

CITY OF WHITEHORSE

BYLAW 2017-28

A bylaw to regulate the formation and operation of advisory committees

WHEREAS section 191(1) of the *Municipal Act* provides that council may by bylaw establish committees to consider matters referred to them by council;

AND WHEREAS section 191(2) of the *Municipal Act* provides that for any such committee council may by bylaw:

- Prescribe their functions;
- Prescribe the qualifications and terms of office of their members;
- Prescribe how the chair and members are to be appointed;
- Prescribe how the meetings are to be conducted and the procedure for voting on any matter;
- Prescribe conflict of interest rules;
- Regulate attendance at meetings;
- Provide for the appointment of officers and employees to assist the committee and prescribe their duties;

AND WHEREAS it is deemed advisable to adopt an umbrella bylaw to prescribe the terms of reference and rules of procedure for any committee established by council;

NOW THEREFORE the council of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

Short Title

1. This bylaw may be cited as the ***Advisory Committee Bylaw***.

Definitions

2. Wherever the singular, masculine or feminine is used in this bylaw they shall be construed as being plural, feminine or masculine as the context of the bylaw so requires.

3. In this bylaw, unless the context otherwise requires:

“ADMINISTRATIVE REPRESENTATIVE” means a member of staff appointed to act as a liaison between an advisory committee and council. Administrative representatives attend all meetings of the committee to which they are appointed by council, but are not voting members of the committee.

“APPLICANT” means a person who applies for a position on a committee.

“ATTEND” means being present at meetings, and includes attending by electronic means such as teleconferencing and videoconferencing.

“CITY” means the City of Whitehorse.

“CITY MANAGER” means the chief administrative officer for the city or a designate, appointed by council in accordance with the *Municipal Act* and as determined in the City Manager Bylaw.

Advisory Committee Bylaw 2017-28

“COMMITTEE” means an advisory committee established by council, and may include a board, commission, task force or working group.

“COUNCIL” means the duly elected council of the City of Whitehorse.

“DESIGNATED OFFICER” means an employee of the city designated by the City Manager to provide administrative support to a committee.

“IMPARTIAL” means not favouring one side or opinion more than another.

"IN-CAMERA" means a meeting closed to the general public as deemed appropriate in accordance with section 213 of the *Municipal Act*.

"MEETING" means a duly constituted meeting of an advisory committee, where business is conducted or issues are discussed.

"MEMBER" means a member of an advisory committee duly appointed by council and continuing to hold office.

"MOTION" is a standard terminology used to describe the original statement used to bring business before a meeting, and may also mean resolutions.

"PERSON" includes a corporation and the heirs, executors, administrators or other legal representatives of a person.

“PUBLIC INPUT” means an opportunity for citizens to provide information, facts, data, figures, and opinions respecting an issue under consideration by a committee.

Application

4. This bylaw applies to all advisory committees established by council to consider matters referred to them by council.
5. The rules established in this bylaw shall be observed by all members and shall be the rules and regulations for the order and conduct of business for all advisory committees established by council.

Severability

6. If any section, subsection, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the bylaw and its severance shall not affect the validity of the remaining portions of this bylaw.

Formation of Advisory Committees

7. Council may establish advisory committees for any purpose by adopting a schedule to this bylaw that clearly outlines:
 - (1) The mandate of the committee, including vision, purpose and scope;
 - (2) The membership criteria for the committee, including any council member participation; and
 - (3) Any designated administrative support for the committee.

Advisory Committee Bylaw 2017-28

8. Advisory committees shall be established for a period of two years or less. If after two years council determines that there are valid reasons to extend the committee, the term may be extended by resolution of council for an additional two year period.
 - (1) Council may extend a committee beyond four years if, following a review of the mandate and membership criteria, it is determined that the committee continues to be of value.
9. Prior to establishing an advisory committee, council shall examine the proposed composition and mandate to determine if the allocation of resources and/or budget dollars will be required. If it is determined that budget funds or other resources are necessary to allow the committee to fulfil its mandate, council shall include such allocations in the annual budget.
10. Council may by bylaw amend the mandate or membership criteria of a committee established under the provisions of this bylaw.
11. Council may, by resolution, dissolve a committee at any time.
12. Any committees formed by resolution of council that are not active at the time of passage of this bylaw shall be deemed dissolved and disbanded.

