



2022-2026 Committee Orientation

Recording Secretary

Roles of Committees

Purpose of the Training

- Provide Committee Members with an overview of the roles and responsibility of members
- Set expectations for members
- Sets committees up for success in the upcoming term of Council
- Put a face to the name

The Road Always Leads Back to Council

- Regardless if an Advisory Committee established by Council, a Statutory Committee to carry out specified statutory purpose or functions or a Local Board established by other legislation, the road always leads back to Council

The Road Always Leads Back to Council

- All of these bodies are either created or appointed (in whole or in part) by Council and all of these bodies carry out the business of the Municipality that has been delegated by the Province
- Committee and Board meeting are considered “proceedings of Council” in that they report back to Council and present periodic meeting minutes and/or recommendations for Council’s approval and adoption

Role of Committee

- Provide opportunities for volunteers to bring expertise and views or ideas from a range of perspectives
- Committees report back to Council and present periodic meeting minutes and/or recommendations for Council's approval and adoption
- Committees are subject to the same Rules of Procedure as Council
- Be familiar with and work within Terms of Reference for respective Committee

Role of Council Members

- Ensure the members are fairly and appropriately engaged
- Liaising between Council and the board/committee, providing information and clarification
- Ensure members are aware of Council issues that may affect the goals and objectives of the board/committee
- When necessary, explain the rationale behind recommendations from the board/committee when brought forward to Council for consideration
- A council member can vote

Role of Staff Liaison

- Provide guidance and advice
- Prepare any necessary reports for Council's consideration
- Remain impartial during discussions of board/committee members with all members
- Not participate in voting
- Ensure that any recommendations proposed do not contradict the Town's budget, by-laws or policies and procedures
- Attempt to reconcile any conflicts
- Report any resignations of members to the Town Clerk

Role of Recording Secretary

- Schedule meetings in coordination with the Town Clerk and Procedural By-Law
- Prepare and distribute agendas
- Record minutes of the meeting including resolutions, decisions and other proceedings without note or comment
- Seek clarification from the Town Clerk as to any procedural matters/issues

Role of Chair and Vice Chair

- Operate under Town's Procedural By-Law and approved Terms of Reference
- Facilitate the meeting by identifying order of proceedings and speakers according to published agenda
- Maintain decorum and ensure fairness and accountability
- Generally refrain from participation in discussion until all members have had an opportunity to speak on the matter
- Refrain from making decisions (can vote)
- Assist staff liaison

Municipal Clerk Role

Municipal Clerk Role

- The Municipal Clerk Role vis-à-vis Committees/Boards:
 - Oversight function of all “proceedings of Council”
 - Manage (with the assistance of the Recording Secretaries and staff liaison(s)) the various Committees of Council and ensure compliance with the Procedural By-Law

Compliance with the Procedural By-Law is extremely important

Procedural By-Law Compliance

Why is it important?

- Ensures transparency i.e.: publication of the agenda/minutes/notice of meeting etc.
 - Ontario Ombudsman is the watchdog
- Ensures fair opportunity for public input/participation

Procedural By-Law

Why is Compliance so Important?

- Ensure transparency i.e. publication of agendas/minutes/notice of meetings etc.
- Ensure fair opportunity for public input/participation
- Ensure that “procedural fairness” aka Principles of natural justice are being followed i.e. proper notice/opportunity to speak to an issue/opportunity to appeal certain decisions/right to unbiased decisions (conflict of interest)

Why is Compliance so Important?

