

Policies to be Amended

Policy Name	Policy Number	Status	Department	Division
Public Notice - Municipal Act 2001, As Amended	ADM-COM-287	Proposed amendments to add definitions, and address legislative changes	Corporate Services	Legislated Services
Nominating Committee - Terms of Reference	GOV-BOA-010	Proposed amendments to add definitions, address composition and transparency of decision-making	Corporate Services	Legislated Services
Appointments to Boards and Committees	GOV-BOA-063	Proposed amendments to add definitions, clarify recruitment practices, eligibility, term limits and re-appointment	Corporate Services	Legislated Services
Audit Committee - Terms of Reference	GOV-BOA-066	Proposed amendments to add definitions, add clarity to Council's role in the selection process for the External Auditor	Corporate Services	Legislated Services
Long Service Award - Boards and Committees	GOV-BOA-067	Proposed amendments to add definitions.	Corporate Services	Legislated Services
Economic Development Advisory Committee - Terms of Reference	GOV-BOA-095	Proposed amendments to add definitions, and housekeeping edits.	Development Services	Economic Development
Finance and Corporate Services Committee - Terms of Reference	GOV-BOA-105	Proposed amendments to add definitions, and housekeeping edits.	Corporate Services	Legislated Services
Heritage Kitchener - Terms of Reference	GOV-BOA-110	Proposed amendments to add definitions, and housekeeping edits.	Corporate Services	Legislated Services
Appointments - Board of Directors - Enova Power Corporation	GOV-BOA-115	Proposed amendments to amend name, add definitions, and clarify members appointed in accordance with the Shareholders Agreement.	Corporate Services	Legislated Services
Standing Committee	GOV-BOA-130	Proposed amendments to add definitions, and housekeeping edits.	Corporate Services	Legislated Services
Corporate Accountability and Transparency	GOV-COR-015	Proposed housekeeping amendments.	Corporate Services	Legislated Services
Code of Conduct for Members of Council, Local Boards and Advisory Committees	GOV-COU-005	Proposed housekeeping amendments and address conflicting information with Part VI.1 of the Municipal Act, Special Powers and Duties of the Head of Council, Municipal Act legislative references, removal of the requirement for the affidavit to be commissioned in accordance with	Corporate Services	Legislated Services

		Ombudsman best practice to remove barriers to making a complaint.		
Ward Boundary Criteria	GOV-COU-050	Proposed amendment to add definitions, address best practice of review after every third election	Corporate Services	Legislated Services
Sewer Surcharge Rebates	FIN-GRA-785	Proposed housekeeping amendments.	Infrastructure Services	Sanitary and Storm Utility
Community Flag Raisings and Flag Protocol	MUN-FAC-442	Proposed amendments to address illuminations.	Corporate Services	Legislated Services
Corporate Security Staff - City	MUN-FAC-495	Proposed amendments to add trespass notice appeal mechanisms.	Legislated Services	Facilities Management

Policies to be Repealed

Policy Name	Policy Number	Status	Reason for Repeal	Department	Division	Policy Type
Conflict of Interest - Consulting Engineer	ADM-AGR-190	Policy conflicts with another policy	Repeal, Dealt with through Procurement	Development Services	Engineering	Council
Municipal Retail Cannabis Store	ADM-AUT-2013	Regulation or legislation is already in place	Repeal, Due to provincial requirements	Development Services	Planning	Council
Director of Enforcement - Designated	ADM-AUT-157	Policy found redundant, outmoded or dysfunctional	Repeal, Designates the Director of Enforcement as the contact person for Fire Prevention/Inspection staff, they are two separate divisions	Community Services	By-law Enforcement	Council
Ward Identification	ADM-ELE-055	Regulation or legislation is already in place	Repeal, Not required, By-law 2008-169 governs	Corporate Services	Legislated Services	Council
Election Notice of Polling Place	ADM-ELE-220	Regulation or legislation is already in place	Repeal, Not required, By-law 80-156 governs, Municipal Elections Act (MEA) governs	Corporate Services	Legislated Services	Council
Elections - Preliminary List of Electors	ADM-ELE-225	Regulation or legislation is already in place	Repeal, Not required, Municipal Elections Act (MEA) governs	Corporate Services	Legislated Services	Council
Advisory Committees	GOV-BOA-060	Policy conflicts with another policy	Repeal, Content has been included in the Appointments policy	Corporate Services	Legislated Services	Council
Kitchener Non-Profit Housing Corporation – Mandate	GOV-BOA-250	Regulation or legislation is already in place	Governed by the Ontario Not-For-Profit Act	Corporate Services	Legislated Services	Council

Appendix B to COR-2024-018

Kitchener Non-Profit Housing Corporation	GOV-BOA-255	Regulation or legislation is already in place	Governed by the Ontario Not-For-Profit Act	Corporate Services	Legislated Services	Council
Municipal Association - Participation in Executive Positions	GOV-COR-160	Policy found redundant, outmoded or dysfunctional	Repeal, Effective review and approval processes in place at corporate leadership level	Chief Administrators Office	Chief Administrators Office	Council
Reserve Fund - Building Enterprise	FIN-RES-512	Policy conflicts with another policy	Repeal, Covered in FIN-RES-770	Financial Services	Financial Reporting	Council
Reserve Fund - Entrepreneurial	FIN-RES-730	Program or program funding no longer exists	Repeal, Reserve not in existence	Financial Services	Financial Reporting	Council
Mailing Costs - Council & Standing Committee Minutes	FIN-FEE-615	Policy found redundant, outmoded or dysfunctional	Repeal, Not required, minutes available online free of charge	Corporate Services	Legislated Services	Council
Snow Removal Fee	FIN-FEE-795	Policy found redundant, outmoded or dysfunctional	Repeal, Practices no longer in place	Infrastructure Services	Roads and Operations	Council
Dev Charges - A - Payment Milestone for Affordable Rental Housing	FIN-GRA-2006	Regulation or legislation is already in place	Repeal, Due to Bill 23	Development Services	Planning	Council
Centre in the Square - Resident Performing Arts Company	MUN-FAC-365	Program or program funding no longer exists	Repeal, No longer required	Development Services	Economic Development	Council
Water Services Freeze-Off Avoidance - Program	MUN-UTI-1295	Program or program funding no longer exists	Repeal, Refers to a procedure from 30 years ago	Infrastructure Services	Utilities	Council
Gas Utility - Market Plan	MUN-UTI-575	Program or program funding no longer exists	Repeal, Annual financial planning process (budget) to set rates and capital expenditures	Infrastructure Services	Utilities	Council
Parking - Cash in Lieu	MUN-STR-1073	Program or program funding no longer exists	Repeal, No longer required with planning approvals	Development Services	Transportation	Council
Parking - Cash in Lieu	MUN-PLA-1073	Program or program funding no longer exists	Repeal, no longer required with planning approvals	Development Services	Planning	Council

Appendix B to COR-2024-018

License Appeals - Distance Separation	MUN-LIC-860	Regulation or legislation is already in place	Repeal, Included in by-law	Corporate Services	Legislated Services	Council
Lottery Break Open Tickets - Additional Terms and Conditions	MUN-LIC-880	Regulation or legislation is already in place	Repeal, addressed in Criminal Code (Canada), the Order-in-Council and the Gaming Control Act, 1992 with AGCO in charge of any enforcement	Corporate Services	Legislated Services	Council
Lottery - Raffle	MUN-LIC-895	Regulation or legislation is already in place	Repeal, addressed in Criminal Code (Canada), the Order-in-Council and the Gaming Control Act, 1992 with AGCO in charge of any enforcement	Corporate Services	Legislated Services	Council
Lottery Trust Account	MUN-LIC-905	Regulation or legislation is already in place	Repeal, addressed in Criminal Code (Canada), the Order-in-Council and the Gaming Control Act, 1992 with AGCO in charge of any enforcement	Corporate Services	Legislated Services	Council

	<h1>POLICY</h1>	<u>Policy No:</u> ADM-COM-287
<u>Policy Title:</u> PUBLIC NOTICE - MUNICIPAL ACT 2001, AS AMENDED <u>Policy Type:</u> COUNCIL <u>Category:</u> Administration <u>Sub-Category:</u> Communications <u>Author:</u> City Clerk, Council/Committee Services <u>Dept/Div:</u> Finance & Corporate Services/Legislated Services	<u>Approval Date:</u> February 24, 2003 <u>Reviewed Date:</u> June 2016 <u>Next Review Date:</u> June 2021 <u>Reviewed Date:</u> <u>Last Amended:</u> <u>Replaces:</u> I-287, Public Notice - Municipal Act 2001, as amended <u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> Municipal Act, 2001 Legislation Act, 2006		

1. POLICY PURPOSE:

The Municipal Act, 2001, S.O. 2001, c. 25 (the Act) requires municipalities to give notice to the public of the municipality’s intention to pass certain by-laws or take certain other actions at a public meeting for which the form and manner of the notice has not otherwise been prescribed in the Act. The notice to be given shall be adequate to give reasonable notice under each of the respective provisions of the Municipal Act, 2001.

