

Municipal and Marine Heritage Committee Orientation Package

January 31, 2024

Introduction

Welcome to the Town of Goderich Municipal and Marine Heritage Committee. We thank you for submitting your name and interest to serve on this Committee.

While serving on a Town Committee, you participate in representing the Town and its values. As an extension of the Town's leadership, committee members are expected to abide by the by-laws and policies of the Town, including following regulations that are particularly relevant to committee work.

At the request of the Chief Administrative Officer, this Orientation Package has been assembled to supply you with basic information on the Committee, various policies, how Committees operate, and rules that all municipalities and their Committee citizen appointments must follow.

Thank you for your participation.

For further information on any of the policies or information contained in this package, please contact:

Andrea Fisher
Director of Legislative Services/Clerk
Town of Goderich
afisher@goderich.ca
519-524-8344 ext. 210

General Information

What is a Meeting?

The Municipal Act defines “meeting” as any regular, special, or other meeting of council, or a local board or of a committee of either of them, where:

- a) A quorum of members is present, and
- b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board, or committee.

All Municipal and Marine Heritage Committee meetings are conducted both in person and via electronic format, are recorded and live streamed. Recordings are posted on the Town’s website.

What is Quorum?

A quorum is the minimum number of members of a body required to be present at a meeting for a body to exercise its power or authority. This number is 50% plus one.

Committees must follow the open meeting rules that can be found in the Town’s Procedural By-Law, including providing public meeting notice, recording minutes, passing a resolution before closing a meeting, and restricting the discussion during the closed meeting to matters that fit within the exceptions.

What are Terms of Reference?

Terms of Reference describe the purpose and structure of a committee, board, or task force that has been established by Council including the group’s scope and limitations. All Terms of Reference for each Committee have been adopted by Council, and as such are required to be followed. Committee members must always remain within the scope and context of the Terms of Reference. Any amendments, deletions and additions to the Terms of Reference must be approved by Council.

ROLES

Role of the Committee

Committees are responsible for undertaking work referred to them by Council and/or staff and working within the guidelines and mandate outlined in the Terms of Reference and Workplan. Committees are an advisory board of Council, provide information and well-considered recommendations to Council and/or staff on issues that fall within the Committee's mandate only. Council is the final decision maker of policies and programs.

How are Committee Members chosen?

Following direction from Council, the Director of Legislative Services/Clerk will advertise for members of a Committee on the Town's website and social media and may advertise in the local newspapers. Applications are received and reviewed, and the Chief Administrative Officer and Director of Legislative Services/Clerk make a recommendation to Council on the appointments. Appointments are then considered and approved by Council via bylaw.

Role of the Committee Member

Committee members are responsible for:

- Attending and actively participating in committee meetings as scheduled;
- Preparing for meetings (reading agenda materials prior to meeting);
- Engaging in collaborative, respectful discussions relating to topics on the published agenda, including sharing thoughts, opinions, and recommendations;
- Maintaining an open mind and allowing for a variety of opinions to be heard;
- Voting on motions that are put forward by committee members;
- Notifying the Chair and Secretary (Staff member appointed to the Committee) and/or the Director of Legislative Services/Clerk if they are unable to attend a scheduled meeting; and
- Adhere to the Terms of Reference and scope of the workplan once determined and approved by the Committee.

Committee members are reminded that attendance is vital to ensure quorum during meetings. Without quorum, the committee is unable to have an official meeting and cannot pass recommendations to Council.

Committee members will maintain a standard of professional and respectful communication in all their interactions associated with the Town. This includes in person conversations, online interactions and personal social media posts, and all written correspondence. Committee members will not post derogatory, defamatory, or otherwise inappropriate comments about the Town, its work, or any persons associated with or employed by the Town. Committee members are not designated spokespersons for the Town and will therefore not speak on behalf of the Town.