- Procedural fairness does not concern the correctness of the decision. Rather, principles of natural justice help to ensure that the decision maker followed the proper procedure in arriving at their decision
- The principles of natural justice and procedural fairness are based on the theory that the substance of a decision is more likely to be fair if the procedure through which that decision was made has been just and in accordance with the rules

Recording Secretary Role

Prior to Meeting

- Coordination with Clerks Office on:
 - Calling a meeting and posting notice of meeting (4 days)
 - Review of agenda materials and posting of agenda on Council calendar
 - Timing of Agendas
 - Process
 - Procedural advice: if any issue anticipated
 - Notice if you want Clerk present

Agendas and Minutes

- Agendas are to be sent to the Clerk's office at least 5 days in advance of the meeting to allow sufficient time for review and posting
- Minutes are to be sent within 2 weeks after the meeting
- This allows time for reviewing
- Typically minutes are brought to Council after they are adopted at the next Committee meeting BUT there are exceptions

At to Meeting

- Recording secretary does not have an active role in the meeting itself unless called upon by the Chair
- The Chair hosts the meeting
- “A good meeting is one in which you do not hear from the Clerk”

At to Meeting

- Recording Secretary's Main Role:
 - Note the main action items of the meeting by way of drafting minutes noting all resolutions passed and providing some context for those important items discussed by otherwise not intended to be a verbatim transcription of the meeting
 - Assist the Chair with ensuring proper procedure (i.e. speaking through the Chair) in order to ensure a good and fair meeting

After the Meeting

- Submit draft minutes for circulation or approval by the Committee members
- Submit draft minutes for review by Clerk prior to submittal on Regular Council meeting agenda for approval/adoption by Council and prior to being adopted at next Committee meeting
- Please note any specific RECOMMENDATIONS TO COUNCIL in the draft minutes
- After minutes are approved/adopted by Council, minutes are to be signed and sent to Clerk for official record keeping and posting to Council calendar

Electronic Meetings

- At this time all Committees are in-person
- A report regarding electronic meeting participation and livestreaming will be brought to Council for considered in the first quarter of 2023

Elect Chair and Vice Chair

- Committee to nominate and Elect Chair and Vice Chair
 - Recording secretary to call the meeting to order and proceed to call for nominations for the Chair
 - Any member of the Committee can make a nomination which must be seconded by another member of the committee in order to make that nomination official. Once all are received, the recording secretary closes nominations
 - Votes are cast by ballot. In the event of a tie, ballots continue to be cast for the tied nominees until a nominee receives the majority of votes. The same process is followed for Vice Chair

Set Meeting Schedule

- Committee to set meeting schedule for the calendar year
 - The schedule for the year is established by motion. The recording secretary to advise the Clerk as soon as possible
- When scheduling meetings, please schedule by email and always include clerks@essex.ca as one of the invitees. This ensures no conflicts with Council's schedule. We also ask that the Mayor and CAO be invited to meetings as optional attendees

Responsibilities

Committee Members

Responsibilities - All Members

- Familiarize yourself with your committee's mandate
- Attend meetings
- Prepare for the meeting: Read the Agenda
- Actively participate
- Observe formalities of the meeting
- Respect the role of the Chair
- Be open minded and allow for a variety of opinions to be heard
- Consult with Administration where appropriate ie: media releases must be vetted by Communications Manager

Responsibilities – Chair/Vice-Chair

- Follow the procedural rules (Procedural By-Law)
- Facilitate the meeting by keeping on point according to the published agenda
- Maintain decorum and ensure fairness
- Refrain from discussion on a particular motion/matter until all members have had an opportunity to speak on the matter
- Encourage active participation by all members

Meetings

What is a Meeting?

- A meeting means any regular, special or other meeting of a council, local board or committee of either of them, where
 - A quorum of members is present, and
 - 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

What is a Meeting?

- All meetings are open to the public at all times (unless an exemption pursuant to s. 239 of the Municipal Act allowing the Committee to move into closed session applies)
- NOTE: Activities that may constitute a meeting include a series of emails or phone calls to individual members, or a continuing series of one-on-one meetings that has the effect of materially advancing the business or decision making of Council

Electronic Participation/ Livestreaming

- At this time only Regular and Special Council meetings are livestreamed
- A Report regarding electronic participation and livestreaming of committee meetings will be presented to Council for their consideration in the first quarter of 2023

Closed Meeting Exceptions

- Section 239 (2) together with sections 239 (3) and (3.1) of the Municipal Act currently allows for a number of discretionary exceptions to open/public meetings, some of which include the following:

