

# Statutory and Advisory Committees Policy

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## 1.0 Policy Statement

This Statutory and Advisory Committees Policy (the “Policy”) will provide the governance framework that The Corporation of the Town of East Gwillimbury (the “Town”) has developed to ensure that the Town’s statutory and advisory committees when carrying out their respective mandates operate in a transparent, accountable and consistent manner

## 2.0 Purpose

The Town is required by provincial legislation to establish certain statutory committees and local boards. Council of the Town of East Gwillimbury (“Council”) may choose to establish other committees comprised of members of the public to provide advice to Council on matters related to the committee’s mandate. This Policy sets out the governance framework established by the Town for statutory and advisory committees.

## 3.0 Definitions

3.1 In this Policy, capitalized terms have the following meanings:

- **Advisory Committee:** means a committee that Council has established, in its sole discretion, to advise Council on matters related to the Committee’s mandate. An Advisory Committee excludes any standing committee comprised of all Council Members.
- **CAO:** means the Town’s Chief Administrative Officer
- **Clerk:** means the Municipal Clerk for the Town, or their designate.
- **Committee:** means a Statutory Committee, an Advisory Committee, or other committee, subcommittee or similar entity, as established by Council, or the Mayor, in accordance with the Strong Mayors, Building Homes Act, 2022, but excludes any standing committees comprised of all Council Members.

- **Council:** means the body comprising elected officials of the Town's Council.
- **Council Code of Conduct:** means the Town's Code of Conduct applicable to Council and Committee Members, as amended, or replaced, from time to time.
- **Council Member:** means an elected official of the Town's Council.
- **General Manager:** means the person appointed by the CAO or Council as head of one of the Town's administrative departments, or their designate.
- **Local Board:** means a local board that Council is required by legislation to establish.
- **Mayor and Council Office:** means the Mayor and Council Executive Coordinator or designate.
- **Member:** means a Council Member, a member of an Advisory Committee, or a member of a Statutory Committee.
- **Procedure By-law:** means the Procedure By-law enacted by the Town as By-law No. 2009-109, as amended, or replaced, from time to time.
- **Standing Committee:** means a standing committee of the Town comprised of all Council Members.
- **Statutory Committee:** means a committee that Council is required by legislation to establish but excludes a Standing Committee.
- **Third Party Group:** means an organization, association or group separate and distinct from the Town that undertake activities in conjunction with the Town but not on behalf of the Town.
- **Treasurer:** means the Treasurer for the Town, or their designate.
- **Staff:** includes all non-union and union staff employed by the Town.
- **Town:** means The Corporation of the Town of East Gwillimbury as a municipal corporation and, where the context requires, its geographic area.

3.2 Any term not defined in this Policy shall have the same meaning as it does in the Procedure By-law.

## 4.0 Scope

- 4.1.1 This Policy applies to Statutory Committees and Advisory Committees.
- 4.1.2 This Policy does not apply to:
  - (a) an audit committee established by Council under the *Municipal Elections Act, 1996*, S.O. 1996, c.32, Sched, as amended;
  - (b) a Standing Committee;
  - (c) the Board of The Town of East Gwillimbury Public Library;
  - (d) a Local Board; and
  - (e) the Town's Livestock Valuator and Pound Keeper Appointments.

The General Manager of Corporate Services is responsible for interpreting this Policy and implementing processes and procedures to give effect to this Policy.

## 5.0 Description of Policy

- 5.1 Creation and Dissolution of Statutory and Advisory Committees
  - 5.1.1 Council shall comply with applicable governing legislation in respect of the establishment and/or dissolution of Statutory Committees.
  - 5.1.2 Council may establish and/or dissolve by resolution any Advisory Committees (non-statutory) that it deems appropriate, in its sole discretion, save where the Committee was created by the Mayor under Strong Mayor powers, in which case such resolution shall be from the Mayor.

## 6.0 Committee's Mandate and Terms of Reference

- 6.0 Terms of reference (“**Terms of Reference**”) for each Committee shall be established by Council resolution. Council shall give instructions to staff about the nature and content of the Terms of Reference and, with the Committee’s Council Liaison, shall prepare a draft and submit them to Council for approval. A Committee’s Terms of Reference shall follow the Terms of Reference Template.
- 6.1 The Terms of Reference shall:
  - i. Clearly delineate the Committee’s mandate and purpose and align with Council’s instructions.

- ii. Set out the Committee's objectives.
- iii. Set out certain procedural matters to the Committee.
- iv. Set out the reporting requirements.
- v. For non-statutory committees, include the following provision for dissolution: "At the discretion of Council or upon the mandate of the Committee being fulfilled, the Committee may be dissolved by resolution of Council, save where the Committee was created by the Mayor under Strong Mayor powers, in which case such resolution shall be from the Mayor."

6.2 In the case of Statutory Committees, the mandate must be compliant with applicable legislation. In the case of Advisory Committees, the mandate must identify and be consistent with the applicable strategic plan priority(ies). When developing its work plan, the Committee must ensure that their deliverables are a reasonable output to the applicable priority or priorities.