2. DEFINITIONS:

For the purpose of this policy the following definitions apply:

- a) “advertising” means advertising that is placed to promote overall awareness of the City or on behalf of the Corporation.
- b) “Council” means Kitchener City Council as a whole.
- c) “City Facility(ies)” means all physical property, buildings, facilities, lands, premises, goods and other assets owned, leased and/or maintained by the Corporation of the City of Kitchener.

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Policy Title: PUBLIC NOTICE - MUNICIPAL ACT 2001, AS AMENDED

- d) "Legislation Act" means the Legislative Act, 2006, S.O. 2006, c. 21 Sched. F, as may be amended.
- e) "newspaper" means a document that,
 - (a) is printed in sheet form, published at regular intervals of a week or less and circulated to the general public, and consists primarily of news of current events of general interest; ("journal") and;
 - (b) may include an online subscription option.
- f) "online publication" means notices posted to the City's website.
- g) "Procedure By-law" means the By-law that outlines the process that Kitchener City Council follows to adopt bylaws, pass resolutions, and conducts business. It establishes rules of procedure by which Kitchener City Council and Standing Committees function and facilitate public participation.
- h) "published" means published in a daily or weekly newspaper, that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby.
- i) "Regular Business Hours" means the time period(s) as defined in the location-specific access procedures and/or signage of each City Facility. "Website" means the official City of Kitchener website at www.kitchener.ca.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input checked="" type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input checked="" type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

Statutory notice to the public under the Act, other legislation or by-law, will be completed in accordance with this Policy as well as any prescribed notice content, signage or mailing requirements.

Nothing in this Policy prevents the Clerk from using additional methods of notice that, in the Clerk's opinion, are more effective or provide a longer notice period.

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Policy Title: PUBLIC NOTICE - MUNICIPAL ACT 2001, AS AMENDED

Further, nothing in this Policy prevents the Clerk from using the public notification methods contained in this Policy for matters not otherwise required under this Policy.

This Policy does not apply to public relations materials including advertising, posters, brochures or event program advertisements.

4. POLICY CONTENT:

1. Accordingly, Council has directed that where notice of intention to pass certain by-laws or take certain actions at a public meeting is required to be given for which notice requirements are not prescribed under the provisions of the Municipal Act, 2001, as amended, or its regulations, such notice shall be in the form and manner hereinafter set out:

- a) The notice shall include the following information:
 - i) a description of the purpose for the meeting or the purpose and effect of the proposed by-law;
 - ii) date, time and location of the meeting at which the matter will be considered;
 - iii) a description of how and where comments and/or objections can be made; and,
 - iv) contact information for the purpose of submitting written comments, prior to the meeting, including any submission deadline;
- b) Notice shall be published in a newspaper;
- c) Notice in the newspaper shall be given at least once, not less than nine (9) days before the event the notice relates to;
- d) Personal notice by registered mail or prepaid (regular) mail or personal service shall be given in those situations where there are a limited number of people affected by the intention to pass a by-law pertaining to the permanent closure or altering of a highway, the designation of a highway as a controlled access highway or changing the name of a highway or private road; and,
- e) Where the notice relates to events affecting the fundamental structure of the municipality such as a restructuring proposal, changing the name

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of the municipality, changing the composition of Council and the establishment of wards, a second notice shall be placed in the newspaper, such that the notices are published in different weeks.

2. Where a legislated notice requirement under an Act or Regulation must be provided and there are no suitable printed newspapers that meet the definition of a Newspaper, notice shall be given in the form and manner set out:
 - a) Notice to the public shall be posted on the “Public Consultations” page of the City’s website for at least the two-week period immediately preceding the Council or Committee meeting at which the matter will be considered, and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.
 - b) Notice to the public given under this section is sufficient even if there are times during the two-week period that the City’s website is not accessible.
 - c) The Public Notice may also be sent to City Facilities for posting on appropriate bulletin boards accessible to the public during Regular Business Hours. Notices may also be sent to other community stakeholders as determined by applicable staff.
 - d) Notice to the public given under this section shall contain the required information from Section 1.
3. The form and manner of notice described in this Policy constitutes the minimum notification required by Council; however, it is recognized that circumstances may arise where it is advisable to extend the breadth of notice to encompass other notice formats such as public agenda, verbal notice at a public meeting, neighborhood newsletter, City-wide newsletter, tax bill insert, and separate mailings to households.

Exceptions

4. Notwithstanding the Notice requirements established by this Policy, Council hereby acknowledges that no notice is required for any amendment to the budget that would not impact on the City levy for general purposes or the City capital budget and notice in the form of placement of a staff report discussing the said amendments, on a Committee and/or Council agenda shall be considered sufficient notice with respect to the following:

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- a) amendments to licensing by-laws, its Procedural By-law and any other regulatory or administrative type by-laws for housekeeping purposes which are deemed to be of a minor and/or administrative nature; and,
- b) amendments to the budget that would impact on the City levy for general purposes or the City capital budget.

Deferral

5. In the event consideration of certain actions at a public meeting for which notice was required to be given is deferred or the proposed by-law is not passed at the Council meeting specified on the notice, but deferred, no further notice is required, if a public statement is made at the meeting that the matter has been deferred and the municipality now intends to consider the subject matter/by-law at a later Council meeting as specified in the public statement. This applies to any further deferrals of the matters.

Emergency

6. If a matter arises, which in the opinion of the CAO, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the City of Kitchener, or if a State of Emergency is declared or if so advised by a Provincial Ministry, the Clerk shall make best efforts to provide as much prior notice as is reasonable under the circumstances or will provide notice of the action as soon as possible following the action.

Applicability

7. The notice requirements set out in this policy apply to those situations where the Municipality is required under the Municipal Act, 2001, or its regulations, to give notice to the public of the municipality's intention to pass certain by-laws or take certain actions at a public meeting for which the form and manner of the notice has not been prescribed in the Municipal Act, 2001 or other provincial legislation except where notice is otherwise expressly provided in a by-law of The Corporation of the City of Kitchener.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06 - I-287 policy template re-formatted to new numbering system and given number ADM-COM-287.

Formal Amendments

Policy No: ADM-COM-287

Policy Title: PUBLIC NOTICE - MUNICIPAL ACT 2001, AS AMENDED

No amendment history to date.

	<h1>POLICY</h1>	Policy No: ADM-COM-287
<p><u>Policy Title:</u> PUBLIC NOTICE - MUNICIPAL ACT 2001, AS AMENDED</p> <p><u>Policy Type:</u> COUNCIL</p> <p><u>Category:</u> Administration</p> <p><u>Sub-Category:</u> Communications</p> <p><u>Author:</u> City Clerk, Council/Committee Services</p> <p><u>Dept/Div:</u> Finance & Corporate Services/Legislated Services</p>	<p><u>Approval Date:</u> February 24, 2003</p> <p><u>Reviewed Date:</u> June 2016</p> <p><u>Next Review Date:</u> June 2021</p> <p><u>Reviewed Date:</u></p> <p><u>Last Amended:</u></p> <p><u>Replaces:</u> I-287, Public Notice - Municipal Act 2001, as amended</p> <p><u>Repealed:</u></p> <p><u>Replaced by:</u></p>	
<p><u>Related Policies, Procedures and/or Guidelines:</u> Municipal Act, 2001 Legislation Act, 2006 To be included at next review.</p>		

1. POLICY PURPOSE:

The Municipal Act, 2001, S.O. 2001, c. 25 ([the Act](#)) requires municipalities to give notice to the public of the municipality’s intention to pass certain by-laws or take certain other actions at a public meeting for which the form and manner of the notice has not otherwise been prescribed in the Act. The notice to be given shall be adequate to give reasonable notice under each of the respective provisions of the Municipal Act, 2001.