Closed Meeting Exceptions

- Security of municipal property;
- Personal matters about an identifiable individual;
- Proposed/pending acquisition/disposal of land;
- Labour relations or employee negotiations;
- Litigation or potential litigation, including matter before tribunal;
- Advice subject to solicitor-client privilege;
- Matter that may be held as Closed Meeting under another Act i.e.: MFIPPA

Closed Meeting Procedures

- In a closed meeting, Council/Committee is only permitted to vote on procedural motions or to vote to give direction to administration. No other decisions or approvals are permitted in a Closed Meeting
- The Rules of Procedure shall continue to apply during closed meetings
- Motion is required in open session to move into closed session and disclose the general nature of the matter to be discussed in closed session.
- Motion required to move out of closed session and back into open session

Confidential Information

- Members of committees shall not disclose information considered in a Closed Meeting
- This is standard practice to protect the interests of both the Committee, its members and the Municipality

Order of Agenda

- Call to Order
- Land Acknowledgement
- Declarations of Conflict of Interest
- Adoption of Published Agenda
- Adoption of Minutes
- Public Presentations
- Unfinished Business
- Reports
- Correspondence
- Adjournment

Disclosure of Conflict of Interest

Section 5(1) of the Municipal Conflict of Interest Act (MCIA) currently states:

- Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect and is present at the meeting, the member,

Disclosure of Conflict of Interest

- a. Shall, prior to consideration of the matter, disclose the interest and general nature thereof;
- b. Shall not take part in the discussion of, or vote on any question in respect of the matter (if the disclosure is made in closed meeting, the member shall leave the meeting);
- c. Shall not attempt before, during or after the meeting to influence the vote

Disclosure of Conflict of Interest

At a meeting at which a member discloses an interest under Section 5, or as soon as possible afterwards, **the member shall file a written statement of the interest and its general nature with the Clerk of the municipality** or the secretary of the committee or local board, as the case may be

Pecuniary Interest

- It is the responsibility of the Committee members to disclose a direct or indirect pecuniary interest on any matter before the Committee
- What is a Pecuniary Interest?
 - Monetary benefits that will be received or could be received, either in cash or as an increase in asset value
 - Can also mean avoidance of cash payments or decrease in asset value

Pecuniary Interest

- **Direct Pecuniary Interest** includes committee member, member's spouse, parent, partner, child (not restricted to person 18 year of age and includes natural children, adopted children and those treated as a child)
- **Indirect Pecuniary Interest** exists when a member is:
 - Shareholder, director or officer of a corporation
 - Member of a body that has direct pecuniary interest
 - Partner of a person or in employment of a person or body that has a direct pecuniary interest

Disclosure

- Where direct or indirect pecuniary interest exists during a closed meeting, the member shall:
 - Leave the meeting during which matter is discussed
 - Disclose interest, but not general nature of interest at next open meeting

Integrity Commissioner

- Each municipal Council is required to appoint an Integrity Commissioner
- Integrity Commissioner functions are assigned by the Municipal Act and pertain to the application of the Code of Conduct, any procedures, rules and policies governing the ethical behaviour of members of Council and Boards/Committees
- If you are unsure whether you are in conflict, please contact the Town Clerk

Quorum

- Quorum is a majority of the members present for the meeting to be held (does not include administration)
- If there is no quorum within 30 minutes after the scheduled start time, the Committee shall adjourn to the next scheduled meeting date
- If a meeting starts with quorum but member leave, the meeting shall continue as long as 2 members remain

Delegations

- Delegations must register with Staff Liaison or Recording Secretary 7 days prior to a meeting
- A maximum of 4 delegations are permitted per meeting
- Delegations must confine remarks to the business stated in their request

Conduct

- Members shall not:
 - Disturb the meeting with disorderly conduct/comments
 - Use profanity, offensive words, insulting expressions
 - Disobey rules or decisions of the Chair on points of order
 - Leave seat, make noise, cause disturbance while vote is taken
 - Speak until recognized by the Chair
 - Interrupt a member unless to raise a point of order
 - Leave the meeting without advising the Chair

Rules of Order and Debate

Rules of Order and Debate

- The Chair presides over conduct of the meeting
- Members are not to speak over each other or interrupt (except point of order) and must be recognized by the Chair before speaking. Members shall raise their hand and wait to be recognized by the Chair
- Members, administration, and members of the public shall speak through the Chair at all times. This helps maintain the required order, respectful discourse and civility

Rules of Order and Debate

- The Chair determines order when more than one member wishes to speak
- As the discretion of the Chair, members are permitted to speak more than once on a matter provided the information being presented is new and does not repeat prior discussion by that member

Motions, Voting & Resolutions

What is a Motion?

