



**The Corporation of the City of Cornwall**  
**Regular Meeting of Council**  
**By-law 2020-**

Department: Corporate Services  
Division: Clerk's Division  
By-law Number: 2020-  
Report Number: 2020-337-Corporate Services  
Meeting Date: November 9, 2020  
Subject: Committees By-law

**Purpose**

To present members of Council with a draft Committees By-law.

**Recommendation**

That Council received Report 2020-337-CL and direct Administration to include the draft By-law on the Agenda for the Regular Council of Meeting of Monday, November 23, 2020, for discussion.

**Background / Discussion**

On July 20, 2020, Council held a Special Meeting to update and revise the Procedural By-law. On August 10, 2020, Council approved the final version of the Procedural By-law, as amended, as By-law 2020-103.

As part of the review, Council voted to implement a separate Committees By-law.

This draft By-law is being presented to Council for review:

## **Committees By-law**

Whereas By-law 2020-103, 'Council's Procedural By-law' establishes the rules and procedures under which Council and Committees of Council are to operate; and

Whereas Council has established committees that are comprised of both members of the public and members of Council.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

### **1. Definitions**

#### **1.1 Special Purpose (Ad Hoc) Committee**

A Special Purpose (Ad Hoc) Committee means a committee established by Council for the purpose of dealing with a special project with a clear mandate and a start and finish date.

#### **1.2 Advisory Committee**

An Advisory Committee means a committee established to provide advice to Council in accordance with the committee's Mandate and Terms of Reference.

#### **1.3 Committee**

A Committee means a standing, advisory, legislated or ad hoc committee established by Council but does not include the Committee of the Whole.

#### **1.4 Ex-Officio**

An ex-officio member is a member of a body who is part of it by virtue of holding another office. The rights of an ex-officio member are exactly the same as other members unless otherwise stated in regulations or by-laws.

#### **1.5 Lay Appointee**

Lay appointees are members of the public that are appointed by the Lay Appointments Committee (comprised of Council Members) and who participate on the Municipality's Boards, Committees or Commissions.

## **1.6 Standing Committee**

A Standing Committee means a committee of members of Council appointed by Council to consider policy matters with respect to the committee's mandate.

## **1.7 Mayor's Task Force**

When the need arises, the Mayor's office will call upon community members with expertise in a certain area to join a task force, a group that works together for a set amount of time to work on a single defined task or issue.

## **1.8 Working Group**

A working group means a committee established by a standing, advisory or legislated committee and authorized by Council with a clear mandate that has a beginning and ending and reports directly to the creating standing, advisory or legislated committee.

## **2. Policy for Creating, Amending or Dissolving A Committee**

Council may create a new committee, amend an existing committee and/or its mandate and/or terms of reference, or dissolve an existing committee in accordance with the following sub-sections. A non-statutory advisory committee shall not extend beyond the term of Council unless the newly elected Council confirms by resolution the continuance of the committee.

### **2.1 Creating a Committee**

Council may create a new committee in response to any of the following:

- a) Requirements of applicable legislation or regulation (Federal, Provincial or Municipal By-law)
- b) Changing priorities
- c) To address significant public issues or trends
- d) Where public input is deemed desirable
- e) Recommendation and report by staff
- f) Any other reason deemed appropriate by Council

In creating a new committee, Council shall have regard for the following:

- a) Establishing a clearly defined mandate and terms of reference
- b) Membership and quorum requirements
- c) Qualifications
- d) Alignment with the Corporate Strategic Plan
- e) Alignment with other Corporate Plans
- f) The reporting relationship and frequency of progress reports
- g) Public and financial considerations
- h) Staff resources to be made available and the impacts on City Departments
- i) The need for any sub-committees and working groups
- j) Defined timeline for completion of the assigned tasks (i.e. sunset date)

Since all committees of Council are automatically dissolved at the end of each term of Council, Council, at the beginning of a new term, will review a listing of committees and may wish to reinstate committees or create new committees.

