality's public posting places (i.e., website and notice board at the main entrance of the Municipal Hall).
- 7.14. Late agenda items will not be placed on the agenda for the next regular meeting unless, in the opinion of the Chair, the item is deemed to be urgent in nature.

Taking Minutes

- 7.15. Minutes will be taken in accordance with the Council Procedure Bylaw. The minutes will be recorded by the Recorder or the Corporate Officer, or their delegate, if the Recorder is unavailable.
- 7.16. The minutes, marked DRAFT, will be prepared and forwarded by the Recorder to the Staff Liaison and the Chair for review.
- 7.17. Following review by the Staff Liaison and the Chair, the DRAFT minutes will be forwarded to the Corporate Officer to be included in the next regular Council meeting within the Consent Agenda.
- a) If the Advisory Body has not made any recommendations to Council, the minutes will appear under Items for Information;
 - b) If the Advisory Body has made recommendations to Council, the minutes may appear under Items for Decision in accordance with Section 7.29.
 - c) If a Staff report is required in under Sections 7.30 or 7.32, the minutes shall be placed in the Council meeting Consent Agenda where the Staff report is presented.

- 7.18. Minutes will be considered for approval and adoption by the Advisory Body at its next regular meeting. Once adopted, the minutes will be certified correct, and signed by the Recorder and the Chair.
- 7.19. The Staff Liaison will provide the Corporate Officer with the original signed copy of the minutes as adopted, as well as the final electronic version for proper retention.

Referral to an Advisory Body

- 7.20. Referral of matters to Advisory Bodies are made by Council. An Advisory Body may request to refer a matter to another Advisory Body for comment by making a recommendation to Council in accordance with Section 9.1 of this Policy.

Presentations to Advisory Bodies

- 7.21. At the discretion of the Chair, an Advisory Body may invite other persons to participate in making presentations to the Advisory Body in order to benefit from additional knowledge or expertise, as provided for in the Terms of Reference or establishing bylaw. Presentations must be scheduled in advance, prior to the agenda deadline and must not pertain to land use applications, unless that presentation is being made by a Staff person.

Quorum

- 7.22. Unless otherwise stated in the Terms of Reference or establishing bylaw, the quorum for an Advisory Body is a majority of all its Members, excluding any vacancies.
- 7.23. If there is no quorum present within fifteen (15) minutes of the time specified for the meeting, the procedures will be as set out in the Council Procedure Bylaw. Business items will be brought forward to the next scheduled Advisory Body meeting.

Voting

- 7.24. All Members, including the Chair, have one vote on any motion before it, unless as otherwise determined in the Terms of Reference or establishing bylaw; and in all cases, in the event of a tie vote, the motion is defeated.
- 7.25. Any Member who abstains from voting, without having declared a Conflict of Interest and leaving the meeting, is deemed to have voted in the affirmative.
- 7.26. Proxy votes are not permitted.
- 7.27. The names of Members who vote against a motion will be entered in the minutes as "Opposed".

Making Recommendations to Council

- 7.28. Advisory Bodies must make recommendations to Council requesting authority to act unless Council has granted delegated authority to make decisions in specific circumstances. This includes requests to direct Staff to take action outside of direction previously provided by Council, excepting where Staff is providing advice, guidance or

administrative support, as defined under this Policy.

- 7.29. Recommendations that have little or no impact to financial or staff resources may be presented to Council without a Staff report. The minutes would then be placed under Items for Decision in the Consent Agenda and the recommendation would be included in the agenda, as per Section 7.17. A Council Member [not necessarily the Council Member who is the Chair] may request that the recommendation be moved to New Business so that the Council Member may speak to the recommendation or ask questions.
- 7.30. Recommendations regarding land use applications, where referred to the Advisory Body by Council for comment, will be reported to Council as part of the Staff report accompanying the application and will include relevant excerpts from the Advisory Body's meeting minutes or draft minutes if not yet adopted.
- 7.31. Despite Section 9.1, applications to the Board of Variance shall not be referred to an Advisory Body for comment, unless the referral has been made by the Board of Variance or Staff.
- 7.32. Subject to Sections 7.29 to 7.31, all other recommendations will be provided to Council by way of a Staff report and will be accompanied by any reports, or background material provided as part of the appropriate Advisory Body meeting agenda, along with any relevant excerpts from the Advisory Body's meeting minutes. This includes recommendations for projects or initiatives that the Advisory Body may wish to initiate in addition to those already approved in the Annual Work Plan (if required), or otherwise directed, authorized or delegated by Council. Council will consider such recommendations within the context of the Advisory Body's mandate, departmental workloads, budget and previous commitments outlined in the Department Business Plans and Council's Strategic Priorities.

