

## **Explanatory Note**

**To**

### **By-Law No. 2017-81**

Following review at Coordinated Committee staff determined that the draft policy should be adjusted to better reflect the appointment process with the External Boards and Committees. Policy 1-6 now reflects the fact that the appointments to the various External Boards and Committees will follow the established process of the individual External Board or Committee.

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

**BY-LAW 2017-81**

A By-law to adopt a policy for the public appointments by Council to Advisory Committees, Local Boards and External Boards and Committees and to repeal By-law 2011-25

**WHEREAS** pursuant to Section 9 of the *Municipal Act, 2001*, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to Section 8. (1) of the *Municipal Act, 2001*, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** the Council of the Town of Wasaga Beach deems it advisable to adopt a policy for the Public Appointments by Council to Advisory Committees, Local Boards and External Boards and Committees;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:**

1. That Schedule "A" attached hereto forms part of this by-law being the Policy for Public Appointments by Council to Advisory Committees, Local Boards and External Boards and Committees.
2. That By-law 2011-25 is hereby repealed.
3. That this By-Law shall come into force and effect on the final passage thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>th</sup> DAY OF SEPTEMBER, 2017.**



Brian Smith, Mayor



Andrea Fay, Clerk

## Schedule "A" to By-law 2017-XX



### THE CORPORATION OF THE TOWN OF WASAGA BEACH

### POLICY MANUAL

<b>SECTION NAME:</b> Council	<b>POLICY NUMBER:</b> 1-6
<b>POLICY:</b> Public Appointments by Council to Advisory Committees, Local Boards and External Boards and Committees	<b>REVIEW DATE:</b> September 2021
<b>EFFECTIVE DATE:</b> September 26, 2017	<b>REVISIONS:</b>
<b>ADOPTED BY BY-LAW:</b> By-Law 2017-81	<b>ADMINISTERED BY:</b> Director of Legislative Services & Clerk

#### PURPOSE

The Corporation of the Town of Wasaga Beach (The Town) is committed to appointing members of the public to Advisory Committees, Local Boards and External Boards and Committees as required by statute or initiative, in a consistent, open manner allowing all residents and property owners to apply if interested in the opportunity.

#### POLICY

It shall be the policy of the Town that public appointments to all of Council's Advisory Committees and Local Boards, unless stated as part of a statute, by-law, regulation, constitution, or stipulated otherwise, shall generally be on the basis of public advertisement inviting applicants from residents or property owners for the appointments to be submitted to the Director of Legislative Services & Clerk's Department for processing and subsequent recommendation by the Mayor to Council for approval.

#### 1. DEFINITIONS

- 1.1 **"Ad Hoc Committee"** means a Committee that is established for a short term to accomplish a specific purpose and then dissolved.

- 1.2 **“Advisory Committee”** means a committee established by Council either under a statute or at the pleasure of Council to provide advice to Council pursuant to their approved Terms of Reference.
- 1.3 **“Local Board”** means a municipal service board, transportation commission, public library board, board of health, police services board, planning board or any other board commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities , excluding a school board and a conservation authority.
- 1.4 **“Resident”** means a member of the public whose current and primary residence is within the Town of Wasaga Beach.
- 1.5 **“Vacancy”** of any appointment shall mean the expiration of a stated term or resignation

## **2. APPLICABILITY**

- 2.1 This policy applies to all public appointments to the following types of committees:
- a) Advisory Committees (Statutory/Non Statutory)
  - b) Local Boards
  - c) Ad Hoc Committees
- 2.2 The process of appointments to the various External Boards and Committees will follow the established process of the individual External Board or Committee.
- 2.3 Due to the temporary nature of Ad Hoc Committees, appointments will be made through a separate by-law when required.
- 2.4 The individual Committees and Boards are specified within the Appointments By-law related to Advisory Committees, Local Boards and External Boards and Committees.
- 2.5 In the case where the Terms of Reference for a specific Advisory Committee or Local Board are inconsistent with any provisions of this Policy, this Policy shall prevail.
- 2.6 In the case where legislation relating to a specific Advisory Committee or Local Board or Committee is inconsistent with any provisions of this Policy, the legislation shall prevail.
- 2.7 This Policy does not apply to appointments where the appointee is a Municipal staff position or person.

### **3. ELIGIBILITY**

- 3.1 All public members appointed to Local Boards or Committees shall be residents or property owners of the Town.
- 3.2 All public members appointed to Local Boards or Committees shall be at least 18 years of age, with the exception of those Local Boards or Committees that require Youth membership ie: Healthy Community Network.

### **4. CITIZEN APPOINTMENT PROCESS – NEW TERM OF COUNCIL**

#### **4.1 Call for Volunteers**

- a) By September 1<sup>st</sup> in an election year, all existing Advisory Committees and Local Boards, through the respective staff resource person or Chair, will be asked if they wish to continue to serve for the next four year term. In addition they will be asked to confirm that they still meet the eligibility requirements.
- b) The members that wish to re-apply will be provided with and required to complete the Public Appointment application form.
- c) The list of names and completed application forms of eligible current members wishing to re-apply will be submitted to the Director of Legislative Services & Clerk.