## **2.2 Amending a Committee or its Mandate**

Amendments to the mandate and/or terms of reference of a committee may be initiated by Council, by resolution of the committee or by a report and recommendation from staff. The following factors may be considered by Council when amending a committee's mandate and/or terms of reference:

- a) Results of the committee's annual report which measures progress against fulfilling the mandate
- b) Impact of the change on the mandate and terms of reference
- c) Continued relevance of the committee's purpose and function
- d) The degree of public interest
- e) Changes to the applicable legislation or regulations
- f) Changing Council priorities or new issues of Council
- g) Cost analysis and required resources
- h) Committee sunset date

## **2.3 Dissolving a Committee**

The dissolving of a committee may be triggered by any one of the following:

- a) Expiration of the committee's term
- b) Completion of the committee's task or mandate
- c) Effectiveness of the committee's operations (e.g. frequency of meetings, amount of committee business, number of cancelled meetings)
- d) Resolution of the issues that led to the creation of the Committee
- e) The legislative requirement for the committee no longer exists
- f) Merger with another committee
- g) Results of the committee's annual report which measures progress against fulfilling the mandate
- h) Changing Council priorities
- i) Recommendation by the committee by resolution
- j) Report and recommendation by staff
- k) Council will make the decision to dissolve a committee of Council at a Regular Council Meeting which is open to the public
- l) All committees of Council will automatically be dissolved at the end of each term of Council

## **2.4 Annual Report**

The mandate and terms of reference for a new or existing committee shall include the requirement that the committee report to Council annually respecting the following matters:

- a) a concise summary of the activities and accomplishments of the committee during the current year
- b) a summary of the committee's focus areas for the following year, the said focus areas are to be aligned with Council's term priorities and objectives
- c) the activities of any sub-committees and/ or working groups during the current year

- d) requests for authorization for the continuation of any active sub-committees and/or working groups together with a summary of their future focus areas
- e) any recommendations respecting proposed changes to the committee's structure, composition or mandate and terms of reference

## **2.5 General Provisions**

Except as otherwise provided for in this By-law, all committees must conform to the rules governing the procedures of a meeting of Council as outlined in the 'Council Procedural By-Law'.

The rules of procedure outlined in the 'Council Procedural By-Law' can be suspended by a majority affirmative vote of the members of a committee who are present and voting.

The rules of this By-Law can be suspended by a majority affirmative vote of the members of a committee who are present and voting.

## **2.6 Attendance**

The Recording Secretary of a Committee will record the attendance of members in the minutes of the meeting.

## **2.7 Absenteeism**

- a) The seat of a Member of Council sitting on a committee becomes vacant if the Member is absent from the committee for which he or she is appointed for three consecutive meetings without being authorized to do so by a resolution of Council. Any Member of Council shall provide the committee with notice of any approved leave of absence.
- b) If a member of a committee is absent for three (3) consecutive meetings, the absences will be brought to the attention of the City Clerk by the Recording Secretary who supports the Committee.
- c) The City Clerk will contact the absent committee member to discuss the reasons for absenteeism and to determine whether the member wishes to provide a letter of resignation.

- d) Upon confirmation that the member will no longer be serving on the Committee, the City Clerk will notify Council of the vacancy and the need for a replacement. If a member indicates the desire to continue to serve on the committee, the member will be advised that attendance is required or the member will be removed from the committee.
- e) Any member of a committee who is absent for more than fifty per cent (50%) of the meetings since their term of appointment will not be eligible for reappointment.
- f) A member of a committee of council who intends to leave a meeting before the meeting is adjourned must inform the Chair of this intention either at the start of the meeting or prior to leaving.