Role of the Chair and Co-Chair

The Chair of a committee meeting is the host and facilitator of the meeting. They are responsible for ensuring that the committee sticks to the agenda, remains respectful and professional throughout the meeting, and follows appropriate procedures pertaining to motions and voting (as outlined in the Town's Procedural By-Law included in the agenda package). Staff are there to provide support to the Chair as needed. Specifically, as per the Terms of Reference, the role of the Chair and Co-Chair include:

- a) Preside at the meetings of the Municipal and Marine Heritage Committee as per the Town's Procedural By-Law, and to keep discussion on topic.
- b) Provide leadership to the Municipal and Marine Heritage Committee to focus on its mandate as an advisory committee of Council.
- c) Recognize each member's contribution to the Committee's work.
- d) Liaise with the Director of Legislative Services/Clerk and Building Services Manager/Chief Building Official
- e) Make deputations, presentations, etc., before Council.

It is noted that the Co-Chair may serve as a replacement for the Chair, presiding over meetings when the Chair is unable to attend. All the Chair's powers can be delegated to the Co-Chair, and the Co-Chair can preside over a committee meeting while the office of the Chair is vacant.

In the event both the Chair and Co-Chair are absent at a meeting, the Secretary shall call the Members to order, if a quorum is present. A Chair shall then be chosen by the Members present by motion, who shall preside during the meeting or until the Chair or Co-Chair are in attendance.

Role of the Secretary (Staff Appointment)

The role of the Municipal and Marine Heritage Committee Secretary (Staff appointment) is to serve as the Committee Secretary and will provide support for the activities of the Municipal and Marine Heritage Committee. The Town's Administrative Assistant to the CAO and Director of Legislative Services/Clerk shall perform administrative responsibilities for the Committee (record the meeting, take the minutes, etc.) at the meeting, and provide a copy of the minutes to the Town Clerk's office for review.

Other Town staff may be requested for advice or participation with a particular area of expertise. The Committee Secretary will coordinate, through consultation with the Chair, the request made by the Committee.

Role of the Councillor Appointment(s)

Members of Council are given the opportunity to serve on committee(s) of interest and are appointed by Council. The Council Appointment within the committee provides advice and support relevant to the decisions at hand. The role of the Council Appointment(s) includes:

- a) Acting as an informal liaison between the Committee and Council
- b) Communicating Council's perspective on Council matters where appropriate.

Agendas and Minutes

Agendas will be prepared by the Clerk's Department in consultation with the Secretary (Staff appointment). The goal is to have digital copies of the agenda package to each Committee member 3 days prior to the meeting, and earlier if work schedules allow. When the Agenda is prepared, it is posted on the Town's website and no additions shall be made to the agenda at the meeting.

The agenda will contain the following items:

1) **Call to Order (formal vote not required)**

The Chair will call the meeting to order as soon after the advertised start time as there is quorum in the room. If quorum has not been reached after 15 minutes, the meeting is cancelled.

2) **Disclosure of Pecuniary Interest and the General Nature Thereof** (see page 7)

3) **Approval of the Agenda and Adoption of the Minutes (formal vote)**

The committee will approve the agenda at the beginning of each meeting through a formal vote. The committee will review and vote to adopt the draft minutes from their previous meeting. The draft minutes are approved by a formal vote and will be included in the agenda package for the committee's review in advance of the meeting. If you identify any errors or omissions, please inform the Director of Legislative Services/Clerk in advance of the meeting via email at afisher@goderich.ca. If amendments are requested to the minutes and the committee agree, the minutes will be approved by motion, "as amended".

4) **Deputations and Presentations**

The public will have an opportunity to attend as a deputation or submit comments in writing on specific items at Committee meetings. Delegations are permitted no more than ten (10) minutes, are timed, and must be arranged with the Director of Legislative Services/Clerk prior to agenda deadlines to be included on the next agenda.

5) **Correspondence**

A formal motion will be required to receive and file the correspondence.

6) **Unfinished Business**

Any unfinished business from previous meetings will be listed.

7) **New and General Business**

New and General Business will be listed, and formal motions may be required if there are decisions or recommendations that result from discussion.