#### **4.2 Advertising**

- a) By October 1<sup>st</sup> in an election year, the Clerk's Department shall advertise in a newspaper having general circulation in Wasaga Beach and on the Town website, a list of municipal citizen appointee positions, stating the nature of the Advisory Committees and Local Boards to which the appointment is to be made and outlining the qualifications (if any) of the appointee.
- b) Eligible residents and property owners who wish to be considered for one of the vacancies will be required to complete the Public Appointment application form and submit same to the Director of Legislative Services & Clerk.

#### **4.3 Recommendations and Approval of Appointments**

- a) The Clerk's Department shall review all applications received for accuracy and ensure that the applicants meet the requirements for the appointments being advertised as set out in the applicable Terms of Reference, this Policy and applicable legislation.
- b) A list of eligible applicants through the advertising process, along with their completed applications and a list of eligible current Advisory Committees and Local Boards

members, who wish to have their name stand for appointment for the next term, along with their completed applications shall be forwarded to the Mayor in the form of a staff memo.

- c) The Mayor shall review the memo from the Director of Legislative Services & Clerk and shall select one individual for each vacancy to be recommended for appointment by Council. Consideration should be given to maintaining some continuity within the Committees and Boards if possible.
- d) Council shall review the recommendations for appointment from the Mayor and confirm same through the passage of the Appointment to Advisory Committees, Local Boards and External Boards and Committees By-law at the beginning of the new term of Council, ideally at the Inaugural Meeting but no later than the regularly scheduled meeting of January following the election year.
- e) Once appointed by Council, the Director of Legislative Services & Clerk will acknowledge those appointments in writing and provide them with the following documents for review and sign off:
  - Applicable Terms of Reference;
  - Freedom of Information Consent Form;
  - Accessible Customer Service Booklet;
  - Council Code of Conduct;
  - Payroll information if applicable.
- f) The names of all appointees will be included on the Town's website.
- g) Once appointed, the Chair of each Advisory Committee or Local Board will be provided with the Town's Procedural By-law to Govern the Proceedings of Council and its Committees, and contact list of members.
- h) Those applicants that were not chosen will receive a letter of thanks and their applications will be retained should a vacancy occur in future.

## **5. PUBLIC APPOINTMENT PROCESS – DURING THE TERM OF COUNCIL**

- a) A resignation from an Advisory Committee or Local Board is to be submitted, in writing to the Chair or resource person, which shall be immediately forwarded to the Clerk's Department to begin the process to fill the vacancy.
- b) Existing applications, on file for the particular Advisory Committee or Local Board shall be reviewed to determine if there were applicants that were not chosen during the initial appointment process. Staff to confirm with the applicant to ensure that they are still eligible and interested in being considered for the appointment;

- c) Public vacancies shall be advertised once in a newspaper having general circulation in Town and on the Town website, stating the nature of the appointment, the Board or Committee to which the appointment is to be made and outlining the requirements to fill the vacancy;
- d) The Clerk's Department shall review all applications received for accuracy and ensure that the applicants meet the requirements for the appointments being advertised as set out in the applicable Terms of Reference, this Policy and applicable legislation.
- e) A list of eligible applicants through both the advertising process and those existing applicants on file, along with their completed applications shall be forwarded to the Mayor in the form of a staff memo.
- f) The Mayor shall review the memo from the Director of Legislative Services & Clerk and shall select one individual for each vacancy to be recommended for appointment by Council.
- g) Council shall review the recommendations for appointment from the Mayor and confirm same through the passage of a resolution to amend the Appointment to Advisory Committees, Local Boards and External Boards and Committees By-law.
- h) Once appointed by Council, the Director of Legislative Services & Clerk will acknowledge those appointments in writing and provide them with the following documents for review and sign off:
  - Applicable Terms of Reference;
  - Freedom of Information Consent Form;
  - Accessible Customer Service Booklet;
  - Council Code of Conduct;
  - Payroll information if applicable.
- i) The names of the appointees will be included on the Town's website.
- j) Those applicants that were not chosen will receive a letter of thanks and their applications will be retained should a vacancy occur in future.

## **6. ABSENTEEISM/DEEM TO HAVE RESIGNED**

- a) Any public appointee with unexcused absences from three consecutive meetings will be deemed to have resigned their seat.
- b) The Chair or staff resource person shall immediately advise the Director of Legislative Services & Clerk to commence the process to fill the vacancy in accordance with Section 5.

## **7. TERM OF PUBLIC APPOINTMENTS**

- a) Unless otherwise provided for by legislation, Terms of Reference or operating procedures, the term of appointment shall coincide with the term of Council, commencing upon passing of the appointment by-law and expiring November 30, in an election year, unless otherwise specified.
- b) Notwithstanding 7 (a) above, when an appointed member resigns before the end of the term, or is deemed to have resigned due to absenteeism, the appointment continues until it is rescinded by Council.

## **8. CONDUCT OF MEMBERS**

Members of Council's Boards and Committees are governed by and subject to the provisions of the Town's Procedural By-law to govern the proceedings of Council and its Committees, the Municipal Conflict of Interest Act, and the Council Code of Conduct and shall adhere to Town policies and procedures.

## **9. POLICY ADMINISTRATION AND REVIEW**

This policy will be reviewed as required, but in any case no later than every four (4) years from the date of the most recent review.

The Director of Legislative Services & Clerk will be responsible for initiating the review of this Policy.



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