2. DEFINITIONS:

For the purpose of this policy the following definitions apply:

- a) [“advertising” means advertising that is placed to promote overall awareness of the City or on behalf of the Corporation.](#)
- b) [“Council” means Kitchener City Council as a whole.](#)
- c) [“City Facility\(ies\)” means all physical property, buildings, facilities, lands, premises, goods and other assets owned, leased and/or maintained by the Corporation of the City of Kitchener.](#)

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- d) “Legislation Act” means the Legislative Act, 2006, S.O. 2006, c. 21 Sched. F, as may be amended.
- e) “newspaper” means a document that,
- (a) is printed in sheet form, published at regular intervals of a week or less and circulated to the general public, and consists primarily of news of current events of general interest; (“journal”) and;
 - (b) may include an online subscription option, a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers.
- f) “online publication” means notices posted to the City’s website.
- g) “Procedure By-law” means the By-law that outlines the process that Kitchener City Council follows to adopt bylaws, pass resolutions, and conducts business. It establishes rules of procedure by which Kitchener City Council and Standing Committees function and facilitate public participation.
- a)h) “published” means published in a daily or weekly newspaper, that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby.
- b) ~~“Regular Business Hours” means the time period(s) as defined in the location-specific access procedures and/or signage of each City Facility. “published” means published in a daily or weekly newspaper, that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby.~~
- i) “Website” means the official City of Kitchener website at www.kitchener.ca.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input checked="" type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input checked="" type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

Policy No: ADM-COM-287

Policy Title: PUBLIC NOTICE - MUNICIPAL ACT 2001, AS AMENDED

Statutory notice to the public under the Act, other legislation or by-law, and Local Improvement Notices, will be completed in accordance with this Policy as well as any prescribed notice content, signage or mailing requirements.

Nothing in this Policy prevents the Clerk from using additional methods of notice that, in the Clerk's opinion, are more effective or provide a longer notice period.

Further, nothing in this Policy prevents the Clerk from using the public notification methods contained in this Policy for matters not otherwise required under this Policy.

This Policy does not apply to public relations materials including advertising, posters, brochures or event program advertisements.

4. POLICY CONTENT:

1. Accordingly, Council has directed that where notice of intention to pass certain by-laws or take certain actions at a public meeting is required to be given for which notice requirements are not prescribed under the provisions of the Municipal Act, 2001, as amended, or its regulations, such notice shall be in the form and manner hereinafter set out:
 - a) The notice shall include the following information:
 - i) a description of the purpose for the meeting or the purpose and effect of the proposed by-law;
 - ii) date, time and location of the meeting at which the matter will be considered;
 - iii) a description of how and where comments and/or objections can be made; and,
 - iv) contact information for the purpose of submitting written comments, prior to the meeting, including any submission deadline;
 - b) Notice shall be published in a newspaper;
 - c) Notice in the newspaper shall be given at least once, not less than nine (9) days before the event the notice relates to;
 - d) Personal notice by registered mail or prepaid (regular) mail or personal service shall be given in those situations where there are a limited

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Policy Title: PUBLIC NOTICE - MUNICIPAL ACT 2001, AS AMENDED

number of people affected by the intention to pass a by-law pertaining to the permanent closure or altering of a highway, the designation of a highway as a controlled access highway or changing the name of a highway or private road; and,

- e) Where the notice relates to events affecting the fundamental structure of the municipality such as a restructuring proposal, changing the ~~mane~~ name of the municipality, changing the composition of Council and the establishment of wards, a second notice shall be placed in the newspaper, such that the notices are published in different weeks.

2. Where a legislated notice requirement under an Act or Regulation must be provided and there are no suitable printed newspapers that meet the definition of a Newspaper, notice shall be given in the form and manner set out:

- a) Notice to the public shall be posted on the “Public Consultations” page of the City’s website for at least the two-week period immediately preceding the Council or Committee meeting at which the matter will be considered, and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.
- b) Notice to the public given under this section is sufficient even if there are times during the two-week period that the City’s website is not accessible.
- c) The Public Notice may also be sent to City Facilities for posting on appropriate bulletin boards accessible to the public during Regular Business Hours. Notices may also be sent to other community stakeholders as determined by applicable staff.
- d) Notice to the public given under this section shall contain the required information from Section 1.

3. The form and manner of notice described in this Policy constitutes the minimum notification required by Council; however, it is recognized that circumstances may arise where it is advisable to extend the breadth of notice to encompass other notice formats such as public agenda, verbal notice at a public meeting, neighborhood newsletter, City-wide newsletter, tax bill insert, and separate mailings to households.

~~2. In addition, the City is endeavoring to make extensive use of the website for providing notice to the public of City Business and activities generally. Staff is encouraged to exercise discretion in respect to additional notification on a case-by-case basis.~~

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Policy Title: PUBLIC NOTICE - MUNICIPAL ACT 2001, AS AMENDED

Exceptions

3.4. Notwithstanding the Notice requirements established by this Policy, Council hereby acknowledges that no notice is required for any amendment to the budget that would not impact on the City levy for general purposes or the City capital budget and notice in the form of placement of a staff report discussing the said amendments, on a Committee and/or Council agenda shall be considered sufficient notice with respect to the following:

- a) amendments to licensing by-laws, its Procedural By-law and any other regulatory or administrative type by-laws for housekeeping purposes which are deemed to be of a minor and/or administrative nature; and,
- b) amendments to the budget that would impact on the City levy for general purposes or the City capital budget.

Deferral

4.5. In the event consideration of certain actions at a public meeting for which notice was required to be given is deferred or the proposed by-law is not passed at the Council meeting specified on the notice, but deferred, no further notice is required, if a public statement is made at the meeting that the matter has been deferred and the municipality now intends to consider the subject matter/by-law at a later Council meeting as specified in the public statement. This applies to any further deferrals of the matters.

Emergency

5.6. If a matter arises, which in the opinion of the CAO, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the City of Kitchener, or if a State of Emergency is declared or if so advised by a Provincial Ministry, the Clerk shall make best efforts to provide as much prior notice as is reasonable under the circumstances or will provide notice of the action as soon as possible following the action ~~and will present a report to Council for ratification.~~

Applicability

6.7. The notice requirements set out in this policy apply to those situations where the Municipality is required under the Municipal Act, 2001, or its regulations, to give notice to the public of the municipality's intention to pass certain by-laws or take certain actions at a public meeting for which

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Policy Title: PUBLIC NOTICE - MUNICIPAL ACT 2001, AS AMENDED

the form and manner of the notice has not been prescribed in the Municipal Act, 2001 or other provincial legislation except where notice is otherwise expressly provided in a by-law of The Corporation of the City of Kitchener.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06 - I-287 policy template re-formatted to new numbering system and given number ADM-COM-287.

Formal Amendments

No amendment history to date.

	<h1>POLICY</h1>	Policy No: FIN-GRA-785
<u>Policy Title:</u> SEWER SURCHARGE REBATES <u>Policy Type:</u> COUNCIL <u>Category:</u> Finance <u>Sub-Category:</u> Grants, Rebates & Incentives <u>Author:</u> Design & Approvals Engineer <u>Dept/Div:</u> Infrastructure Services/Engineering	<u>Approval Date:</u> April 13, 1993 <u>Reviewed Date:</u> May 2017 <u>Next Review Date:</u> May 2022 <u>Reviewed Date:</u> <u>Last Amended:</u> March 21, 2017 <u>Replaces:</u> I-785, Sewer Surcharge Rebates <u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> Rebate Policy Guidelines (found on The City of Kitchener's website)		

1. POLICY PURPOSE:

To provide a sanitary sewer rebate to customers that redirect water from the sanitary sewer by means of an accepted use.

2. DEFINITIONS:

Certified engineering report for the purposes of this policy means a report signed and sealed, by a licensed Professional Engineer verifying the volume of water redirected from the sanitary sewer.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only: Design & Approvals Engineer	<input checked="" type="checkbox"/> Other: Customers who meets criteria for rebate
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

Policy No: FIN-GRA-785

Policy Title: SEWER SURCHARGE REBATES

This policy applies to customers that meet the criteria for a sanitary sewer rebate.

4. POLICY CONTENT:

1. That the past practice of providing annual sewer surcharge rebates be continued in the following cases:
 - a) industrial process water
 - b) evaporation losses - (cooling, humidification)
 - c) ice making (arenas and outdoor rinks)
 - d) snow making, and further,
2. That rebates be provided following compliance with the foregoing criteria, existing application procedures, and rebate policy guidelines as amended from time to time, and further,
3. That rebates not be provided in the following cases:
 - a) public and private water amenities - (swimming pools, splash pads)
 - b) all lawn watering, and further,
4. That rebates only be provided in cases where the value exceeds \$100.00 in any given year.
5. That rebates be provided upon receipt of a certified engineering report.
6. That rebates not be provided on a retroactive basis.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2001-Dec - Minor updates

2016-06-01 - I-785 policy template reformatted to new numbering system and given number FIN-GRA-785.