8) **Workplan**

This will be a standing item on the Committee Agenda. Status of each workplan item will be discussed; lead person assigned for each initiative, additional resources required to achieve initiative, timeline to complete the initiative, and how the Committee measures success of each workplan initiative.

9) **Press Reporters and Citizens Question and Answer Period**

Members of the public may address the Committee at this time of the Agenda.

10) **Adjournment**

The Chair will adjourn the meeting once all items have been addressed and a formal motion is required with a mover and seconder.

Minutes from the meeting are recorded and submitted to Council for their review and information. This helps to ensure that Council and the public are kept apprised of the activities and recommendations from the committee. The Director of Legislative Services/Clerk reviews the final draft of the minutes and circulates to Council on the Council agenda.

Best Practices

The following points identify best practices to consider when participating on a committee:

1) **Read Agenda Packages Before the Meeting**

Reviewing the materials in your agenda package in advance of each meeting is crucial. It will give you a sense of the potential impacts that recommended actions may have on the community, and any potential issues surrounding those actions. Understanding the background of an issue will allow you to better represent your community, make informed decisions, and explain your position with confidence.

2) **Ask Questions in Advance**

Asking questions in advance of the meeting will provide staff with the necessary time to prepare for the conversation at the meeting.

3) **Be Respectful of Time**

Make every effort to follow and stick to the agenda provided. The Terms of Reference state that the Municipal and Marine Heritage meetings are to be no more than one and a half hour.

4) **Make Clear and Precise Motions**

In most cases, a motion will be directing some type of action to be taken. Therefore, the wording for a motion should be clear and concise. Staff can assist with this at the meeting.

5) **Attendance**

Please inform the Committee Secretary and/or the Director of Legislative Services/Clerk if you are going to be absent from a meeting to help ensure that quorum will be met.

Motions

There are six main steps to a motion:

1. Move

A member will move the motion by stating, "I move that (insert motion details), or "So moved" if the recommended motion was already stated.

2. Second

Another member raises their hand to second the motion by stating "I'll second the motion" or "Second."

3. State

The Chair states the motion and confirms what has been moved/seconded (i.e., "It is moved and seconded that (repeat motion)).

4. Debate

The Chair then opens the floor for discussion and debate. Raise your hand to signal to the Chair that you would like to speak. The Chair will call on committee members in the order in which they raise their hands. You can share your thoughts for or against the motion.

5. Vote

Once everyone has shared their thoughts, the Chair will then put the motion to a vote by stating "I will now call the question on the motion: All in favour?" (Those voting in favour will raise their hands) The Chair will then ask "Opposed" (those voting in the negative will raise their hands). It is important that all members clearly indicate their vote by raising their hand.

6. Declare

The Chair will then declare the results of the vote by stating "that carries", or "the motion is defeated."

Municipal Conflict of Interest Act

All Committee Members shall recognize and be aware of their obligations under the Municipal Conflict of Interest Act, as amended from time to time.

Additionally, members should be aware that some conflicts may be perceived in nature and will need to be considered on an individual basis to ensure the utmost integrity in the decision-making process.

Declaring a pecuniary interest is the responsibility of the individual member. It is not the role of the Chair, or other committee member or of any Town staff to provide advice or direction on a pecuniary interest to the individual members. When a member discloses a pecuniary interest, the member shall file a written statement of interest and its general nature with the Town of Goderich Director of Legislative

Services/Clerk or the Secretary of the Committee. Written statements filed with the Secretary will be forwarded to the Clerk for inclusion in the Town's Conflict Registry.

Members are encouraged to seek guidance from the Town's Integrity Commissioner when they become aware that they may have a conflict between their responsibilities to the public as a member and any other interest, pecuniary or non-pecuniary. Contact information for the Town's Integrity Commissioner:

Principles Integrity

Attention: Jeffrey A. Abrams and Janice Atwood-Petkovski

647-259-8697 or postoffice@principlesintegrity.org

A link to the Municipal Conflict of Interest Act and the Pecuniary Interest Form is included in your agenda package.

