

ATTACHMENT B



# Committee Operating Guidelines

As of May 31, 2023

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# Committee Operating Guidelines

## Part 1 – Specific Terms and Conditions Applicable to Individual Committees

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### 1 Terms of Reference

- 1.1 The following subjects are addressed in each Committee's Terms of Reference:
- a) purpose;
  - b) membership composition and eligibility;
  - c) term of the Committee;
  - d) meeting frequency; and,
  - e) staff support.

# Part 2 – Terms and Conditions Applicable to All Committees

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## A. General

### 1 Definitions

- 1.1 In this part:
- a) **Corporate Officer** means the statutory position of Corporate Officer appointed by Council; and,
  - b) **Staff Liaison** means the staff member assigned by the CAO (Department Head) who is responsible for a Committee and provides subject matter expertise and support to a Committee.

## B. Committee Function and Administration

### 2 Accountability

- 2.1. Any motions made at a Committee meeting will be brought forward for Council's consideration and endorsement at a Council meeting.
- 2.2. Council may choose to assign a Committee with a specific task, if it fits within the Committee's Terms of Reference, or refer a motion made at a Council meeting to a Committee for future research and discussion.
- 2.3. When a matter has been assigned by Council to a Committee, the Committee will report its findings and opinions, with or without recommendations, to Council.
- 2.4. Where a committee assigns a specific task to a member, that member will report back with an update at the next Committee meeting either:
- a) orally, if the member is in attendance; or,
  - b) in writing, if the member is absent.

### 3 Financial and Administrative Resources

- 3.1. The Committee should not instruct City Staff assigned to the Committee on what tasks are to be completed or how tasks should be completed.
- 3.2. In accordance with the Financial Plan, the City may:
- a) allocate specific funding to a committee to assist the Committee in carrying out its mandate; and,
  - b) delegate its authority to the Committee to authorize the expenditures of that specific funding.
- 3.3. In order to spend any specific funding allocated to a committee, the following must occur:
- a) the Committee must pass a resolution to authorize that particular expenditure; and,

- b) the staff member must have the authority to approve the expenditure pursuant to the City's Purchasing Policy.

## 4 Code of Conduct

- 4.1. A member will do the following:
  - a) use their knowledge, skills and abilities to the best of their ability;
  - b) act in the best interests of the organization;
  - c) consider the needs of the community;
  - d) engage in professional behavior at all times;
  - e) not use or disclose for personal gain information on decisions, findings, plans, bids, or other matters concerning the Committee in a closed meeting;
  - f) maintain confidentiality of any issue or matter before the Committee;
  - g) attend committee meetings on a regular basis;
  - h) be informed and prepare appropriately before the meeting in order to effectively participate in meetings; and,
  - i) complete any tasks assigned by the Committee to the member.
- 4.2. A member who is in a situation that has the potential to undermine their impartiality because of a possible clash between the public interest and their self, professional or business interest is in a conflict of interest.
- 4.3. A member who is in a conflict of interest, including a potential conflict of interest, must do the following:
  - a) declare the conflict of interest;
  - b) not remain or attend at any part of a meeting during which the matter involving the conflict of interest is under consideration;
  - c) not participate in any discussion of the matter involving the conflict of interest at such a meeting;
  - d) refrain from voting on a question in respect of the matter involving the conflict of interest;
  - e) not attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter involving the conflict of interest; and,
  - f) not attempt in any way to influence a decision, recommendation or other action to be made or taken involving the conflict of interest:
    - i. at a meeting during which the matter involving the conflict of interest or potential conflict of interest;
    - ii. by an officer or employee of the City;
    - iii. by a delegate who has received delegated council authority.
- 4.4. If a member fails to disclose a conflict of interest or a potential conflict of interest, Council may remove that member from the Committee at any time.

*Note: On May 30, 2022, Council adopted a new Code of Conduct Bylaw. This bylaw is applicable to both Council and Committee members. Part 2 of the Bylaw outlines the guiding principles for how Committee Members fulfill their roles and responsibilities; Part 3 outlines the conduct provisions. Section 4 outlines the complaint and resolution procedures for bylaw violations; however, only section 4.2 applies to Committee members. See link to the full bylaw in Schedule A attached to the guidelines. Each*

*Committee Member will be required to sign a statement stating that they have read the Code of Conduct Bylaw and agree to uphold the Code of Ethics as outlined in the Bylaw.*

## 5 Remuneration

- 5.1. The City will not pay a committee member any remuneration for serving on a committee.
- 5.2. The City will reimburse a member for any expenses incurred while doing business on behalf of the City as a member, provided that:
  - a) the expenses have been approved by the Staff Liaison responsible for that committee;
  - b) the Staff Liaison has approved the expenses before the expenses are incurred; and,
  - c) the member has completed the appropriate form and submitted the form with the original receipts within 30 days after incurring the expenses.