6.3 At the beginning of each term, Council shall provide directions and expectations for that Committee's work plan, which direction will include the strategic priorities that Council wishes the Committee's work plan to address.

6.4 Unless otherwise provided in the Council-approved Committee's Terms of Reference, funding for each year of the term of the Committee will be secured in accordance with the Town's annual budget process, subject to any modifications or additional requirements as the Treasurer may require.

## 7.0 Application Process respecting Membership on Committees:

7.1 All applications shall be submitted through the town's ADP system. Such applications are subject to the request for information process in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, 1990* (MFIPPA). The Mayor and Council Office will forward all applications to the relevant Council Liaison.

7.2 The Council Liaison will interview applicants and make recommendations to Council, for committee membership. Where a statutory committee does not have a Council Liaison, Council shall take the steps necessary to determine the appropriate applicants and conduct interviews.

7.3 Subject to applicable law, Council shall review recommended applications for office in a closed meeting of Council.

7.4 Subject to conflicts of interest and applicable legislation, Council has sole discretion to appoint applicants to Committees. Without limiting Council's

discretion, Council may have regard to an applicant's related qualifications and experience concerning the mandate of the applicable Committee when making its decision whether to appoint the applicant to the Committee. When considering applications, Council may review the application and supporting documentation, may request additional references, and may conduct interviews with the applicant. Preference will be given to East Gwillimbury residents, when possible.

- 7.5 Persons who are in contravention of the Town's public conduct policy are not eligible for appointment to Committees of Council.
- 7.6 Council shall confirm such appointments, by resolution, in an open meeting of Council.
- 7.7 Council Members and Staff are not permitted to be Members of a Statutory or an Advisory Committee.

## **8.0 Committee Meetings Procedures:**

- 8.1 The Chair and Vice-Chair of an Advisory Committee shall be appointed by a vote of the Members at the first meeting of the term and shall have such responsibilities and powers of a Chair and Vice-Chair under the Procedure By-law but shall not be a Council Liaison.
- 8.2 The term of the Chair and Vice-Chair shall be determined by the Members of the Committee except to the extent that provincial legislation or a Council By-law relating specifically to that Committee provides otherwise.
- 8.3 In the absence of the Chair and Vice-Chair, the Members shall elect one of the Members present at the meeting as Chair for the purposes of that meeting.
- 8.4 At the first meeting, the members shall establish the meeting dates of the Committee. All meetings are open to the public.
- 8.5 Except to the extent that provincial legislation or as otherwise provided in the Terms of Reference for that Committee, a majority of the Members of the Committee will constitute a quorum at a meeting.
- 8.6 The Mayor shall be an ex-officio Member of all Committees. Ex-officio Members may take part in Committee discussions but may not take part in the vote.
- 8.7 Council Members who are not Members of the Committee are entitled to attend, and with the permission of the Committee Chair, may speak at the meetings of any Committee, but shall not be entitled to vote and do not count towards quorum. This privilege shall not be extended to any closed portion of a meeting.

- 8.8 Unless otherwise specifically provided in this Policy or in the Terms of Reference for that Committee, the meetings should be conducted in accordance with the procedures for Committee of the Whole Council and/or Council meetings as provided in the Procedure By-law.
- 8.9 All agendas and minutes will be posted on the Town's website.
- 8.10 When the Committee wishes to make a recommendation, the Chair must submit the report to CWC for approval. Reports will be signed by the Chair and submitted through the Staff Liaison to the relevant General Manager for processing. All Committee Reports DO NOT require CAO approval.
- 8.11 In the event of a conflict between a provision of this Policy and a provision in the Procedure By-law, the provision in this Policy shall govern. In the event of a conflict between a provision in a Terms of Reference and a provision in the Procedure By-law, the provision in the Terms of Reference shall govern.

## **9.0 Terms and Conditions Associated with the Office of a Member:**

- 9.1 Subject to Section 9.5, Members are expected to attend all meetings of their Committee. Should a Member be absent for three (3) consecutive meetings, as reflected in the minutes of the Committee, Council may, by resolution, remove the Member from the Committee, unless applicable legislation provides otherwise.
- 9.2 When a position on a Committee becomes vacant, the Chair will notify the Mayor and Council Office and will further advise if it is necessary for the Mayor and Council Office to begin the recruitment process.
- 9.3 Members may resign from a Committee at any time by submitting a letter of resignation to the Mayor and Council Office and unless the resignation specifies otherwise, such resignation shall be effective upon receipt of such letter by the Mayor and Council Office. The Chair of the Committee will advise the Mayor and Council Office if it is necessary to begin the recruitment process.
- 9.4 The Clerk shall place a vacancy or resignation notice on an appropriate Council Agenda as an informational item.
- 9.5 Members may temporarily withdraw from the Committee, upon the consent of Council, by resolution, for a period of time not to exceed three (3) months. Such withdrawal shall be effective upon receipt of a notice of withdrawal by the Mayor and Council Office unless the notice specifies a date for the commencement of the Member's withdrawal from the Committee.
- 9.6 The Mayor and Council Office shall maintain an up-to-date record of all resignations, removals from office, retirements, and/or deaths of Members.