Meetings

All meeting must be open to the public, with some limited exceptions. The Municipal Act recognizes that there may be situations in which the privacy of an individual should be respected, or where open meetings would not serve the public interest or the interests of the municipality.

If a subject fits within one of the exceptions, it can be discussed in a closed meeting, provided that the municipality follows all the procedural rules, including giving notice of the meeting, passing a resolution in public to close the meeting, and keeping minutes of the closed meeting. During the closed meeting, the discussion must stay on topic and be limited to the subject matter stated in the resolution.

What are the exceptions?

A municipal or local board meeting, or part of a meeting, may be closed to the public if the subject of the meeting falls within one of the following exceptions set out in Section 239 of the Municipal Act. In brief, these include matters that relate to:

- The security of the property of the municipality
- Personal matters about an identifiable individual
- Acquisition or disposition of land
- Labour relations
- Litigation
- Advice subject to solicitor-client privilege
- Information supplied in confidence to the municipality by another level of government
- A trade secret or certain specific information supplied in confidence to the municipality, or that belongs to the municipality and has monetary value
- A plan or instruction to be applied to negotiations
- Education or training

12 of the 14 exceptions above are discretionary, meaning that whenever possible, a municipality should opt to discuss these subjects in public, in the interest of transparency. The legislation leaves flexibility to keep the doors open. The two exceptions that state meetings must be closed relate to:

- Requests under the Municipal Freedom of Information and Protection of Privacy Act
- An ongoing investigation by the Ontario Ombudsman or the municipality's closed meeting investigator or local ombudsman

Generally, meetings can not be closed to the public during the taking of a vote. Voting in a closed meeting is only permitted if it is for a procedural matter or for giving directions or instructions to officers, employees, agents of the municipality, or persons under contract.

Procedural By-Law and Public Notice

Every municipality is required to pass a procedural by-law governing the calling, place, and proceedings of meetings. There must also be a by-law outlining public notice of meetings. The Town's Director of Legislative Services/Clerk is responsible for overseeing this function and that proper procedures and notice of meetings is being given.

Meeting dates are established for the year and approved by Council. In the interest of accountability and transparency, meeting dates are to be adhered to. Special meetings may be required, in communication with the Town's Director of Legislative Services/Clerk.

The procedural by-law and notice by-law is included in your agenda package.

Accountability and Transparency Policy

The Town of Goderich has adopted measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. This policy applies to Council, Committees of Council, and employees of the Town of Goderich. The Town of Goderich in its commitment to the fundamental principles of accountability and transparency as an element of good governance, are guided by the following principles:

- Decision-making will be open and transparent by conducting Council and Committee meetings in the open, when and as required under applicable legislation, to ensure that citizens have access to, and awareness of business being discussed and decided;
- Municipal operations will be conducted in an ethical and accountable manner;
- Members of Council will conduct themselves in accordance with the Town's Council Code of Conduct Policy;
- Financial resources and physical infrastructure will be managed in an efficient and effective manner;
- Municipal information will be accessible and consistent with legislative requirements;
- Inquiries, concerns, and complaints will have response in a timely manner;
- Financial management, services standards, performance reporting and all other accountability documents will be made available and accessible for public scrutiny and awareness of municipal operations.

The Town of Goderich ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules its Council and Committee meetings will take place. The Municipality's meetings will be open to the public when and as required under the Act, and

members of the public will have an opportunity to attend as delegations or submit comments in writing on specific items at these meetings. In addition, the Municipality has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, website, social media, etc. Some specific examples include:

- Procedural By-Law
- Public Notice By-Law
- Closed Meeting Investigator By-Law
- Accountability and Transparency Policy
- Records Retention
- Planning processes
- Council agendas and minutes on the Municipal website
- Committee and Board agendas and minutes on the Municipal website
- Publication of commonly referenced by-laws on the Municipal website
- Publication of municipal information on the Municipal website and social media
- Accessibility Legislation