2017-08-09 - Minor Amendment

Formal Amendments

2017-03-21 - As per CLT directive.

	<h1>POLICY</h1>	Policy No: FIN-GRA-785
<u>Policy Title:</u> SEWER SURCHARGE REBATES <u>Policy Type:</u> COUNCIL <u>Category:</u> Finance <u>Sub-Category:</u> Grants, Rebates & Incentives <u>Author:</u> Design & Approvals Engineer <u>Dept/Div:</u> Infrastructure Services/Engineering	<u>Approval Date:</u> April 13, 1993 <u>Reviewed Date:</u> May 2017 <u>Next Review Date:</u> May 2022 <u>Reviewed Date:</u> <u>Last Amended:</u> March 21, 2017 <u>Replaces:</u> I-785, Sewer Surcharge Rebates <u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> Rebate Policy Guidelines (found on The City of Kitchener's website)		

1. POLICY PURPOSE:

To provide a sanitary sewer rebate to customers that redirect water from the sanitary sewer by means of an accepted use.

2. DEFINITIONS:

Certified engineering report for the purposes of this policy means a report signed and sealed, by a licensed Professional Engineer verifying the volume of water redirected from the sanitary sewer.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only: Design & Approvals Engineer	<input checked="" type="checkbox"/> Other: Customers who meets criteria for rebate
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

Policy No: FIN-GRA-785

Policy Title: SEWER SURCHARGE REBATES

This policy applies to customers that meet the criteria for a sanitary sewer rebate.

4. POLICY CONTENT:

1. That the past practice of providing annual sewer surcharge rebates be continued in the following cases:
 - a) industrial process water
 - b) evaporation losses - (cooling, humidification)
 - c) ice making (arenas and outdoor rinks)
 - d) snow making, and further,
2. That rebates be provided following compliance with the foregoing criteria, existing application procedures, and rebate policy guidelines as amended from time to time, and further,
3. That rebates not be provided in the following cases:
 - a) public and private [water amenities - \(swimming pools, splash pads\)](#)
 - b) all lawn watering, and further,
4. That rebates only be provided in cases where the value exceeds \$100.00 in any given year.
5. That rebates be provided upon receipt of a certified engineering report.
6. That rebates not be provided on a retroactive basis.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2001-Dec - Minor updates

2016-06-01- I-785 policy template reformatted to new numbering system and given number FIN-GRA-785.

2017-08-09- Minor Amendment

Formal Amendments

2017-03-21- As per CLT directive.

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-BOA-010
<u>Policy Title:</u> NOMINATING COMMITTEE - TERMS OF REFERENCE <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Board & Committee <u>Author:</u> Council/Committee Services <u>Dept/Div:</u> Corporate Services/Legislated Services	<u>Approval Date:</u> June 25, 2012 <u>Reviewed Date:</u> October 2021 <u>Next Review Date:</u> July 2026 <u>Reviewed Date:</u> October 2021 <u>Last Amended:</u> September 2023 <u>Replaces:</u> I-010 - Nominating Committee - Terms of Reference <u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> Municipal Act, 2001, as amended		

1. POLICY PURPOSE:

The purpose of the Nominating Committee is to assess applicants to Advisory Committees of Council and Quasi-Judicial Tribunals on the basis of diverse representation of the community, expertise/interest in an issue or topic area, and in regard to each advisory committee’s Terms of Reference and present Council with a list of qualified candidates for each committee.

2. DEFINITIONS:

“Advisory Committee” a committee created by Council, to report to Staff or a designated Committee on a specific subject. These Committees do not deliver municipal services, direct staff, or make decisions binding on the City.

“Chair” the role to facilitate and chair meetings.

“Composition” the number of members approved for the composition of the Advisory Committee or Quasi-judicial Tribunal, including the balance between Members of Council and residents and other members, and identification of any organization outside the City that is invited to nominate a member. The composition of each body will vary according to specific business and citizen

Policy No: GOV-BOA-010

Policy Title: NOMINATING COMMITTEE - TERMS OF REFERENCE

engagement objectives and is contained in the terms of reference for the advisory body.

“Citizen Member” Kitchener residents who are not Council Members, City or agency staff, or staff of City corporations or their subsidiaries. It does not indicate Canadian citizenship and may include permanent residents, refugees, refugee claimants, and residents without homes.

“Nominating Committee” the committee established by City Council that is authorized to consider and recommend to Council the appointment of citizens to various City Advisory Committees, Quasi-Judicial Tribunals and other bodies.

“MFIPPA” the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) imposes mandatory confidentiality obligations on the City of Kitchener, Members of Council, and members of advisory committees and quasi-judicial tribunals of the City to refrain from disclosing personal information and to protect the privacy of confidential information obtained in performance of their duties.

“Quasi-judicial Tribunal” the legislative structures to conduct hearings to decide on individual cases.

“Quorum” the number of members comprising a majority of a committee that must be present at any of its meetings to make the proceedings of that meeting valid.

3. **SCOPE:**

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input checked="" type="checkbox"/> Other: Nominating Committee
<input type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

4. **POLICY CONTENT:**

4.1 Committee Composition and Reporting

Policy No: GOV-BOA-010

Policy Title: NOMINATING COMMITTEE - TERMS OF REFERENCE

(a) The Nominating Committee will be appointed by Council and comprised of five community members, being representatives from:

- Waterloo Region Community Foundation (WRCF) (President /Chief Executive Officer or Director of Philanthropy or designate)
- Kitchener Waterloo Multicultural Centre (Chief Executive Officer or designate),
- United Way Waterloo Region Community (UWayWRC) (Chief Executive Officer or Vice-President of Strategy and Business Development, or designate),
- Capacity Waterloo Region (Chief Executive Officer or designate),
- Greater Kitchener Waterloo Chamber of Commerce (President/Chief Executive Officer, or designate); and,

Staff will include:

- (i) Director, Legislated Services, or designate,
- (ii) Legislative Clerk, or designate.

(b) Composition of the Nominating Committee shall be supplemented by one Equity Anti-Racism staff member when considering applications to the Equity & Anti-Racism Advisory Committee.

(c) Typically, appointments will be made to the Nominating Committee six months to one year prior to Council's usual November appointments meeting.

(d) Citizen members of the Nominating Committee will not currently sit on any of the City's Advisory Committees and will not have sat on an Advisory Committee for at least one year prior to being eligible for the Nominating Committee.

(d) All members will serve for a period of 2 years.

(e) The Committee will be Chaired by one of the appointees.

(f) Meetings will be held by video or teleconference or other such communication method that allows all participants equal access to communicate with one another.

(g) Meeting frequency will depend on the appointment cycle and ad hoc meetings will occur as required to meet the obligations of Council's schedule.

Policy No: GOV-BOA-010

Policy Title: NOMINATING COMMITTEE - TERMS OF REFERENCE

- (f) The Committee shall report directly to Council. When reporting to Council de-anonymized demographic data for all applicants and those recommended for selection shall be communicated to Striking Committee and Council to further support that recommended appointments are reflective of the community as a whole (diverse in terms of age, residency, race, gender identity, sexuality etc.).

4.2 Quorum

- (a) Quorum for the Nominating Committee is 3 members.

4.3 Responsibilities

The Nominating Committee will be responsible for:

- (a) Implementing an accessible and inclusive advisory committee recruitment and application process.
- (b) Convening, as required, to fill Advisory Committee and Quasi-Judicial vacancies. This may be at the call of the Chair or from a specific request of Legislated Services staff with a vacancy/vacancies.
- (c) Leveraging the equity toolkit provided by the Equity, Anti-Racism and Indigenous initiatives division when reviewing and considering appointments to Advisory Committees and Quasi-Judicial Tribunals.
- (d) Participating in unconscious bias training as available and applicable.
- (e) Reviewing applications for Advisory Committees and Quasi-Judicial Tribunals.
- (f) Making decisions by consensus, where possible. Should consensus not be reached, the Nominating Committee's decisions shall be made by a simple majority vote of the members present at a meeting of the Nominating Committee that has achieved quorum. Each member of the Nominating Committee has one (1) vote. Staff does not have voting privileges but are there in a facilitative and resource role.
- (g) The Nominating Committee shall consider applications for the Equity, Anti-Racism and Indigenous Initiatives Advisory Committee in consultation and collaboration with the Senior Equity Advisor.
- (h) Proposing a suggested list of candidates to Council for consideration, ensuring a diversity lens has been applied and the matter of succession

Policy No: GOV-BOA-010

Policy Title: NOMINATING COMMITTEE - TERMS OF REFERENCE

planning has been considered.