9.7 Members of Statutory Committees are typically paid some compensation for participation on these Committees. Generally, Members of Advisory Committees do not receive compensation; however, remuneration may be established at the discretion of Council. If Council approves the payment of compensation to Members in respect of a Committee, the Committee's Terms of Reference shall be amended accordingly to reflect the change.

## 10.0 Staff Liaison

- 10.1 A member of Staff with subject matter expertise in respect of the mandate of the applicable Committee shall be assigned by the Chief Administrative Officer or the Department Head, to that Committee.
- 10.2 The Staff Liaison provides subject matter expertise in respect of the applicable Committee and is expected to attend all meetings of their assigned Committee or send an alternate.
- 10.3 Committees may not direct Staff Liaisons to perform the duties of any Committee role (chair, co-chair, etc.). Any direction to do business, including directions to Town staff, shall be in the form of a recommendation submitted via Report to Committee of the Whole Council.
- 10.4 The Committee Chair may seek support from the Staff Liaison regarding the preparation of meeting agendas. The Chair may also seek support from the Staff Liaison on any procedural inquiries including the posting of minutes and the submission of memos or reports to Council.

## 11.5 Support Staff

- 11.1 A Statutory Committee shall have a Staff member assigned to support that Committee. The Committee of Adjustment is supported by a Secretary-Treasurer from the Planning Department. An Advisory Committee may have a Staff member appointed.
- 11.2 The support staff's role is to perform the same services that the Clerk provides to the Committee of the Whole Council and Council with respect to meetings. In this respect the support staff will adhere to the Town's established practices, procedures and processes for such meetings.
- 11.3 In the absence of such an appointment, the Members of the Committee shall appoint a Member from amongst themselves to assume the role of Secretary to that Committee, to perform administrative tasks, take minutes, and distribute agendas, minutes and reports.

## 12.0 Council Liaison

- 12.1 The Mayor shall assign a Council Liaison to each Advisory Committee and may assign a Council Liaison to a Statutory Committee, for the term of Council in step with the term of the Committee. The Mayor may change the Council Liaison within the term, at their discretion. Nothing precludes the appointment of the same individual as Council Liaison for that Committee in a subsequent term of that Committee.
- 12.2 A Council Liaison will be the direct link between the Committee and Council, by providing advice and information regarding Town and/or Council business, where applicable. Council Liaisons are to be provided with a copy of all formal communications from the Committee (including notices, agendas and minutes).
- 12.3 A Council Liaison is not to direct the Staff Liaison of the Committee to perform duties for the Committee.
- 12.4 A Council Liaison is not eligible for the positions of Chair, Vice-Chair and Secretary and is not a voting member of the Committee and is not included in the count for quorum.

## 13.0 Conduct of Committee Members and Staff

- 13.1 Members of all Statutory and Advisory Committees are expected to familiarize themselves and to comply with relevant Town policies and legislation, including without limitation, the Council Code of Conduct, Conflict of Interest, and the (forthcoming) Public Conduct Policy, in carrying out their duties on such Committees.
- 13.2 Members are required to make declarations of pecuniary interest (financial interest). Members who have declared an interest on any matter may not move, second, participate in the discussion or vote on the matter nor attempt to influence others on the Committee.
- 13.3 Staff appointed to a Statutory and/or Advisory Committee shall continue to be governed by any applicable policies of the Town concerning employees, including, without limitation, the Employee Code of Conduct, and the Respect in the Workplace Policy.

## 14.0 Training

- 14.1 All committee members, Council Liaisons, Staff Liaisons, and staff support will receive an orientation session organized by the Mayor and Council Office at the beginning of each term. Orientation will include duties and responsibilities, legislative and transparency requirements, Town policies and procedures, and the mandate of the committee.

- 14.2 More thorough training will be provided for the Chair, Vice-Chair, and secretary that will ensure consistent practices for agendas, minutes, budget requests, funding, open public meetings, setting yearly meeting schedules, reporting to Council, and other matters as appropriate.
- 14.3 Newly appointed members will be provided with individual orientation prior to attending their first committee meeting.

## 15.0 Spending Policy

In addition to the Finance responsibilities found in the Committee's Terms of Reference, the following procedures shall apply:

- 15.1 All expenditures shall be within the parameters of the mandate of the Committee, to further the effectiveness of the committee:
  - training, education, and attendance at conferences;
  - promotional materials; and,
  - reasonable refreshment expenses.
- 15.2 Council approved funds cannot be used to directly fund events, or to make donations to third parties, unless approved by Council.
- 15.3 All expenditures shall be voted on by the members.
- 15.4 Any votes to expend operating budget funds and related actions shall be recorded in the committee minutes.

## 16.0 Responsibilities

Mayor and Council Office ensure compliance with this Policy

## 17.0 Non-Compliance

Employees who violate this Policy will be subject to disciplinary measures.

## References:

Legislative and other authorities:

- [Municipal Act, 2001](#)
- [Municipal Conflict of Interest Act](#)
- [Municipal Elections Act, 1996](#)
- [Municipal Freedom of Information and Protection of Privacy Act](#)