General Membership Criteria

13. For committees established pursuant to this bylaw, the membership numbers shall be a minimum of five persons and a maximum of eight persons.
 - (1) The membership numbers shall exclude the council representative, the administrative representative and the designated officer.
 - (2) When a member of council is appointed to a committee, the council member will be non-voting for the purposes of the committee, and will not be eligible to chair the committee, but will act in an advisory, information and resource capacity.
14. An administrative representative will act as a liaison between the committee and council and will attend all meetings. The representative will be designated by the City Manager and appointed by resolution of council. The administrative representative will not be a member of the committee, will not be eligible to chair the committee, and will not have a vote.
15. All members of committees shall be residents of the City of Whitehorse.
16. Committee members shall serve in a volunteer capacity only with no remuneration.
17. When a committee is established by council, the city will advertise for members. Persons interested in serving on the committee will complete and submit an application form that provides all pertinent contact information and identifies the applicant's familiarity with the issues identified in the committee's mandate. Additionally, the application form will identify how the applicant's involvement will add perspective and be consistent with the vision, purpose and scope of the committee.

Advisory Committee Bylaw 2017-28

18. Applications received will be collated by city administration for selection by council.
19. Committee members shall be appointed by resolution of council, and initial appointments shall be for the term of the committee. In the event that the term of a committee is extended, members may be eligible for re-appointment for the extended term.
20. Committees should have membership goals such as gender balance, culture and language representation, and representation from youth and older adults. Whenever possible, membership should also represent a balance of perspectives.
21. Members of committees shall hold office until their successors are appointed.

Attendance Requirements

22. It is the responsibility of committee members to attend regular meetings.
23. Where a member fails to attend two consecutive meetings of the committee, the member's seat shall become vacant unless the member has been excused by resolution of the committee.
24. The attendance of all committee members shall be monitored by the administrative representative and recorded by the designated officer. In the event that the record shows a pattern of absences or that the absences exceed the member's attendance at meetings, the chairperson may request that the member resign, or may request that council terminate the member's appointment.
25. In the event that a member of a committee is unable or unwilling to continue to serve on the committee, the member should submit his resignation in writing to the chairperson.
26. Council may remove any member of a committee for any good and sufficient cause, including habitual neglect of duty, conduct incompatible with this bylaw, or conduct prejudicial to the City. It is expected that committee members will adhere to the *Standards for Committee Members* attached hereto as Appendix "A" and forming part of this bylaw.
 - (1) Any member removed from a committee by council shall be provided with a written statement explaining the reasons for the removal.
 - (2) A member removed from a committee by council may appeal such decision in writing within 14 calendar days after the decision was rendered.
 - (3) Written appeals must be submitted to the administrative representative, and the matter will be scheduled for consideration by council within 30 days.
27. In the event that a committee member, for whatever reason, ceases to be a member of a committee before the expiration of his term, council may by resolution appoint another person to be a member for the un-expired portion of the term.

Advisory Committee Bylaw 2017-28

Administration, Finance and Support

28. In addition to the administrative representative, a designated officer may be assigned by the City Manager to support a committee.
29. For the purposes of fulfilling a support role for a committee, the designated officer will be non-voting and will not be eligible to chair the committee. The designated officer may, under the direction of the administrative representative:
 - (1) Provide general assistance to the committee;
 - (2) Arrange for meeting rooms;
 - (3) Contact members to establish or confirm meeting dates;
 - (4) Arrange teleconferencing and videoconferencing as needed; and
 - (5) Attend meetings in the capacity of a recording secretary.
30. The designated officer, in cooperation with the chairperson and/or the administrative representative, shall prepare all meeting agendas and distribute them to committee members five days in advance of meetings or a minimum of 48 hours prior to the time of the meeting.
31. The designated officer shall prepare minutes of all meetings of the committee, including its recommendations to council.
32. The minutes of all meetings of the committee will be approved by resolution of the committee at the next regular meeting, and thereafter will be posted on the city's website. The designated officer will make best efforts to ensure that adopted minutes are posted on the website within ten days of adoption.
33. Upon adoption, the designated officer shall forward the original signed minutes of the committee to the Legislative Services Department for safekeeping and retention.
34. Committees shall have no authority to expend or commit financial resources of the City of Whitehorse.
35. If required by the activities of a committee, the administrative representative will, in consultation with the committee, prepare a budget for expenses arising from the operation of the committee and submit the budget to the City Manager for approval. If budget funds are approved, the City's normal purchasing procedures will apply.