Council will consider the eligible candidates and decide upon a slate of nominees for appointment to each committee with eligibility for re-appointment for a maximum of two additional terms.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-07-01 - I-010 policy template re-formatted to new numbering system and given number GOV-BOA-010.

2021-10-18 - Administrative updates – departmental name change.

Formal Amendments

2023-09-25 – Council approval COR-2023-377

	<h2>POLICY</h2>	Policy No: GOV-BOA-010
<p><u>Policy Title:</u> NOMINATING COMMITTEE - TERMS OF REFERENCE</p> <p><u>Policy Type:</u> COUNCIL</p> <p><u>Category:</u> Governance</p> <p><u>Sub-Category:</u> Board & Committee</p> <p><u>Author:</u> Council/Committee Services</p> <p><u>Dept/Div:</u> Corporate Services/Legislated Services</p>	<p><u>Approval Date:</u> June 25, 2012</p> <p><u>Reviewed Date:</u> October 2021</p> <p><u>Next Review Date:</u> July 2026</p> <p><u>Reviewed Date:</u> October 2021</p> <p><u>Last Amended:</u> September 2023</p> <p><u>Replaces:</u> I-010 - Nominating Committee - Terms of Reference</p> <p><u>Repealed:</u></p> <p><u>Replaced by:</u></p>	
<p><u>Related Policies, Procedures and/or Guidelines:</u> Municipal Act, 2001, as amended</p>		

1. POLICY PURPOSE:

The purpose of the Nominating Committee is to assess applicants to Advisory Committees of Council and Quasi-Judicial Tribunals on the basis of diverse representation of the community, expertise/interest in an issue or topic area, and in regard to each advisory committee’s Terms of Reference and present Council with a list of qualified candidates for each committee.

2. DEFINITIONS:

“Advisory Committee” a committee created by Council, to report to Staff or a designated Committee on a specific subject. These Committees do not deliver municipal services, direct staff, or make decisions binding on the City.

“Chair” the role to facilitate and chair meetings.

“Composition” the number of members approved for the composition of the Advisory Committee or Quasi-judicial Tribunal, including the balance between Members of Council and residents and other members, and identification of any organization outside the City that is invited to nominate a member. The composition of each body will vary according to specific business and citizen engagement objectives and is contained in the terms of reference for the advisory body.

Policy No: GOV-BOA-010

Policy Title: NOMINATING COMMITTEE - TERMS OF REFERENCE

“Citizen Member” Kitchener residents who are not Council Members, City or agency staff, or staff of City corporations or their subsidiaries. It does not indicate Canadian citizenship and may include permanent residents, refugees, refugee claimants, and residents without homes.

“Nominating Committee” the committee established by City Council that is authorized to consider and recommend to Council the appointment of citizens to various City Advisory Committees, Quasi-Judicial Tribunals and other bodies.

“MFIPPA” the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) imposes mandatory confidentiality obligations on the City of Kitchener, Members of Council, and members of advisory committees and quasi-judicial tribunals of the City to refrain from disclosing personal information and to protect the privacy of confidential information obtained in performance of their duties.

“Quasi-judicial Tribunal” the legislative structures to conduct hearings to decide on individual cases.

“Quorum” the number of members comprising a majority of a committee that must be present at any of its meetings to make the proceedings of that meeting valid.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input checked="" type="checkbox"/> Other: Nominating Committee
<input type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

Committee Composition and Reporting

- (a) The Nominating Committee will be appointed by Council and comprised of five community members, being representatives from:

Policy No: GOV-BOA-010

Policy Title: NOMINATING COMMITTEE - TERMS OF REFERENCE

- Waterloo Region Community Foundation (WRCF) (President /Chief Executive Officer or Director of Philanthropy or designate)
- Kitchener Waterloo Multicultural Centre (Chief Executive Officer or designate),
- United Way Waterloo Region Community (UWayWRC) (Chief Executive Officer or Vice-President of Strategy and Business Development, or designate),
- Capacity Waterloo Region (Chief Executive Officer or designate),
- Greater Kitchener Waterloo Chamber of Commerce (President/Chief Executive Officer, or designate); and,

Staff will include:

- (i) Director, Legislated Services, or designate,
 - (ii) Legislative Clerk, or designate.
- (b) Composition of the Nominating Committee shall be supplemented by one Equity Anti-Racism staff member when considering applications to the Equity & Anti-Racism Advisory Committee.
- (c) Typically, appointments will be made to the Nominating Committee six months to one year prior to Council's usual November appointments meeting.
- (d) Citizen members of the Nominating Committee will not currently sit on any of the City's Advisory Committees and will not have sat on an Advisory Committee for at least one year prior to being eligible for the Nominating Committee.
- (e) All members will serve for a period of 2 years.
- (f) The Committee will be Chaired by one of the citizen appointees.
- (g) Meetings will be held by video or teleconference or other such communication method that allows all participants equal access to communicate with one another.
- (h) Meeting frequency will depend on the appointment cycle and ad hoc meetings will occur as required to meet the obligations of Council's schedule.
- (i) The Committee shall report directly to Council. When reporting to Council de-anonymized demographic data for all applicants and those recommended for selection shall be communicated to Striking Committee and Council to further

Policy No: GOV-BOA-010

Policy Title: NOMINATING COMMITTEE - TERMS OF REFERENCE

support that recommended appointments are reflective of the community as a whole (diverse in terms of age, residency, race, gender identity, sexuality etc.).

Quorum

- (a) Quorum for the Nominating Committee is 3 members.

Responsibilities

The Nominating Committee will be responsible for:

- (a) Implementing an accessible and inclusive advisory committee recruitment and application process.
- (b) Convening, as required, to fill Advisory Committee and Quasi-Judicial vacancies. This may be at the call of the Chair or from a specific request of Legislated Services staff with a vacancy/vacancies.
- (c) Leveraging the equity toolkit provided by the Equity, Anti-Racism and Indigenous initiatives division when reviewing and considering appointments to Advisory Committees and Quasi-Judicial Tribunals.
- (d) Participating in unconscious bias training as available and applicable.
- (e) Reviewing applications for Advisory Committees and Quasi-Judicial Tribunals.
- (f) Making decisions by consensus, where possible. Should consensus not be reached, the Nominating Committee's decisions shall be made by a simple majority vote of the members present at a meeting of the Nominating Committee that has achieved quorum. Each member of the Nominating Committee has one (1) vote. Staff does not have voting privileges but are there in a facilitative and resource role.
- (g) The Nominating Committee shall consider applications for the Equity, Anti-Racism and Indigenous Initiatives Advisory Committee in consultation and collaboration with the Senior Equity Advisor.
- (h) Proposing a suggested list of candidates to Council for consideration, ensuring a diversity lens has been applied and the matter of succession planning has been considered.

Policy No: GOV-BOA-010

Policy Title: NOMINATING COMMITTEE - TERMS OF REFERENCE

- (i) Council will consider the eligible candidates and decide upon a slate of nominees for appointment to each committee with eligibility for re-appointment for a maximum of two additional terms.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-07-01 - I-010 policy template re-formatted to new numbering system and given number GOV-BOA-010.

2021-10-18 - Administrative updates – departmental name change.

Formal Amendments

2023-09-25 – Council approval COR-2023-377

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-BOA-060
<u>Policy Title:</u> ADVISORY COMMITTEES <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Board & Committee <u>Author:</u> City Clerk, Director of Legislated Services <u>Dept/Div:</u> Finance & Corporate Services Department, Legislated Services	<u>Approval Date:</u> August 27, 2001 <u>Reviewed Date:</u> June 2016 <u>Next Review Date:</u> July 2021 <u>Last Amended:</u> September 8, 2008 <u>Replaces:</u> I-060, Advisory Committees <u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. POLICY PURPOSE:

Advisory Committees are established by Council and typically consist of public members who are appointed by Council and provide recommendations to Council.

2. DEFINITIONS:

“Advisory Committees” those committees, whose members are appointed by Council, to provide advice and recommendations to Council as requested on areas within their mandates with no authority for decision making or independent actions.

"Chair" the individual appointed by a Committee to act as the Chair of the Committee at any given meeting.

“City” the Corporation of the City of Kitchener.

"Clerk" the person appointed by Council under Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25. d).