## 6 Reporting to Council

- 6.1. The Staff Liaison, on behalf of the Committee, will submit an annual report to Council at a Council meeting held in January of every year.
- 6.2. The annual report will contain the following information:
  - a) the name of the Committee;
  - b) a list of the various subjects examined by the Committee in the previous year;
  - c) highlights of the Committee's accomplishments;
  - d) the Committee's work plan, which includes:
    - i. the goals and objectives for the Committee to achieve during the upcoming year;
    - ii. the subject matters which the Committee intends to address during the upcoming year;
  - e) any trends or issues of concern which the Committee thinks that Council should be aware of; and,
  - f) any other additional information that Council has requested be included.
- 6.3. Council may do the following with the Committee's work plan:
  - a) approve as presented;
  - b) amend and then approve as amended; or,
  - c) not approve and provide direction or instructions to the Committee.

## 7 Scope

- 7.1. A committee must adhere to the following guiding principles as well as processes outlined in Council's Procedure Bylaw:
  - a) serve Council to the best of its ability;
  - b) keep the welfare of the community foremost;
  - c) treat all individuals with dignity and respect;
  - d) operate in a transparent and collaborative manner;
  - e) provide meaningful input into matters to be considered by Council;
  - f) operate in a manner which makes the most efficient and effective use of the Committee's and staff's time;

- g) work with other committees in a positive manner on matters which impact the Committees;
  - h) engage in clear communications in order to assist in efficient, informed decision making and effective distribution of information;
  - i) respect diversity of opinion;
  - j) appreciate inquiry and curiosity; and,
  - k) accept uncertainty, ambiguity and lack of absolutes where necessary.
- 7.2. The Committee may do the following:
- a) review and provide input on matters within the Committee's Terms of Reference;
  - b) make recommendations for Council's consideration on matters within the Committee's Terms of Reference;
  - c) bring forward new initiatives to Council on matters that support the Committee's mandate;
  - d) exercise authority delegated by Council to the Committee; and,
  - e) work in collaboration with other committees on matters within the mandates of the Committees.
- 7.3. Council will determine if a matter falls within the mandate of a committee, if there is any uncertainty.
- 7.4. Committees will work in a collaborative manner to make joint recommendations to Council for matters which overlap in the Terms of Reference of those committees.

## C. Committee Structure and Operations

### 8 Appointment Process

- 8.1. The Corporate Officer will recruit persons to serve on a committee.
- 8.2. The Corporate Officer may use whatever means the Corporate Officer determines necessary to obtain quality applications for each committee based on its Terms of Reference.
- 8.3. Any person wanting to serve as a committee member must submit an application to the Corporate Officer using the applicable form.
- 8.4. The Corporate Officer will:
- a) review all applications received by the deadline; and,
  - b) bring to Council for discussion and appointment.
- 8.5. In making appointments, Council should consider the following criteria:
- a) the person's knowledge, skills and abilities in relation to the Terms of Reference of the Committee;
  - b) the person's past behavior while previously serving on a committee;
  - c) the potential for conflict of interest between the person and the subject matters considered by the Committee in accordance with the Committee's Terms of Reference;
  - d) the composition of the Committee in terms of knowledge, skills and abilities;

- e) diverse representation to ensure the Committee reflects a broad cross-section of individuals;
  - f) any information provided by the department responsible for the Committee; and,
  - g) any other information that the Corporate Officer deems relevant to the application.
- 8.6. Unless specified in the Terms of Reference, all applicants will be residents of the City of Nanaimo.
- 8.7. Council may, at its pleasure, appoint persons to fill committee vacancies or appoint additional members to a committee by motion in a Council meeting.
- 8.8. Council may remove a person from a committee at any time and for any reason.

## 9 Chair and Co-Chair

- 9.1. Council will appoint the Chair and Co-Chair of a committee.
- 9.2. The Chair and Co-Chair will be members of Council.
- 9.3. The Recording Secretary and/or Corporate Officer and any staff member assigned to a committee will assist in the training of a Chair and Co-Chair to fulfill their duties and responsibilities.
- 9.4. Only the Chair and Co-Chair may speak for the Committee outside of a committee meeting.
- 9.5. The Chair and Co-Chair may determine at their own discretion who will chair a meeting and whether to have a rotation schedule in place.