The Municipality is accountable and transparent to its stakeholders by fulfilling various legislative responsibilities and through disclosure of information. The following are some of the provincial statutes that govern how the municipality conducts its business in a public, accountable, and transparent manner:

- Municipal Act
- Building Code Act
- Cemeteries Act
- Fire Prevention and Protection Act
- Municipal Elections Act
- Emergency Management and Civil Protection Act
- Municipal Conflict of Interest Act
- Occupational Health and Safety Act
- Planning Act
- Municipal Freedom of Information and Protection of Privacy Act
- Public Salary Disclosure Act
- Safe Drinking Water Act
- Provincial Offences Act
- Minimum Maintenance Standards Act
- Accessibility for Ontarians with Disabilities Act

Although the list of policies, practices, procedures, by-laws and referenced legislation in the policy is not exhaustive, Committee members are to be committed to being accountable and transparent to its stakeholders in every aspect of its operations, and members will conduct themselves in accordance with the Town's Code of Conduct for Members of Council and Local Boards Policy. The Municipal Clerk shall be responsible for receiving complaints and/or concerns related to this policy.

Code of Conduct Policy

The purpose of this policy is to establish a general standard to ensure that all members share a common basis for acceptable conduct, and to which all members are expected to adhere to and comply with. This Code of Conduct is intended to set a high standard of conduct for members to provide good governance and a high level of public confidence in the administration of the Town by its members to ensure all members operate from a foundation of integrity, transparency, justice, truth, honesty, and courtesy.

The following key statements of principle are intended to guide members and assist with the interpretation of the Code of Conduct:

- Members shall serve and be seen to serve the public in a conscientious and diligent manner;
- Members shall observe and act with the highest standard of ethical conduct and integrity;
- Members shall avoid the improper use of influence of their office and act without self-interest;
- Members shall act and are expected to perform their functions with honesty, integrity, accountability, and transparency;
- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
- Members shall be cognizant that they are always representatives of the Town and of Council, recognize the importance of their duties and responsibilities, consider the public character of their function, and maintain and promote the public trust in the Town;
- Members shall uphold the spirit and the letter of the laws of Canada, Ontario and the laws and policies adopted by Council.

General Obligations

Committee members shall:

- Make every effort to act with good faith and care;
- Conduct themselves with integrity, courtesy, and respectability at all meetings of the Council or any committee and in accordance with the Town's Procedural By-Law or other applicable procedural rules and policies;
- Seek to advance the public interest with honesty;
- Seek to serve their constituents in a conscientious and diligent manner;
- Respect the individual rights, values, beliefs, and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, race, creed, region, ability, and spirituality;
- Refrain from making statements known to be false or with the intent to mislead Council or the public;
- Recognize that they are representatives of the Town and owe a duty of loyalty to the residents of the Town at all times;
- Accurately communicate the decisions of the Committee and respect the Committee's decision-making process even if they disagree with the Committee's ultimate determinations and rulings; and
- Refrain from making disparaging comments about another member or unfounded accusations about the motives of another member.

Role of Staff

- Council approve the budget, policies, and governance of the Town through its by-laws and resolutions. An individual member does not direct nor oversee the functions of the staff of the Town.
- The Town's staff serve Council and work for the Town as a body corporate under the direction of the Chief Administrative Officer. Inquiries of staff from members should be directed to the Chief Administrative Officer and/or Clerk or to the appropriate senior staff as directed by the Chief Administrative Officer and/or Clerk.
- A member shall not publicly criticize staff. If a member has any issue with respect to any staff member, such issue shall be referred to the Chief Administrative Officer and/or Clerk who will direct the matter to the staff member's appropriate superior.
- A member shall respect the role of staff in the administration of the business and governmental affairs of the Town, and acknowledge and appreciate that staff:
 - Provide advice and make policy recommendations in accordance with their professional ethics, expertise, and obligations and that a member must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;
 - Work within the administration of justice and that a member must not make requests, statements or take actions which may be construed as an attempt to influence the independent administration of justice and, therefore, a member shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity; and
 - Carry out their duties based on political neutrality and without undue influence from any individual member, and therefore, a member must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

Confidential Information

Members receive confidential information from several sources as part of their work as elected officials. This includes information received in confidence by the Town that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council.