"Member" an individual who has been appointed by Council as a member of an Advisory Committee, Quasi-Judicial Tribunal or Board.

Policy No: GOV-BOA-060

Policy Title: ADVISORY COMMITTEES

"Staff" the City staff member(s) who provide administrative and legislative assistance.

Vice-Chair" means the individual appointed by a Committee to act as the Vice-Chair of the Committee at any given meeting and shall assume the authority and perform all the duties of the Chair in the absence of the Chair.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

Advisory Committee Structure

That the following Advisory Committee structure be established subject to Council review:

- a) Arts & Culture Advisory Committee
- b) Safe & Healthy Community Advisory Committee
- c) Heritage Kitchener Committee
- d) Downtown Action & Advisory Committee
- e) Economic Development Committee
- f) Environment Committee
- g) Cycling & trails Advisory Committee
- h) Compass Kitchener Committee

Policy No: GOV-BOA-060

Policy Title: ADVISORY COMMITTEES

NOTE: See individual policies for each Committee's membership and mandate.

Chair and Vice-Chair System

A Chair and Vice-Chair System be adopted for each Advisory Committee, with a member of Council may sit as either Chair or Vice-chair.

Sub-committees

Where an Advisory Committee feels a sub-committee(s) is required, such committee be ad hoc in nature, with a specific, clearly articulated mandate, and be reviewed annually to determine whether they need to continue.

Membership on sub-committees may be expanded, if required, to include people who are not Advisory Committee members, to benefit from individual expertise.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-060 policy template re-formatted to new numbering system and given number GOV-BOA-060

2017-08-04 - Minor edits relating to names of Committees.

Formal Amendments

2008-09-08 - As per Council's directive.

	<h1>POLICY</h1>	Policy No: GOV-BOA-060
<p><u>Policy Title:</u> ADVISORY COMMITTEES</p> <p><u>Policy Type:</u> COUNCIL</p> <p><u>Category:</u> Governance</p> <p><u>Sub-Category:</u> Board & Committee</p> <p><u>Author:</u> City Clerk, Director of Legislated Services</p> <p><u>Dept/Div:</u> Finance & Corporate Services Department, Legislated Services</p>	<p><u>Approval Date:</u> August 27, 2001</p> <p><u>Reviewed Date:</u> June 2016</p> <p><u>Next Review Date:</u> July 2021</p> <p><u>Last Amended:</u> September 8, 2008</p> <p><u>Replaces:</u> I-060, Advisory Committees</p> <p><u>Repealed:</u></p> <p><u>Replaced by:</u></p>	
<p><u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.</p>		

1. POLICY PURPOSE:

Advisory Committees are established by Council and typically consist of public members who are appointed by Council and provide recommendations to Council.~~To be included at next review.~~

2. DEFINITIONS:

"Advisory Committees" those committees, whose members are appointed by Council, to provide advice and recommendations to Council as requested on areas within their mandates with no authority for decision making or independent actions.

- "Chair" the individual appointed by a Committee to act as the Chair of the Committee at any given meeting.

- "City" the Corporation of the City of Kitchener.

- "Clerk" the person appointed by Council under Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25. d).

- "Member" an individual who has been appointed by Council as a member of an Advisory Committee, Quasi-Judicial Tribunal or Board.

Policy No: GOV-BOA-060

Policy Title: ADVISORY COMMITTEES

"Staff" the City staff member(s) who provide administrative and legislative assistance.

"Vice-Chair" means the individual appointed by a Committee to act as the Vice-Chair of the Committee at any given meeting and shall assume the authority and perform all the duties of the Chair in the absence of the Chair.

~~To be included at next review~~

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

~~To be included at next review.~~

4. POLICY CONTENT:

Advisory Committee Structure

That the ~~revised following~~ Advisory Committee structure be established subject to Council review:... ~~as outlined in the report of the Council/Staff Working Group dated August 14, 2001, be approved (as amended)~~

- a) Arts & Culture Advisory Committee
- b) Safe & Healthy Community Advisory Committee
- c) Heritage Kitchener Committee
- d) Downtown Action & Advisory Committee
- e) Economic Development Committee

Policy No: GOV-BOA-060

Policy Title: ADVISORY COMMITTEES

- f) Environment Committee
- g) Cycling & trails Advisory Committee
- h) Compass Kitchener Committee

NOTE: See individual policies for each Committee's membership and mandate.

Chair and Vice-Chair System

A Chair and Vice-Chair System be adopted for each Advisory Committee, with a member of Council may sit as either Chair or Vice-chair.

Sub-committees

Where an Advisory Committee feels a sub-committee(s) is required, such committee be ad hoc in nature, with a specific, clearly articulated mandate, and be reviewed annually to determine whether they need to continue.

Membership on sub-committees may be expanded, if required, to include people who are not Advisory Committee members, to benefit from individual expertise.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-060 policy template re-formatted to new numbering system and given number GOV-BOA-060

2017-08-04 - Minor edits relating to names of Committees.

Formal Amendments

2008-09-08 - As per Council's directive.

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

	POLICY	<u>Policy No:</u> GOV-BOA-063
<u>Policy Title:</u> APPOINTMENT TO BOARDS & COMMITTEES		<u>Approval Date:</u> September 8, 2008
<u>Policy Type:</u> COUNCIL		<u>Reviewed Date:</u> July 2016
<u>Category:</u> Governance		<u>Next Review Date:</u> July 2021
<u>Sub-Category:</u> Board & Committee		<u>Last Amended:</u> October 1, 2012
<u>Author:</u> City Clerk, Director of Legislated Services		<u>Replaces:</u> I-063, Appointment to Boards & Committees
<u>Dept/Div:</u> Corporate Services Department, Legislated Services		<u>Repealed:</u> <u>Replaced by:</u>
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. **POLICY PURPOSE:**

The purpose of this policy is to define the City's advisory committee and board structures, and provide consistent and transparent process for public appointments to advisory committees and local boards at the City of Kitchener.

2. **DEFINITIONS:**

"Advisory Committees" those committees, whose members are appointed by Council, to provide advice and recommendations to Council as requested on areas within their mandates with no authority for decision making or independent actions.

"Chair" the individual appointed by a Committee to act as the Chair of the Committee at any given meeting.

"City" the Corporation of the City of Kitchener.

"Clerk" the person appointed by Council under Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25. d).

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

“Local Boards” those established by legislation and members are appointed by Council. They have authority to address their responsibilities as determined under the relevant legislation. Examples include the Kitchener Public Library Board, Kitchener Housing Inc. Board, Centre in the Square Board of Management, Downtown Kitchener Business Improvement Area Board of Management and the Belmont Business Improvement Area Board of Management.

"Member" an individual who has been appointed by Council as a member of an Advisory Committee, Quasi-Judicial Tribunal or Board.

"Nominating Committee" a Committee established by Council, which makes recommendations to Council regarding the appointment of members of the public to all Advisory Committees and Quasi-Judicial Tribunals. They receive and review all applications from members of the public who wish to serve on Committees or Tribunal.

“Quasi-Judicial Tribunals” operate independently from the City and hold hearings to resolve disputes, regulate activities, adjudicate on matters and determine legal rights and benefits.

"Scoring Matrix" a scorecard used to compare basic quantitative and qualitative suitability of candidates.

"Staff" the City staff member(s) who provide administrative and legislative assistance.

“Statutory Committees” those permitted or required by provincial legislation and perform functions as specified in the relevant legislation. Examples include the Committee of Adjustment, Property Standards Committee, Municipal Election Audit Compliance Committee, Accessibility Advisory Committee, and the Heritage Kitchener Committee.

“Vice-Chair” means the individual appointed by a Committee to act as the Vice-Chair of the Committee at any given meeting and shall assume the authority and perform all the duties of the Chair in the absence of the Chair.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input checked="" type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

This Policy shall govern the actions of Legislated Services staff, Council and the Nominating Committee formed by Council to make recommendations to Council regarding appointments.

This Policy does not apply to provincial appointments made by the Order of Council.

4. POLICY CONTENT:

1. Recruitment for Advisory Committees, Quasi-Judicial Tribunals and Local Boards

1.1 There are three occasions when recruitment occurs.

- a) Immediately after a municipal election.
- b) In the last quarter of year 2 of the Council term.
- c) As vacancies occur throughout the year.

1.2 A notice of call for applications will be issued by Legislated Services in accordance with Section 1.4 of this Policy.

