



Committee Structure and Function Policy, 2006

Policy Statement:

The purpose of this policy is to provide clarity regarding District of Sooke committees and commissions and is pursuant to Sections 141 through 145 of the *Community Charter* and District of Sooke Bylaw No. 258, *Council Procedure Bylaw, 2006*.

The Role of Council

District of Sooke Council is composed of a Mayor and six (6) Councillors who hold office for a three (3) year term. The Mayor is head of Council, and as noted in Section 116 of the *Community Charter*, is the Chief Executive Officer of the District of Sooke. Council is a legislative (law-making) body with the responsibility for exercising virtually all legislative and administrative authority conveyed upon the District of Sooke by the Province through the *Community Charter*, the *Local Government Act* and other statutes. Together, the Mayor and Councillors are ultimately responsible for establishing the policies of the District of Sooke, for the carrying out of those policies, and for the general administration of civic business.

To assist Council in fulfilling their mandate, Committees may be appointed in designated areas in services provided.

Statutory Committees

Definition

A Statutory Committee is a board, commission or committee established pursuant to a specific enabling statute such as the Board of Variance established pursuant to the *Local Government Act*, and any other body established pursuant to enabling legislation which serves in an arm's length capacity on behalf of or in cooperation with the municipality.

Terms of Appointment for Statutory Committee

The terms and conditions of appointment of members to the Statutory Committees are as provided in the enabling statute. The term of appointment for Board of Variance is three years.

Authority

Except as may be provided by bylaw or resolution, a Statutory Committee does not have the authority to communicate with other levels of government on behalf of the District of Sooke, to pledge the credit of the District of Sooke, or to authorize any expenditures to be charged against the District of Sooke. Members have only the authority delegated to them by the enabling legislation.

Members (other than Council Members if applicable) do not have the authority to speak publicly (e.g. to the media) on behalf of the Committee unless so directed by District of Sooke Council.

Statutory Committees conduct their business in accordance with the terms of their enabling statute and/or the policies of the authority that established the committee.

Standing Committees

Definition

A Standing Committee is an advisory body to Council established by the Mayor pursuant to Section 141 of the *Community Charter*.

Role of Standing Committee

The Council representative's role on the Committee is:

- To be a voting member of the committee to which they are assigned.
- To provide information and consider advice from staff and Council on issues of concern to the public and the District of Sooke.
- To provide concrete recommendations for consideration by staff and Council.

The citizen's role on the Committee is:

- To provide information and consideration of items to Standing Committees on issues of concern to the public and District of Sooke.
- To provide local knowledge, advice, relevant background, and/or expertise/perspective that relate to items relative to each respective committee.
- Help keep the Committee informed on current views within the community.
- Objectively participate in all aspects of the Committee's business as presented at the meetings.
- Have a commitment to the importance of services within the District of Sooke.
- Understand the need to take into account the interests of all when helping to formulate a decision.
- Be well informed on the values held in the community and have confidence in them.
- Be willing to participate in discussions at meetings and functions of the Committee meetings.
- Be able to exercise sound judgement and an open mind on items presented.
- Be willing to participate in the spirit of cooperation in carrying out Committee business.
- Be willing to assume responsibility for action taken.
- Advisors do not attend closed meetings under Section 90 of the *Community Charter*.

The role of Standing Committees is further defined in each Committee's Terms of Reference.

Terms of Appointment for Standing Committees

The Mayor will appoint members of Council to each Standing Committee. The Mayor may also appoint citizens to a Standing Committee. The Mayor shall designate a member of Council to serve as Chair of the Standing Committee.

Except as may be provided by bylaw or resolution, the term of appointment is one year. Council members may serve consecutive terms on any one committee. Citizens may serve consecutive terms on any one committee to a maximum of two terms.

All members remain in office until their respective successors are appointed, except for in a year of a general local election, in which case members' appointments expire on November 30.

Authority

A Standing Committee does not have the authority to communicate with other levels of government, to pledge the credit of the District of Sooke, or to authorize any non-budgeted expenditures to be charged against the District of Sooke. Members have only the authority delegated to them by Council.