A member shall not disclose the content of any confidential information, or the substance of deliberations, of a closed meeting. A member has a duty to hold any information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. All confidential documents received at a closed meeting are to be turned in to the Clerk at the end of the closed meeting. A member shall not, either directly or indirectly, release, make public, or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.

A member shall not disclose, use, or release confidential information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the Town that is relevant to matters before the Council, or a committee. Otherwise, members enjoy the same access rights to

information as any other member of the community or resident of the Town and must follow the same processes as any private citizen to obtain such information.

A member shall not misuse confidential information in any way or manner such that it may cause detriment to the Town, Council, or any other person, or for financial or other gain for themselves or others.

A member shall respect the right to confidentiality and privacy of all clients, volunteers, and staff, and should be aware of their responsibilities under applicable legislation, Town policies, procedures and rules, ethical standards, and where appropriate, professional standards.

A member shall not disclose any confidential information received by virtue of his or her office, even if the member ceases to be a member.

Discrimination and Harassment

A member shall treat all members of the public, one another, and staff with respect and without abuse, bullying, or intimidation and ensure that their work environment is free from discrimination and harassment.

A member shall not use indecent, abusive, or insulting words, phrases, or expressions towards any member of the public, another member, or staff. A member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age, or record of offences for which a pardon has not been granted.

A member shall comply with the Town's Workplace Harassment and Violence Policy.

Improper Use of Influence

A member shall not use the influence of their office or appointment for any purpose other than exercise of his or her official duties in the public interest.

A member shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouses, or friends or associates, or for the purpose of creating a disadvantage to another person for providing an advantage to themselves.

Council Policies and Procedures

A member shall observe and adhere to the policies, procedures and rules established from time to time by Council.

Respect for the Code of Conduct

A member shall respect the process for complaints made under the Code of Conduct or through any process for complaints adopted by the Town. A member shall not act in reprisal or threaten reprisal against a person who makes a complaint or provides information to the Integrity Commissioner during an investigation. A member shall interact courteously and respectfully with the Integrity Commissioner and with any person acting under the direction of the Integrity Commissioner.

A member shall cooperate with requests for information during any investigations or inquiries under the Code of Conduct. A member shall not destroy or damage documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been filed under the Code of Conduct or any process for complaints adopted by the Town.

Penalties for Non-Compliance with the Code of Conduct

Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a member, Council may impose the following penalties on the member;

- a) A reprimand; or
- b) A suspension of the remuneration paid to the member in respect of his or her services as a member for a period up to 90 days.

Council may, based on a recommendation from the Integrity Commissioner, also take any or all the following corrective or remedial actions, and require that the member;

- a) Provide a written or verbal apology;
- b) Return property or make reimbursement of its value or money spent;
- c) Be removed from or not be appointed to the membership on a committee of Council;
- d) Be removed or not appointed as chair of a committee of Council; and
- e) Comply with any other remedial or corrective action or measures deemed appropriate by the Integrity Commissioner.

Legal Fees

A member of Council is responsible for his or her own legal costs if he or she retains a lawyer or paralegal to provide counsel, advise, or representation on any matter related to the Code of Conduct, including, but not limited to, an investigation and the impositions of penalties or remedial or corrective measures or actions by the Integrity Commissioner.

Social Media Policy

It is important the Town of Goderich take measured, strategic approach to the implementation of social media to avoid potentially damaging consequences such as the presence of out-of-date information, the failure to provide appropriate and accurate information to citizens, or the misrepresentation of municipal policies, services, or values. The social media policy is included in the agenda package.