1.3 The notice of the call for applications will include:

- Name of the Committee or Board;
- The number of positions to fill;
- Eligibility criteria, key qualifications and desired competencies, if applicable;
- Process for submitting applications and deadline for receipt of applications;
- Direction to detailed information about the committee/board, current members and meeting times; and
- Note regarding the confidentiality of personal information.

1.4 The following methods may be used to provide notice of recruitment:

- The City's website through the Boards and Committee web page;
- The City's social media accounts;
- Printed newspapers including cultural and ethnic newspapers;
- Printed publications posted at community facilities;
- Direct email from city staff, council and/or agency stakeholders; or
- Workshops and/or focus groups, and
- Any other notice mechanism deemed eligible by the Clerk.

1.5 Persons wishing to apply to an Advisory Committee, Quasi-Judicial Tribunal or Board must complete an Application Form and provide any required or optional support material in the prescribed format.

1.6 Complete Application Forms are to be submitted on or before the application deadline.

1.7 Alternate methods of submissions may be made available upon request.

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

1.8 Applications will be received un 11:59 p.m. on the specified date. Applications received after the submission deadline and for non-advertised vacancies shall not be considered, but may be retained to fill future vacancies.

1.9 All personal information will be treated in confidence and protected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*.

2. Demographic Diversity Information

2.0 To enable the City to achieve its objectives for access, equity and diversity and to assist the City in its efforts to appoint Committees, Tribunals and Boards that collectively reflect the diversity of the community, applicants are encouraged but not required to include self-identified information in their applications.

2.1 The application will include a self-identification form where applicants can provide information about their gender, age group, Aboriginal status, racial group, disability status, and sexual orientation.

2.2 Self-identified diversity data (applicant pool, short-listed candidates, appointed members) may be monitored and reported on in summary form at different stages of the selection process. The identities of specific candidates shall be kept confidential.

2.3 The purpose of this monitoring is to assess how well diversity objectives have been met and ascertain what improvements could be made such as targeted outreach or removing barriers to participation.

3. Eligibility Requirement

3.1 Except where eligibility requirements are legislatively controlled or set by Policy, members appointed to Advisory Committees, Tribunals or Boards must either reside, work or own property in the City of Kitchener to be eligible for appointment. Staff shall, to the best of their ability, make this determination and where one of the above cannot be substantiated, advise Council through the appointment meeting notice or addendum.

3.2 If during the term of the appointment a Member no longer meets the eligibility requirement referenced herein, they are required to advise the City Clerk in writing of the change, prior to the date Council next meets to make annual appointments, on which date that member's term will expire, if the member has not resigned in the intervening period.

4. Term and Length of Service

4.1 Members will be appointed for a period of time set out in the Terms of Reference for the applicable Committee or Board, and will continue to serve until any of the following scenarios occur:

- i) Their term expires;

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

- ii) Their appointment is revoked by Council;
- iii) They no longer meet the required Eligibility; and,
- iii) The Board or Committee to which they are appointed is dissolved by Council.

4.2 Notwithstanding Section 4.1, Members shall continue to be appointed and serve beyond their term of appointment until the appointment of successors.

A Member may only be appointed to the same committee for a maximum number of 8 consecutive years.

4.3 Any appointment to fill an unexpired term shall not be considered as part of the calculation with respect to the maximum term.

4.4 Any individual will be eligible for re-appointment to the same board or committee only if a minimum period of 1 year has elapsed between the completion of an 8-year maximum term and the commencement of the new term.

4.5 Applicants are to be appointed to only one committee at any one time.

5. Boards

5.1 Where a Board has established a Nominating Committee they will forward their nominations for Board vacancies to Council by the required date set by staff.

5.2 Council will consider the nominations and decide whether to accept or refer the nominations back to the Board's Nominating Committee.

5.3 Where a Board has not established a Nominating Committee, staff will advertise for applications, setting deadlines for submission and present the applications for Council's consideration.

6. Advisory Committees

6.1 Advisory Committee Structure

That City's Advisory Committee structure shall consist of:

- a) Arts & Culture Advisory Committee
- b) Safe & Healthy Community Advisory Committee
- c) Heritage Kitchener Committee
- d) Downtown Advisory Committee
- e) Economic Development Committee
- f) Climate Change and the Environment Committee

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

g) Active Transportation and Trails Advisory Committee

h) Compass Kitchener Committee

NOTE: See individual policies for each Committee's membership and mandate.

6.2 Chair and Vice-Chair System

A Chair and Vice-Chair System shall be adopted for each Advisory Committee, or in its place Co-Chairs may be appointed by the Committee.

A member of Council may sit as either Chair, Vice-Chair or Co-Chair.

6.3 Sub-committees

Where an Advisory Committee feels a sub-committee(s) is required, such committee be ad hoc in nature, with a specific, clearly articulated mandate, and be reviewed annually to determine whether they need to continue.

Membership on sub-committees may be expanded, if required, to include people who are not Advisory Committee members, to benefit from individual expertise.

6.4 Nominating Committee

A Nominating Committee will be appointed by Council comprised of five community members and City staff persons as prescribed by the Nominating Committee Terms of Reference (GOV-BOA-010).

Following an accessible and inclusive recruitment and application process, the Nominating Committee will assess applicants to Advisory Committees on the basis of expertise / interest and in light of each committee's Terms of Reference, use a Scoring Matrix to evaluate candidate applications, and present Council with a list of qualified candidates for each committee.

Council will consider the eligible candidates and decide upon a slate of nominees for appointment to each committee with eligibility for re-appointment for a maximum of two additional terms.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-063 policy template re-formatted to new numbering system and given number GOV-BOA-063

Formal Amendments

2012-10-01 - As per Council/CLT directive.

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

	POLICY	<u>Policy No:</u> GOV-BOA-063
<u>Policy Title:</u> APPOINTMENT TO BOARDS & COMMITTEES		<u>Approval Date:</u> September 8, 2008
<u>Policy Type:</u> COUNCIL		<u>Reviewed Date:</u> July 2016
<u>Category:</u> Governance		<u>Next Review Date:</u> July 2021
<u>Sub-Category:</u> Board & Committee		<u>Last Amended:</u> October 1, 2012
<u>Author:</u> City Clerk, Director of Legislated Services		<u>Replaces:</u> I-063, Appointment to Boards & Committees
<u>Dept/Div:</u> Finance & Corporate Services Department, Legislated Services		<u>Repealed:</u> <u>Replaced by:</u>
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. **POLICY PURPOSE:**

The purpose of this policy is to define the City's advisory committee and board structures, and provide consistent and transparent process for public appointments to advisory committees and local boards at the City of Kitchener.~~To be included at next review.~~

2. **DEFINITIONS:**

~~To be included at next review.~~ "Advisory Committees" those committees, whose members are appointed by Council, to provide advice and recommendations to Council as requested on areas within their mandates with no authority for decision making or independent actions.

"Chair" the individual appointed by a Committee to act as the Chair of the Committee at any given meeting.

"City" the Corporation of the City of Kitchener.

"Clerk" the person appointed by Council under Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25. d).

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

"Local Boards" those established by legislation and members are appointed by Council. They have authority to address their responsibilities as determined under the relevant legislation. Examples include the Kitchener Public Library Board, Kitchener Housing Inc. Board, Centre in the Square Board of Management, Downtown Kitchener Business Improvement Area Board of Management and the Belmont Business Improvement Area Board of Management.

"Member" an individual who has been appointed by Council as a member of an Advisory Committee, Quasi-Judicial Tribunal or Board.

"Nominating Committee" a Committee established by Council, which makes recommendations to Council regarding the appointment of members of the public to all Advisory Committees and Quasi-Judicial Tribunals. They receive and review all applications from members of the public who wish to serve on Committees or Tribunal.

"Quasi-Judicial Tribunals" operate independently from the City and hold hearings to resolve disputes, regulate activities, adjudicate on matters and determine legal rights and benefits.

"Scoring Matrix" a scorecard used to compare basic quantitative and qualitative suitability of candidates.

"Staff" the City staff member(s) who provide administrative and legislative assistance.

"Statutory Committees" those permitted or required by provincial legislation and perform functions as specified in the relevant legislation. Examples include the Committee of Adjustment, Property Standards Committee, Municipal Election Audit Compliance Committee, Accessibility Advisory Committee, and the Heritage Kitchener Committee.

"Vice-Chair" means the individual appointed by a Committee to act as the Vice-Chair of the Committee at any given meeting and shall assume the authority and perform all the duties of the Chair in the absence of the Chair.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
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<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input checked="" type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

————This Policy shall govern the actions of Legislated Services staff, Council and the Nominating Committee formed by Council to make recommendations to Council regarding appointments.