Committee Duties

36. Each committee shall give due consideration to all issues referred to it by council under the mandate adopted for the committee, and shall submit recommendations back to council through the administrative representative as resolutions of the committee.
37. Subject to the terms of the official mandate of the committee and all other city, territorial or federal laws, a committee may study and report to council on matters within the city's jurisdiction that are or may be affected under that mandate.

Advisory Committee Bylaw 2017-28

38. All committees are considered to be advisory in nature, and council has no obligation to endorse or act upon recommendations submitted to council by a committee.
39. No committee has the power to pledge the credit of the city or commit the city to any particular action.

Forwarding Committee Recommendations to Council

40. Each committee's administrative representative will be responsible for forwarding recommendations from the committee to council. Such recommendations will be brought forward at a Standing Committee meeting for presentation and discussion, and then be subsequently voted on by council at a regular meeting.
41. The committee chairperson or another committee member designated by the committee may attend the Standing Committee meeting at which recommendations are presented, and may participate with the administrative representative in presenting the recommendations to council.

Meetings

42. Following appointment by council, the committee shall select a chairperson and vice-chairperson from amongst its voting members. Council members, administrative representatives and designated officers shall not be eligible for selection as the chairperson or vice-chairperson.
43. Regular meetings of the committee shall be held in accordance with the mandate established by council, with the date and place to be determined by the chairperson in consultation with the committee.
44. All committee meetings shall be open to the public.
 - (1) Subject to the provisions of section 213(3) of the *Municipal Act*, a committee may close a meeting or a portion of a meeting to the public
45. In addition to the regular meetings, special meetings may be called by the chairperson.
46. The chairperson or the administrative representative may cancel any scheduled meeting of the committee if it is felt that a quorum will not be achieved or if there are no items for the agenda.

Agendas

47. Notice for each meeting shall be given in the form of an agenda not less than 48 hours prior to the time of the meeting. A copy of such notice shall be delivered to each member of the committee at the place to which the member has directed such notices be sent.
48. All documents pertaining to the business listed on the agenda shall accompany the agenda when delivered to each member.
49. Meeting agendas and all documents pertaining to the business listed on the agenda shall be posted on the city's website not less than 48 hours prior to the time of the meeting.

Advisory Committee Bylaw 2017-28

Electronic Participation at Meetings

50. A member may participate in a meeting by electronic means and be considered to be in attendance at the meeting. The member must provide prior notice, including a telephone number at which the member can be reached, to the designated officer.
51. The city will provide teleconferencing when necessary, and videoconferencing may be provided if required.
52. If a member is the regular chairperson of a committee, the member must be physically present to chair the meeting.

Quorum

53. A quorum shall consist of a majority of the voting members of the committee.
54. If a quorum is not present within 15 minutes after the time fixed for a meeting, the designated officer shall record the names of the members present and the meeting shall stand adjourned.
55. When a member participating electronically is necessary for the formation of a quorum, the meeting shall be deemed adjourned if at any point the electronic connection is broken. No further business may be conducted unless the electronic connection is re-established.
56. If a member arrives late at a meeting, no prior discussion shall be reviewed for that member's benefit except with the unanimous consent of all members present at the meeting.

Voting

57. Every member present shall vote on every matter unless the member is disqualified from voting by reason of declaring a conflict of interest or having a pecuniary interest in the matter under consideration.
58. Where a member is disqualified from voting by reason of declaring a conflict of interest or having a pecuniary interest, the designated officer shall record such in the minutes.
59. Any motion upon which there is an equality of votes shall be deemed to be defeated.
60. If a member refuses to vote, fails to vote, or abstains from voting on an issue, the member shall be deemed to have voted in favour of the matter except where the member abstaining is prohibited from voting pursuant to the *Municipal Act*.
61. Members participating electronically must vote audibly to allow other members to hear and the designated officer to record the vote.
62. The designated officer shall record in the minutes if a vote is carried unanimously, and if the decision is not unanimous, shall record the number of members who voted for and against each motion and shall also record who voted in favour and who voted against the motion.
63. In all other respects the rules of procedure for the committee shall be governed by the *Council Procedures Bylaw*.

Advisory Committee Bylaw 2017-28

Conduct of Committee Members

64. All proceedings of committees and the transaction of the business of committees shall be done in a manner consistent with the principles of the *Standards for Committee Members* (Appendix "A").
65. All members of committees will at all times:
 - (1) Be respectful of citizens, delegates and observers at meetings, administration, council and each other, including being respectful of each other's right to hold different and diverse views;
 - (2) Act with impartiality and integrity; and
 - (3) Make all decisions in the best interests of the community as a whole.