## **2.8 Mayor as Ex-Officio Member of Committees**

- a) The Mayor of the Council is ex officio a member of every Committee.
- b) Where a Committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor of the Council, such number is automatically increased by one, being the Mayor of the Council, as provided under (a) above, when the Mayor is present, and all members of the Committee are present. In those instances when all members are not present, the Mayor's attendance replaces an absent member and the membership number is not automatically increased by one.
- c) The Mayor is able to participate in the business of the Committee without any restriction including voting. Members of Council are able to attend and participate at any meeting. Only members of Council who have been appointed to a Committee are entitled to vote.

## **2.9 Criteria to Serve on Committee**

Lay appointees to committees listed in this By-law, excluding technical representatives must be at least 18 years or older, a resident or business owner in the City of Cornwall, and be one of the following:

- Canadian Citizen, or
- Permanent Resident, a person who has been given permanent resident status by immigrating to Canada but is not a Canadian Citizen and has resided in Cornwall for at least one year.

Appointees must maintain residence in the City of Cornwall for the duration of their term.

All appointments made to agencies, boards, committees and commissions listed in Schedule A must be made in accordance with the rules established by their governing body. In accordance with the Public Libraries Act, for the Cornwall Public Library Board, appointees to these boards must be citizens of Canada.

## **2.10 Retention of Applications to Serve on Committees**

Applications from volunteers who are not appointed during the regular appointment process will be kept on file in the office of the City Clerk for the term of Council. If a vacancy occurs on a committee within that term, the applicants who applied to serve on that committee and were not appointed will be contacted and asked if they are still interested in serving. Names of those who continue to have an interest to serve on the committee will be submitted to the Lay Appointments Committee for consideration to fill the vacancy. The Clerk's Office will also re-advertise the vacancy in the newspaper.

## **2.11 Clauses Lost at Committee Meetings**

- a) Items rejected by any committee must be reported to Council with a "negative recommendation", allowing Council the opportunity to discuss the item.
- b) Motions that result in a tied vote at a committee must be reported to Council with no recommendation to allow Council the opportunity to discuss and make a decision.

## **2.12 Agenda**

The Agenda of every committee should include but not limited to the following sections:

- 1) Roll Call
- 2) Additions, Deletions or Amendments
- 3) Adoption of Agenda
- 4) Disclosures of Interest
- 5) Adoption of Minutes



- 6) Presentations
- 7) Reports
- 8) New Business
- 9) Date of Next Meeting
- 10) Adjournment

In accordance with requirements for public notice, transparency and disclosure, new substantive items should not be introduced on the Agenda under New Business.

### **2.13 Motions on Committee Agendas**

Motions introducing new policy or procedure matters must be in the hands of the Recording Secretary by 12:00 noon one week prior to the regular committee meeting for inclusion on the Agenda.

### **2.14 Meetings open to public**

Committee meetings are open to the public.

- a) Members of the public are welcome to attend committee meetings as observers but will not have an opportunity to speak or participate in the meeting.
- b) Members of the public are encouraged to talk to staff directly if they have concerns or need information.

Except as provided in Section 239 (2) and (3.1) of the Municipal Act, 2001, all meetings shall be open to the public.

Exceptions:

- a) the security of the property of the municipality or local board
- b) personal matters about an identifiable individual, including municipal or local board employees
- c) a proposed or pending acquisition or disposition of land by the municipality or local board
- d) labour relations or employee negotiations
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization
- j) a trade secret or scientific, technical, commercial, or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k) a position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

#### Other criteria

- a) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act
- b) an ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman appointed under the Ombudsman Act an Ombudsman referred to in subsection 223.13 (1) of the Municipal Act, or the investigator referred to in subsection 239.2

#### Educational or training sessions

- a) The meeting is held for the purpose of educating or training the members
- b) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board, or committee

#### Resolution

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a Committee must approve a resolution stating the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.

### **2.15 Election of Officers**

Each Committee will meet as soon as possible after the day of the inaugural meeting of Council and elect a Chair and Vice-Chair, if applicable, from its membership for the term of Council.