Citizens do not have the authority to speak publicly (i.e. to the media) on behalf of the Committee unless so directed by the Council.

Standing Committees must refer recommendations to Council for authority to act as outlined in the Committee's Terms of Reference.

Standing Committees must report to the Council when directed by resolution of the Council. The Committee also submits reports with the assistance of the staff support to Council in accordance with established procedures and the *Council Procedure Bylaw*.

Commissions

Definition

A Commission is established by Council pursuant to Section 143 of the *Community Charter* to work with assigned staff and report to Council. Council may appoint citizens to Commissions.

Role of Commission

The Council representative's role on the Commission is:

- To be a voting member of the commission to which they are assigned.
- To provide information and consider advice from staff and Council on issues of concern to the public and the District of Sooke.
- To provide concrete recommendations for consideration by staff and Council.

The citizen's role on the Commission is:

- To provide information and consideration of items to a Commission on issues of concern to the public and District of Sooke.
- To provide local knowledge, advice, relevant background, and/or expertise/perspective that relate to items relative to each respective Commission.
- Help keep the Commission informed on current views within the community.
- Objectively participate in all aspects of the Commission's business as presented at the meetings.
- Have a commitment to the importance of services within the District of Sooke.

- Understand the need to take into account the interests of all when helping to formulate a decision.
- Be well informed on the values held in the community and have confidence in them.
- Be willing to participate in discussions at meetings and functions of the Commission meetings.
- Be able to exercise sound judgement and an open mind on items presented.
- Be willing to participate in the spirit of cooperation in carrying out Commission business.
- Be willing to assume responsibility for action taken.
- Citizens have a vote on the Commission.

The role of a Commission is further defined by bylaw or by each Commission's Terms of Reference.

Terms of Appointment for Commission

Council will appoint members of Council to each Commission. The Mayor shall designate a member of Council to serve as Chair of the Commission.

Except as may be provided by bylaw or resolution, the term of appointment is one year. Council members may serve consecutive terms on any one Commission. Citizens may serve consecutive terms on any one Commission to a maximum of 2 terms.

All members remain in office until their respective successors are appointed, except for in a year of a general local election, in which case members' appointments expire on November 30.

Authority

Except as may be provided by bylaw or resolution, a Commission:

- does not have the authority to communicate with other levels of government, to pledge the credit of the District of Sooke, or to authorize any non-budgeted expenditures to be charged against the District of Sooke. Members have only the authority delegated to them by Council.
- must refer recommendations to Council for authority to act as outlined in the Commission's Terms of Reference.
- must report to the Council when directed by resolution of the Council. The Commission also submits reports with the assistance of the staff support to Council in accordance with established procedures and the *Council Procedure Bylaw*.

Citizens do not have the authority to speak publicly (i.e. to the media) on behalf of the Commission unless so directed by the Council.

Select Committees

Definition

A Select Committee is established by Council resolution to which Council may appoint citizens who work with assigned staff and report to Council. By Council resolution, Council members may have a vote on the Committee.

Role of a Select Committee

- To provide information and consider advice from staff and Council on issues of concern to the public and the District of Sooke.
- To provide concrete recommendations for consideration by Council.
- The role of the individual Select Committee is further defined in each Committee's Terms of Reference.

Terms of Appointment for Select Committee

Council will appoint members of Council to each Committee. The Mayor will designate a member of Council to serve as Chair of the Committee.

The term of appointment of members to a Select Committee is concurrent with the time frame provided to the Select Committee to complete its work; after which the members' term expires.

Authority

Except as mandated, does not have the authority to communicate with other levels of government, to pledge the credit of the District of Sooke, or to authorize any non-budget expenditures to be charged against the District of Sooke.

Members have only the authority delegated to them by each respective Standing Committee or District of Sooke Council.

Members (other than Council Members if applicable) do not have the authority to speak publicly (i.e. to the media) on behalf of the District of Sooke Select Committee unless so directed by the Council.

Select Committees conduct their task within the time prescribed by Council following which they report their findings and opinions to Council.