Conflict of Interest

66. All members are expected to maintain an attitude of impartiality and exhibit a lack of bias with respect to matters brought forward to a committee.
67. Members will comply with all the provisions of the *Municipal Act* with respect to disclosure of pecuniary interest or conflicts of interest.
68. If members consider that they have or might reasonably be perceived to have an interest in a matter before a committee, they shall declare such interest at the start of the meeting at which it will be considered. Such interest shall be declared on every occasion that the matter is considered by the committee.
 - (1) Where such interest is non-pecuniary and not a conflict of interest, the member may vote on the matter.
69. If issues with respect to conflict of interest arise with any committee, the rules of procedure for the committee shall be governed by council's *Procedures Bylaw* insofar as it may be applicable.

Control and Conduct of Meetings

70. The chairperson shall act as the presiding officer at each meeting at which he is present.
71. Committee members shall pay respect to the chairperson at meetings.
72. The duties of the chairperson at a committee meeting are to:
 - (1) Maintain control by holding or passing the chair;
 - (2) Be impartial;
 - (3) Preserve order and encourage members who stray from the topic to stay focused on the issue being debated;
 - (4) Make decisions required to maintain order and preserve the decorum of the meeting;
 - (5) Determine which member has the right to speak; and
 - (6) Call a member to order if required.

Advisory Committee Bylaw 2017-28

73. The chairperson may step down from the chair for the purpose of taking part in the debate, in which case the vice-chairperson or another member may be called to take the chair.
74. The chairperson may give explanations or information within his knowledge from the chair, and may make recommendations from the chair with respect to the business being discussed.
75. Any person wishing to speak at a meeting shall address the chair and be recognized by the chairperson before beginning to speak.
76. When a person is addressing the chair, every member shall remain quiet, shall not interrupt the speaker, and shall not carry on private conversation.
77. Committee members shall refrain from using cell phones, e-mail, or any other personal communication devices during the course of meetings.
78. When any person is addressing a meeting, that person shall obey the rules of procedure and shall not:
 - (1) Shout or immoderately raise his voice, or use offensive, vulgar or profane language; or
 - (2) Speak on matters other than the matter on the floor; or
 - (3) Make personal comments about any person, including staff members, members of the committee or members of council.
79. The *Standards for Committee Members* shall be used as the guiding document for the conduct of members at all meetings.

Motions

80. Recommendations from committees shall be in the form of a motion that has been duly moved and seconded.
81. The designated officer shall record that the motion has been duly moved and seconded, but the minutes shall not record the names of the mover and seconder.
82. Every motion shall be stated or read by the mover, who shall speak first to the motion and close debate on the motion.
83. When duly moved and seconded, a motion shall be open for discussion and debate.
84. When a member who has moved a motion closes the debate, the chairperson shall put the motion to a vote.
85. The mover and seconder of any motion may speak and vote for or against any motion.
86. When a motion under consideration concerns two or more specific matters, any member of the committee may request that the vote upon each matter be taken separately.
87. A motion is not required to adjourn a meeting. The chairperson shall declare a meeting adjourned when there is no further business on the agenda.

Advisory Committee Bylaw 2017-28

Motion to Amend

88. A motion to amend an original motion may be made by any member.
89. Amendments shall be voted on in reverse order to that in which they are moved.

Sub-Committees

90. A committee may establish sub-committees if deemed necessary to fulfil a specific purpose. In that event such sub-committees shall be time bound, and in no case shall they extend beyond the time frame of the parent committee.
91. The committee chairperson shall be a member of any sub-committee established.
92. Persons from outside the committee may be appointed to a sub-committee. If persons from outside the committee are recruited for a sub-committee, they shall be appointed for a specific term and purpose by resolution of the committee.
93. Sub-committees shall be chaired by a committee member and shall report back to the committee on their findings. Sub-committees may solicit input from the public.
94. When a committee establishes a sub-committee, the chairperson may request that the designated officer provide administrative support to the sub-committee. In the event that such a request is made, the administrative representative shall have the discretion to authorize such support.