### **2.16 Presentations**

Committees may hear presentations and shall be limited to a maximum of ten (10) minutes.

An organized body wishing to address a committee as a presentation shall be limited to three (3) spokespersons.

On any given scheduled committee meeting, there shall be a maximum of three (3) presentations.

## **3. Appointments**

### **3.1 Term of Appointment**

- (a) In those instances where the appointments to a committee are to be staggered over the term of Council, the committee will be asked to establish what members will serve for the staggered term and advise Council accordingly. Council must, by resolution, confirm the term of the appointments as recommended by the Committee.

- (b) All committees must end on November 30 of a municipal election year.
- (c) Terms of office and membership on some external boards, commissions, authorities or quasi-judicial committees must be in accordance with this By-Law unless the term of office is established under statute or legislation.

### **3.2 Establishment of Sub-Committees and Working Groups**

If it is the desire of the majority of a committee to establish a sub-committee or working group, a recommendation must be made to Council for approval.

Included with the recommendation for the establishment of the sub-committee or working group must be information with respect to:

- a) the sub-committee or working group mandate and terms of reference
- b) the number of members
- c) the composition of membership, including members of the public and staff, if applicable, and how members are to be recruited
- d) the reporting structures
- e) the staff and other resources to be made available
- f) a start and finish date

A sub-committee or working group may also be appointed directly by Council.

### **3.3 Duration of Lay Appointments**

- a) Members of the public will be eligible to serve for a maximum of twelve (12) consecutive years or three (3) terms on the same committee.
- b) Members of the public are required to take at least an absence of one (1) term of Council absence after serving on the same committee for twelve (12) years. After the one-term absence, the member of the public is eligible to re-apply to serve on the former committee. On the recommendation of the Lay Appointments Committee, a member of the public may, upon application, be appointed beyond three (3) terms if there are compelling reasons.
- c) During the one-term absence from a committee, a member of the public may apply to serve on a different committee.

- d) A member of the public, who has been appointed to replace a committee member and is filling a partially completed term, will be appointed for the balance of that member's term.
- e) Renewed membership on a committee is not automatic. Any member of the public who wishes to serve for an additional term must submit an in order to be considered for re-appointment

#### **4. Effect**

This By-Law will come into force and take effect on the date of its passing.

## Schedule A - Agencies, Boards, Committees and Commissions

City Managed	With Council Representation Only
1. Audit Committee	1. Business Improvement Association - Le Village
2. Committee of Adjustment	2. Business Improvement Association – Downtown
3. Cornwall Planning Programs Evaluation Group (CPPEG)	3. Community Safety and Well-being Advisory Committee
4. Cornwall Regional Airport Commission	4. Cornwall & Area Housing Corporation Board of Directors
5. Election Audit Compliance Committee	5. Cornwall Community Woodhouse Museum Board (SD&G Historical Society)
6. Emergency Management Committee	6. Cornwall Police Services Board
7. Environment and Climate Change Committee	7. Cornwall Public Library
8. Glen Stor Dun Lodge Committee of Management	8. Eastern Ontario Health Unit Board of Directors
9. Heritage-Patrimoine Cornwall	9. Cornwall Harbour Development Corporation
10. Lay Appointments Committee	10. Raisin Region Conservation Authority
11. Municipal Accessibility and Advisory Committee	11. St. Lawrence River Institute of Environmental Sciences
12. Municipal Grants Committee	12. Tourism Development Fund Advisory Committee
13. Planning Advisory and Hearing Committee	
14. Property Standards Appeals Committee	
15. Senior Friendly Community Committee	
16. Service Manager Joint Liaison Committee	
17. Social Planning Council for Cornwall and Area	
18. Transit Committee	



### **Report Approval Details**

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Attachments:	
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This report and all of its attachments were approved and signed as outlined below:

**Geoffrey Clarke - Nov 3, 2020 - 3:24 PM**

**Maureen Adams - Nov 3, 2020 - 7:29 PM**