Staff Reports

- 7.33. Advisory Bodies with a specific task must conduct their business in accordance with the Terms of Reference and within the time prescribed by Council, following which the Staff Liaison will prepare a report to communicate their findings and opinions to Council for consideration in accordance with Section 7.32 and subject to Section 7.34 of this Policy.
- 7.34. Despite Section 7.33, Staff may provide a recommendation for an alternate course of action than what has been recommended by the Advisory Body, when submitting their report under Section 7.33 above where there are insufficient staff resources to carry out the action, the action falls outside of the Municipality's purview or is contrary to any of the items listed under Section 4.5 of this Policy.

Site Visits

- 7.35. Members are not permitted to enter onto private property, whether buildings or land, unless the Municipality has received expressed authority to do so. If a site visit is considered necessary in order to carry out the Advisory Body's duties as assigned under the established mandate, a Member may view a property from the street or other public

space. A quorum of Members must be avoided at all times, unless alternate arrangements have been made by the Chair and Staff Liaison and approved by the Corporate Officer.

Budget

- 7.36. Unless otherwise provided for in the Terms of Reference or establishing bylaw, Advisory Bodies may request budget funds from Council for special projects or initiatives outlined in the Committee or Commission's Annual Work Plan as approved by Council. In collaboration with the Chair, the Staff Liaison shall submit the budget request to the Chief Financial Officer as part of the annual financial planning process with Council, or as an additional request mid-year when achievable within existing budget.
- 7.37. Any solicitation or application for funds from other organizations, requires the prior approval of Council.
- 7.38. Advisory Bodies will have reasonable use of miscellaneous municipal services such as photocopying, paper supplies, meeting rooms etc., to be coordinated through the Staff Liaison and/or Recorder.

8. CONDUCT

Meeting Conduct

- 8.1. All Advisory Bodies must conduct their business in accordance with the Terms of Reference, establishing bylaw, the Council Procedure Bylaw, and the Standards of Conduct Policy.
- 8.2. No action of any Advisory Body, except where delegated authority is expressly conferred on the Advisory Body, will be binding on the Municipality, unless Council has approved such action.

Code of Conduct

- 8.3. The conduct of Members will be governed by the Council approved code of conduct that sets out expectations for Members in carrying out their duties and responsibilities in accordance with the Standards of Conduct Policy.

Conflict of Interest

- 8.4. Members shall familiarize themselves and act in accordance with the provisions set out in the Disclosure of Conflict section within the *Community Charter*.
- 8.5. Members who have a direct or indirect financial interest in a matter of another interest that constitutes a conflict of interest are not entitled to participate in the discussion of a matter or to vote on a matter. Members are required to state, in general terms, the reason why the member considers there to be a conflict of interest and vacate the meeting for the discussion and vote.
- 8.6. Once a Member has declared a conflict of interest, the Chair presiding at the meeting or any following meeting must ensure that the Member is not present at any part of the

meeting during which the matter is under consideration.

- 8.7. Despite Sections 8.5 and 8.6, Members may participate while in conflict if the reason for their participation in the Advisory Body is directly related to that conflict of interest, subject to the Terms of Reference or establishing bylaw authorizing such participation.

Advocacy and Representation

- 8.8. Members shall represent the mandate and duties set out in the Terms of Reference or establishing bylaw of the Advisory Body to the best of their ability.
- 8.9. When presenting their individual opinions and positions outside of officially convened Advisory Body meetings, Members shall explicitly state they do not represent the Advisory Body or the Municipality, nor shall they allow the inference that they do.
- 8.10. Members of an Advisory Body shall refrain from speaking on behalf of an Advisory Body at non-Advisory Body events unless authorized to do so by the Advisory Body during a meeting.
- 8.11. Advisory Bodies do not have the authority to communicate with other levels of government, to pledge the credit of the Municipality, or to authorize any expenditures to be charged to the Municipality.
- 8.12. Members will not misrepresent themselves as having any authority beyond that delegated by Council as outlined in the Terms of Reference or establishing bylaw.
- 8.13. Members will not identify themselves as a Member of an Advisory Body when speaking individually, as a resident, to Council on a land use application.
- 8.14. Members will make decisions by a majority vote, in the best interests of the community. Regardless of how individual Members vote on a matter, all Members have a duty to accept majority decisions of the Advisory Body as collective decisions.