## 10 Communications

- 10.1. Email will be the preferred method to communicate with all members.
- 10.2. A committee member will provide the Recording Secretary with an email address to be used for all communications relating to committee or City business.
- 10.3. The Recording Secretary and Staff will use the email address provided when communicating with committee members.
- 10.4. Committee business must not be conducted via email.
- 10.5. A member will:
- a) assist the Freedom of Information Head with any requests for information; and,
  - b) provide all records in the member's possession pertaining to an information request.
- 10.6. Any communications between one committee and another committee will include the Chairs and Co-Chairs of both committees.

## 11 Membership

- 11.1. A member may only serve on one committee at a time.
- 11.2. The term for a committee will be outlined in each committee's Terms of Reference.
- 11.3. A person who is not a Council member may not serve more than two consecutive terms on the same committee. (note: this excludes industry representatives, such as an architect sitting on the Design Advisory Panel)
- 11.4. If a member no longer wishes to serve as a member, the member will:
  - a) give written notice to the Corporate Officer indicating the resignation date; and,
  - b) return any City property provided to the member during their term of office.
- 11.5. A member may not use any City property or resources for their personal benefit or for the benefit of a person associated with the member.

## 12 Roles of the Committee Members

- 12.1. Each committee member has the following duties and responsibilities:
  - a) prepare for and attend committee meetings;
  - b) complete any tasks assigned by the Committee;
  - c) be accountable for all actions taken in the name of the Committee;
  - d) contribute to the direction and work of the Committee to the best of their ability; and,
  - e) adhere to the Code of Conduct set-out in Section B (4).
- 12.2. In addition to those of an individual committee member, a Council Member who is assigned to a committee has the following duties and responsibilities:
  - a) act as a liaison between the Committee and Council;
  - b) provide the Committee with Council's perspective on matters coming before the Committee, where a perspective has been expressed by Council; and,
  - c) assist the Committee in developing feasible options which align with the City's strategic direction, master plans, financial plans, goals and objectives.
- 12.3. The Chair has the following duties and responsibilities, in addition to those of being a member:
  - a) be the liaison between the Committee, Staff, and other committees;
  - b) provide leadership to the Committee;
  - c) preside at all meetings of the Committee, if present;
  - d) supervise the other members in the execution of their duties;
  - e) build consensus and foster teamwork;
  - f) work with the Staff liaison and Corporate Officer to develop agendas for meetings; and,
  - g) act as the official representative of the Committee, as needed.
- 12.4. The Co-Chair has the following duties and responsibilities, in addition to those of being a member:
  - a) perform of the duties of the Chair, if the Chair is unavailable; and,
  - b) assist the Chair and the Recording Secretary as needed.

- 12.5. The Corporate Officer has the following duties and responsibilities:
  - a) issue notices of meetings for the Committee;
  - b) prepare meeting agendas;
  - c) ensure that the minutes for all meetings are kept;
  - d) supervise the custody and maintenance of all committee records; and,
  - e) maintain the register of members.
- 12.6. Any staff member assigned to a committee has the following duties and responsibilities:
  - a) assist the Committee in any appropriate manner to carry out the Committee's mandate;
  - b) communicate to the Committee any information or restrictions coming from Council or senior management which may have an impact on the Committee;
  - c) ensure that any financial resources allocated to the Committee are spent in accordance with the City's policies; and,
  - d) where a committee member becomes a staff member, they are to resign from the Committee immediately upon employment.

## D. Meeting Administration

### 13 General

- 13.1. The committees are subject to the same rules and conditions as Council, set out in the Council Procedure Bylaw.
- 13.2. A committee must meet at least once per year, if the frequency of the meetings is not set out in the Committee's terms of reference.
- 13.3. The Corporate Officer will determine:
  - a) the regular schedule of days and times for the Committee meetings; and,
  - b) the location of the meetings of a committee.
- 13.4. Unless otherwise stipulated, each member of a Committee has equal voting rights.
- 13.5. The mayor is an ex-officio member and as such is able to attend and vote on matters at any committee meeting.

### 14 Minutes and Agendas

- 14.1. Minutes and Agendas will be administered in accordance with the Council Procedure Bylaw.

### 15 Quorum

- 15.1. Unless specified otherwise, quorum for a committee will be the majority of voting members of the Committee currently holding office.
- 15.2. Both the Chair and Co-Chair count towards quorum.

ATTACHMENT A

Code of Conduct Bylaw 7348