Coming Into Force

95. This bylaw shall come into force and effect upon final passage thereof.

FIRST and SECOND READING: November 14, 2017

THIRD READING and ADOPTION: November 27, 2017

ORIGINAL BYLAW SIGNED BY:

"Dan Curtis"

Dan Curtis, Mayor

"N. L. Felker"

Norma L. Felker, Assistant City Clerk

Advisory Committee Bylaw 2017-28

Appendix A – Standards for Committee Members

Committee Code of Conduct

1. Committee members will adhere to the following:
 - (1) Discretion;
 - (2) Open and honest communication;
 - (3) Respect for other committee members;
 - (4) Respect for council, presenters and observers;
 - (5) Respect for the process;
 - (6) Each member promotes the committee and its purposes; and
 - (7) The chairperson is the official voice of the committee.
2. In performing their role as committee members, the community expects that committee members will comply with any laws and will be aware of their responsibility to comply with these agreed-upon rules of conduct.
3. Committee members must act honestly and exercise reasonable care and diligence.
4. Committee members must not make improper use of information acquired because of their position to gain, or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or to cause, or attempt to cause, detriment to the committee as a whole.
5. Additionally, committee members will:
 - (1) Always be mindful of their responsibility to serve the best interests of the entire municipality;
 - (2) Treat all matters on their individual merits;
 - (3) Review all materials and research provided by city staff prior to meetings;
 - (4) Attend all meetings of the committee and participate in the decision making process;
 - (5) Focus on making informed and reasonable decisions in an open and transparent way and in the best interests of the community;
 - (6) Be as informed as possible about the processes and strategic functions of the committee;
 - (7) Avoid situations that might create a conflict between their public and private roles.
 - (8) Act reasonably and fairly in a manner that is not discriminatory; and
 - (9) Treat all members of the community honestly and fairly and in a way that does not cause offence or embarrassment to individuals or groups.

Advisory Committee Bylaw 2017-28

Appendix A – Standards for Committee Members

Communications

6. There may be times when a committee member, as an individual, disagrees with a decision of the committee and wants the community to know that. Committee members are entitled to present their own views, but in doing so, should acknowledge that:
 - (1) They respect the decision making process that is based on a decision of the majority of the committee;
 - (2) An overriding concern ought to be in achieving a balance in the matters that are communicated and strive to achieve an outcome that presents the committee as effective and cohesive;
 - (3) Information of a confidential nature must not be publicly communicated;
 - (4) Information concerning decisions of the committee must be conveyed accurately.

Use of Information

7. Committee members may be privy to information that may be confidential or controversial. Committee members need to:
 - (1) Be aware of and observe the provisions of the *Municipal Act* and *Yukon Human Rights Act* relating to the treatment of confidential information.
 - (2) Be aware that they are only entitled to access information relevant to a matter before the committee;
 - (3) Be mindful that except on matters before the committee, they enjoy the same access rights to information as any other member of the community;
 - (4) Be prudent in the use of information that they acquire as committee members, particularly with respect to confidential information;
 - (5) Be careful not to use information in a way that can be detrimental to others or to the committee as a whole; and
 - (6) Be careful not to use confidential information to gain advantage for themselves or for any other person.

Committee Meetings

8. Meetings must focus on the business of the committee and provide an environment for transparent and healthy debate on matters requiring decision-making. The key elements are:
 - (1) The chairperson should be conscious of the needs of each committee member and facilitate their entry into discussions, allowing fair debate and participation among committee members.
 - (2) Each committee member should be respected for his views on issues, and such views should be considered on merit.

Advisory Committee Bylaw 2017-28

Appendix A – Standards for Committee Members

- (3) Committee members should not be criticized for their association with any particular community group, political party, or community contacts.
- (4) When holding the floor, committee members should respect the right of other members to have a fair opportunity to speak.

Respecting differences

9. A committee is comprised of a group of individuals who bring to the committee their own unique skills, talents, personalities, backgrounds and divergent views. All committee members need to be understanding and accepting of the differences between members and recognize that this diversity enriches the committee and is reflected in the decisions that are made in the best interests of the entire municipality.
10. Committee members need to be mindful that having and expressing differing and sometimes opposing viewpoints is a normal function of the process of democratic government and is just as much a part of local government as it is of the other levels of Canadian government. Sharing and expressing these different views leads to informed and well-considered debate. All committee members have the right to influence, through this debate, the decisions made by the committee.
11. Therefore, having differing views, politics or attitudes from other committee members is not considered a conflict or a dispute and does not require resolution. Where conflict does emerge is when the differences become personal or the behaviour of committee members towards each other is of a nature that threatens the effective operation of the committee's decision making processes.

Enforcement of Standards

12. These *Standards for Committee Members* will be self-regulated by each committee.
13. Committee members are expected to be aware of and mindful of their responsibilities under these Standards.
14. Council reserves the right to dissolve or disband a committee.

■2017-08-23