Members Running for Office

- 8.15. Members running for office in an election are generally not required to resign. Members should however be aware of the potential for Conflict of Interest and make decisions accordingly on their attendance and membership on the Advisory Body.
- 8.16. Members who are running for office will not use contact information of other Members to engage in election activities without the Members' explicit permission. The Municipality's distribution lists may NOT be used for election activities.

Personal Liability

- 8.17. No Member will be liable in his or her personal capacity for any debt or liability of the Advisory Body.

Orientation

- 8.18. In order for Members to fully understand the operations of Advisory Bodies, Staff will

provide an orientation session biennially (every 2 years) or as required. Members are required to attend all training sessions provided by the Municipality, except where special permission has been provided by the Chair.

9. COMMUNICATIONS

Communication between Advisory Bodies

- 9.1. Unless provided for in the Terms of Reference or establishing bylaw, official communication specifically pertaining to the Municipality's business between Advisory Bodies will only occur by way of a recommendation to Council. Council may at any time direct staff to refer a matter to another Advisory Body.

Media Relations

- 9.2. The Mayor is the official spokesperson for the Municipality. However, the Mayor may, at times, request the Chair to speak on matters of public interest within the Advisory Body's purview.
- 9.3. On technical matters, or where the status is still at the Staff proposal level, the CAO, or senior Staff, may be the appropriate spokesperson. Where necessary and practical, the Mayor, Chair and CAO will confer to determine the most appropriate course of action.
- 9.4. A Member will not speak to the media on behalf of the Advisory Body. Any media inquiries should be directed to the Staff Liaison or the Manager of Communications and Public Engagement.

Website and Social Media

- 9.5. The Municipality's website is the primary source for all municipal information. Municipal Staff are responsible for web and social media content and are available to work with Advisory Bodies to upload content onto the website. Requests for this assistance will be made by the Chair through the Staff Liaison to the Manager of Communications and Public Engagement.
- 9.6. The Municipality does NOT permit Advisory Bodies to maintain their own websites or social media accounts separate from the Municipality's official sites.
- 9.7. Advisory Bodies may request a dedicated webpage on the Municipality's website, as follows:
 - a) The Advisory Body must pass a motion to request a dedicated webpage;
 - b) The request is forwarded to the Staff Liaison's department head for approval;
 - c) The Chair shall then collaborate with the Staff Liaison to forward the request to the Manager of Communications and Public Engagement, including a basic concept for webpage design and draft content;
 - d) Webpage design and content is subject to the approval of the Manager of Communications and Public Engagement and must adhere to the Municipality's standards. Advisory Bodies are NOT permitted to develop or use their own logos or

branding (i.e. colours, graphics, fonts, etc.);

- e) Any required modifications to the draft design and content will be communicated back to the Advisory Body by the Manager of Communications and Public Engagement, through the Staff Liaison. Committees, Commissions and Advisory Bodies are responsible to finalize the content in accordance with the Manager of Communications and Public Engagement's requirements;
- f) Once the design and content is finalized and approved, the Manager of Communications and Public Engagement will direct Staff to implement the webpage;
- g) Communications Staff will monitor the webpage for consistency with the Municipality's standards related to content and branding; and,
- h) The Recorder will act as web author for routine requests to update content on the Boards and Committees webpage. Any requests involving more extensive changes to content or design must be submitted to the Manager of Communications and Public Engagement for review.

Email Privacy and Information Sharing

- 9.8. The *Freedom of Information and Protection of Privacy Act* (FIPPA) allows applicants to request records in the care, custody and control of the Municipality. Members are reminded that FIPPA applies to all email correspondence related to the Municipality's business, including those records sent to and/or received from personal email accounts. Should the Municipality receive a request for records of this nature, the Member is required to produce a copy of the record to the FIPPA Head who then will determine if it may be disclosed subject to FIPPA. Personal email and devices are not exempted from FIPPA and the Municipality requires that Members conduct the Advisory Body business in accordance with the applicable legislation and procedures.
- 9.9. Discussions outside of a meeting, through email or other online platforms, can undermine the democratic process and interfere with the public's right '*to be informed of the transactions of Council and to observe that decision-making process*', including the discussions that preclude recommendations from Advisory Bodies and which eventually lead to Council decisions. This rule is to ensure transparency in decision-making and ensure public trust.