GENERAL

Committee Selection Process:

1. At Council's direction, staff will advertise for community volunteers to serve on committees:
 - a) In the weekly Council Column in the local newspaper
 - b) On the District of Sooke website
2. Volunteer applications will be accepted by way of the Application Form attached as Schedule A. A committee volunteer must be a resident or own a business in the District of Sooke;
3. Council will review all application forms at a closed portion of a Council meeting and appoint the successful applicants at an open portion of a Council meeting;
4. Staff will notify in writing the successful appointees and send letters of appreciation to those applicants not chosen.

Meetings:

The District of Sooke will provide a recorder who, at the direction of the committee chair through the Corporate Services Manager, will:

- a. Prepare all meeting agendas and distribute them to the Committee members in advance of a meeting; and,
- b. Take and transcribe minutes of all meetings.

Council will receive Committee minutes for information at the next scheduled Regular Council Meeting. The Committee may make changes to Committee minutes without resubmission to Council;

Committee Minutes approved by the Committee and signed by the Chair must be given to the Corporate Services Manager for safekeeping (original to safe, copy to minute binder);

Recommendations from committees will be taken to the next scheduled appropriate Council or Committee of the Whole meeting.

All meetings of Council committees are open to the public and no person shall be excluded except for improper conduct, except as may be provided in the committee's enabling statute or establishment bylaw, or where the committee is considering an item where, in accordance with applicable legislative requirements or Council procedure, the public interest requires the exclusion of the public (Bylaw No. 258, *Council Procedure Bylaw*, 2006).

At any time a member of the public may be invited by the Chair to speak or appear as a delegation to the committee. The presentation of the delegation may not exceed five minutes duration unless the Chair approves a longer duration.

Committee Vacancy Replacement Term

In the event of a vacancy, the person appointed to fill the vacancy shall hold office for the remainder of the term of the vacated office, as per Terms of Appointment and/or as stated in the Committee Terms of Reference.

Attendance of Members at Meetings

Any Committee member who is absent from three (3) consecutive regular meetings without leave of absence from the Committee or without reason satisfactory to the Committee shall forthwith cease to be a member of the Committee and the appointing authority shall be advised by the Committee.

Removal of Members

The Mayor may rescind Standing Committee appointments. District of Sooke Council may rescind Select Committee appointments.

Resignation of Members

Any member of a committee wishing to resign from the committee is requested to provide the resignation in writing to the committee chair with a copy to the Corporate Services Manager.

Time and Location of Meetings

Every meeting of a Committee after its first meeting is to be held at the date, time and location agreed to by the Committee.

Rules of Procedure

Each Committee shall use the terms of reference, the *Community Charter* and the District of Sooke *Council Procedure Bylaw* as rules of procedure.

Conflict of Interest

Committee Members are to avoid conflicts of interest. A conflict of interest exists where:

- A committee member is a director, member or employee of an organization seeking a benefit from the District of Sooke upon which the committee will make a recommendation.
- The committee member has a direct or indirect pecuniary interest in the outcome of committee deliberations.

A conflict of interest does not exist if:

- The pecuniary interest of the committee member is a pecuniary interest in common with members of the municipality generally.
- The pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter.

Where a conflict of interest exists, committee members:

- Are not entitled to participate in the discussion of the matter or to vote on a question in respect of the matter.
- Must declare to the committee that a conflict exists and the nature of the conflict.
- Must absent themselves from the meeting during consideration of the issue to which the conflict relates.

The member's declaration of a conflict and their exit from and return to the meeting shall be noted in the minutes.

Budget

Unless otherwise provided in their enabling statute or establishment bylaw, committees may request budget funds from Council in accordance with the District of Sooke budget preparation schedule and procedure. Any solicitation of funds from other organizations must be related to the Committee purpose and require the prior approval of Council.

The Committee shall have reasonable use of District of Sooke miscellaneous services such as photocopying, paper supplies, meeting areas, etc.

Personal Liability

No member of a committee shall be liable in his or her personal capacity for any debt or liability of the committee. It is the responsibility of the District of Sooke to insure the members of committees against all liabilities related to fulfilling their responsibilities as members of the committee, except wilful misconduct and/or gross negligence.