- A motion is a **resolution in the state of a proposal**; in other words, a resolution is a **motion that has now been passed/approved** (i.e. voted upon)
- Motions need to be **moved and seconded** before being able to speak to or have discussion specifically to the Motion or putting the motion to a vote
- Confine discussion and remarks to the motion under consideration and limit to 5 minutes
- Speak once to a motion
- Member who made motion may reply for 5 minutes

What is a Motion?

- May ask questions through the Chair prior to motion being put to vote
- May ask that motion under debate be read
- Motions withdrawn with support of mover and seconder prior to vote
- Friendly amendments are to improve or clarify the intent of the motion or improve its chances of adoption
- No other motion is permitted when a motion is under debate except a motion to adjourn, proceed beyond 11:00 PM, table, close debate, postpone, refer or amend

Common Procedural Motions

| Order of Preference | Must be Seconded | Is Amendable | Is Debatable | Vote Required for Adoption |
|---------------------------------------|------------------|--------------|--------------|--------------------------------|
| Point of Order | No | No | No | No vote (Ruled on by Chair) |
| Appeal the Decision | Yes | No | Yes | 50% Vote sustains the Chair |
| Divide the Question | Yes | Yes | No | Majority |
| Withdraw | Yes/No | No | No | Majority |
| Ranked | | | | |
| Adjourn | Yes | No | No | Majority |
| Recess (while business is pending) | Yes | Yes | No | Majority |
| Recess (while no business is pending) | Yes | Yes | Yes | Majority |
| Question of Privilege | No/Yes | No | No | No Vote (Chair Decides) |
| Table | Yes | No | No | Majority |
| Postpone Definitely | Yes | Yes | Yes | Majority |
| Refer to Committee | Yes | Yes | Yes | Majority |
| Amend | Yes | Yes | Yes | Majority |
| Postpone Indefinitely | Yes | No | Yes | Majority |
| Main Motion | Yes | Yes | Yes | Majority |

Rules of Voting

- Chair puts motion to vote after all members have had an opportunity to speak to the motion
- During debate, a member may request the Chair “call the question”
 - Designed to end the debate and bring matter to a vote
 - Chair shall make a final decision to accept or deny the request keeping in mind the requirement that every member is permitted to speak to the motion once and the mover’s right of reply at the end

Rules of Voting

- No member speaks further on a motion after the motion is put to a vote
- Members are to vote on every motion unless they have declared a conflict of interest
- Abstaining or declining to vote is deemed a negative vote
- No vote taken by ballot or secret voting
- The Chair asks members to vote by show of hand to indicate “support” or “opposed” and then announces result after every vote taken

Rules of Voting

- Motion is defeated when vote taken and tie results
- The Chair (except where disqualified i.e. conflict of interest) may vote with the members on all questions
- If the Chair desires to introduce a motion, the Chair must vacate the seat and call upon the Vice-Chair or other appointed Chair to preside until the matter is completed

Resolution

- A resolution is a record of decisions or wishes of the Committee and includes routine administrative and management matters
- Resolutions that relate to expenditures (not budgeted or pre-approved) or actions that require or should properly require Council approval, should be identified/designated as a “**Recommendation to Council**” in the minutes that the Recording Secretary prepares
- **Remember: Any resolution passed at a committee meeting cannot be acted upon until the minutes from that meeting have been formally adopted/approved by Council**

Expenditures

- Committees that have approved budgets must comply with the Town's Procurement By-Law.
- Please work with your Staff Liaison if you have any questions

Questions