10. VOLUNTEER APPRECIATION WEEK

- 10.1. Staff will coordinate with Advisory Body Chairs and Staff Liaisons to recognize Members through either a gift card or an event/gathering, to be held during Volunteer Appreciation Week, of their choosing, to a maximum of \$25 per volunteer.

11. RELATED POLICIES & PROCEDURES

- Council Procedure Bylaw
- Public Input and Meeting Conduct Policy
- Standards of Conduct Policy
- Guide to Chairing a Meeting

12. APPROVAL HISTORY

| | | |
|--|--------------|---|
| WRITTEN BY: M. Martineau, Manager of Legislative Services | APPROVED BY: | DATE: Click here to enter a date. |
|--|--------------|---|

APPENDIX “A” – Types of Commissions, Committees and Other Advisory Bodies

The following types of Committees or Commissions may be established in accordance with the *Community Charter* or *Local Government Act*.

Standing Committees

The Mayor may establish Standing Committees for matters which the Mayor considers would be better dealt with by Committee and must appoint Members to those Committees. A Standing Committee will consider items within its mandate as determined by the Terms of Reference and report back to Council with or without a recommendation.

At least 50% of the Standing Committee Members must be Council Members and the remaining Members can be other than Council Members.

- **Audit Committee**

Section 170 of the *Community Charter* authorizes Council to delegate its powers, duties and functions to an audit committee to receive reports submitted by municipal auditor. All Members must be Council Members.

Select Committees

Council may establish a Select Committee to consider or inquire into a particular matter and report their findings and recommendations to Council. Appointments are made by Council, and at least one Council Member must be appointed to the Select Committee as a Council Liaison with full voting and Membership rights. The remaining Members can be recognized professionals, or Members from the community at large.

Select Committees provide advice and recommendations to Council on matters that are determined by Council and defined in the Terms of Reference. Council will provide direction to the Select Committees for undertaking projects such as work plans, checklists, policies, or other matters as appropriate.

- **Accessibility Committee**

Section 9 of the *Accessible British Columbia Act* requires that North Cowichan establish a committee to identify barriers to individuals in or interacting with the Municipality and advise Council on how to remove or prevent those barriers. At least half of the members must be persons with disabilities or who support persons with disabilities and at least one member must be an Indigenous person.

- **Parcel Tax Roll Review Panel**

Section 204 of the *Community Charter* requires Council to establish a parcel tax roll review panel before a parcel tax is imposed for the first time to consider any complaints respecting

the parcel tax roll. Council must appoint at least three (3) Members [not necessarily Council Members] and establish the time and place for the panel to meet to authenticate the roll and hear complaints.

Commissions

A Council may establish and appoint a Commission to do one or more of the following:

- Operate services
- Undertake operation and enforcement in relation to the Council's exercise of its authority to regulate, prohibit and impose requirements
- Manage property and licenses held by the municipality.

Council may delegate some of its authority, by bylaw, to a Commission.

- ***Advisory Planning Commission***

Section 461 of the *Local Government Act* allows for Council, by bylaw, to establish an Advisory Planning Commission to advise Council on all matters respecting land use, community planning or proposed bylaws and permits under Divisions 4 to 14 of Part 14 and section 546 [amendment or discharge of land use contracts].

Task Forces and Working Groups

The Mayor or Council may establish a Task Force or Working Group as either a Standing or Select Committee to look into a specific matter and provide advice and recommendations back to Council. The mandate of the Task Force or Working Group typically relates to a specific item and the body dissolves once it has reported its findings to Council.

The establishment and membership of a Task Force is determined by the requirements noted above for a Standing or Select Committee. The procedural requirements for meetings also apply to Task Forces and Working Groups as provided for in the *Community Charter* and the Council Procedure Bylaw.

Other Advisory Bodies

To promote free and open dialogues, Council may wish to establish an Other Advisory Body that is completely made up of members of the public. However, Council wishes to retain some control and direction over the Other Advisory Body, such as establishing their Terms of Reference and appointing Members. Although there are no Council Members appointed to the Advisory Body, the open meeting rule would apply to their meetings in accordance with section 93 of the *Community Charter*.

An example of an Other Advisory Body would be the Community Ambassador Teams that were established to provide feedback on Official Community Plan (OCP) policies during the engagement process prior to the adoption of OCP Bylaw No. 3900.