This Policy does not apply to provincial appointments made by the Order of Council. To be included at next review.

4. POLICY CONTENT:

1. Recruitment for Advisory Committees, Quasi-Judicial Tribunals and Local Boards

1.1 There are three occasions when recruitment occurs.

- a) Immediately after a municipal election.
- b) In the last quarter of year 2 of the Council term.
- c) As vacancies occur throughout the year.

1.2 A notice of call for applications will be issued by Legislated Services in accordance with Section 1.4 of this Policy.

1.3 The notice of the call for applications will include:

- Name of the Committee or Board;
- The number of positions to fill;
- Eligibility criteria, key qualifications and desired competencies, if applicable;
- Process for submitting applications and deadline for receipt of applications;
- Direction to detailed information about the committee/board, current members and meeting times; and
- Note regarding the confidentiality of personal information.

1.4 The following methods may be used to provide notice of recruitment:

- The City's website through the Boards and Committee web page;
- The City's social media accounts;
- Printed newspapers including cultural and ethnic newspapers;
- Printed publications posted at community facilities;
- Direct email from city staff, council and/or agency stakeholders; or
- Workshops and/or focus groups, and
- Any other notice mechanism deemed eligible by the Clerk.

1.5 Persons wishing to apply to an Advisory Committee, Quasi-Judicial Tribunal or Board must complete an Application Form and provide any required or optional support material in the prescribed format.

1.6 Complete Application Forms are to be submitted on or before the application deadline.

1.7 Alternate methods of submissions may be made available upon request.

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

1.8 Applications will be received un 11:59 p.m. on the specified date. Applications received after the submission deadline and for non-advertised vacancies shall not be considered, but may be retained to fill future vacancies.

1.9 All personal information will be treated in confidence and protected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*.

2. Demographic Diversity InformationAppointments

2.0 To enable the City to achieve its objectives for access, equity and diversity and to assist the City in its efforts to appoint Committees, Tribunals and Boards that collectively reflect the diversity of the community, applicants are encouraged but not required to include self-identified information in their applications.

2.1 The application will include a self-identification form where applicants can provide information about their gender, age group, Aboriginal status, racial group, disability status, and sexual orientation.

2.2 Self-identified diversity data (applicant pool, short-listed candidates, appointed members) may be monitored and reported on in summary form at different stages of the selection process. The identities of specific candidates shall be kept confidential.

2.3 The purpose of this monitoring is to assess how well diversity objectives have been met and ascertain what improvements could be made such as targeted outreach or removing barriers to participation.

1.—

2.—

3. ~~1.1 Council may appoint members of the public to boards and committees whether the board or committee was established by Council or another agency with a request that Council make an appointment.~~

4.—

5. ~~1.2 A special meeting of Council shall be held annually or when required to consider applications for appointments to boards and committees.~~

6.—

~~7.3.~~ 2. Eligibility Requirement

3.1 Except for boards and commiwhere ttees whose eligibility requirements are legislatively controlled or set by Policy, lay members appointed to boards and Advisory committees Committees, Tribunals or Boards must either reside, work or own property in the City of Kitchener to be eligible for appointment. Staff shall, to the best of their ability, make this determination and where one of the above cannot be substantiated, advise Council through the appointment meeting notice or addendum.

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

3.2 If during the term of the appointment a ~~Member of a board or committee~~ no longer meets the eligibility requirement referenced herein, they are required to advise the City Clerk in writing of the change, prior to the date Council next meets to make annual appointments, on which date that member's term will expire, if the member has not resigned in the intervening period.

—Term and

~~1.1 Council may appoint members of the public to boards and committees whether the board or committee was established by Council or another agency with a request that Council make an appointment.~~

~~1.2 A special meeting of Council shall be held annually or when required to consider applications for appointments to boards and committees.~~

~~8.~~

9.4. 3. — Length of Service

~~3.1~~ 4.1 Members will be appointed for a period of time set out in the Terms of Reference

for the applicable Committee or Board, and will continue to serve until any of the following scenarios occur:

i) Their term expires;

ii) Their appointment is revoked by Council;

iii) They no longer meet the required Eligibility; and,

iii) The Board or Committee to which they are appointed is dissolved by Council.

4.2 Notwithstanding Section 4.1, Members shall continue to be appointed and serve beyond their term of appointment until the appointment of successors.

A ~~Member n individual~~ may only be appointed to the same committee for a maximum number of 8 consecutive years.

4.3 ~~3.2~~ Any appointment to fill an unexpired term shall not be considered as part of the calculation with respect to the maximum term.

4.4 ~~3.3~~ Any individual will be eligible for re-appointment to the same board or committee

only if a minimum period of 1 year has elapsed between the completion of an 8-year maximum term and the commencement of the new term.

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

~~4.5~~ ~~3.4~~ Applicants are to be appointed to only one committee at any one time.

~~4.~~

~~10.5.~~ Boards

~~4.5.1~~ Where a Board has established a Nominating Committee they will forward their nominations for Board vacancies to Council by the required date set by staff.

5.2

~~—~~ Council will consider the nominations and decide whether to accept or refer the nominations back to the Board's Nominating Committee.

~~5.3~~ ~~4.~~ ~~2~~ Where a Board has not established a Nominating Committee, staff will advertise ~~_~~ for applications, setting deadlines for submission and present the applications for Council's consideration.

~~11.6.~~ 5. Advisory Committees

~~56.1~~ Advisory Committee Structure

That City's Advisory Committee structure shall consist of:

a) Arts & Culture Advisory Committee

b) Safe & Healthy Community Advisory Committee

c) Heritage Kitchener Committee

d) Downtown Advisory Committee

e) Economic Development Committee

f) Climate Change and the Environment Committee

g) Active Transportation and Trails Advisory Committee

h) Compass Kitchener Committee

NOTE: See individual policies for each Committee's membership and mandate.

6.2 Chair and Vice-Chair System

A Chair and Vice-Chair System shall be adopted for each Advisory Committee, or in its place Co-Chairs may be appointed by the Committee.

A member of Council may sit as either Chair, Vice-Chair or Co-Chair.

Policy No: GOV-BOA-063

Policy Title: APPOINTMENT TO BOARDS & COMMITTEES

6.3 Sub-committees

Where an Advisory Committee feels a sub-committee(s) is required, such committee be ad hoc in nature, with a specific, clearly articulated mandate, and be reviewed annually to determine whether they need to continue.

Membership on sub-committees may be expanded, if required, to include people who are not Advisory Committee members, to benefit from individual expertise.

6.4 Nominating Committee

~~A Nominating Committee will be appointed by Council comprised of five community members and one City staff persons as prescribed by the Nominating Committee Terms of Reference (GOV-BOA-010). The Committee will be chaired by one of the citizen appointees. Staff does not have voting privileges but are there in a facilitative and resource role.~~

~~Note: For the purposes of implementing this policy, Council will appoint a Nominating Committee to come into effect September 2008 to serve for the remainder of the current term of Council.~~

~~5.2 Citizen members of the Nominating Committee will not currently sit on any of the City's Advisory Committees and will not have sat for at least one year.~~

~~5.3 The Nominating Committee shall convene, at the call of the Chair, to fill Advisory Committee vacancies as they occur.~~

~~5.4 That following an accessible and inclusive recruitment and application process, the Nominating Committee will assess applicants to Advisory Committees on the basis of expertise / interest and in light of each committee's Terms of Reference, use a Scoring Matrix to evaluate candidate applications, and present Council with a list of qualified candidates for each committee.~~

~~5.5 Council will consider the eligible candidates and decide upon a slate of nominees for appointment to each committee for a term of 2 years with eligibility for re-appointment for a maximum of two additional terms.~~

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-063 policy template re-formatted to new numbering system and given number GOV-BOA-063

Formal Amendments

2012-10-01 - As per Council/CLT directive.

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-BOA-066
<u>Policy Title:</u> AUDIT COMMITTEE - TERMS OF REFERENCE <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Board & Committee <u>Author:</u> City Clerk, Director of Legislated Services <u>Dept/Div:</u> Finance & Corporate Services, Legislated Services	<u>Approval Date:</u> December 13, 2004 <u>Reviewed Date:</u> July 2016 <u>Next Review Date:</u> July 2021 <u>Last Amended:</u> June 13, 2011 <u>Replaces:</u> I-66, Audit Committee, Terms of Reference <u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. POLICY PURPOSE:

The Audit Committee is a sub-committee of the Finance & Corporate Services Standing Committee which will deal with detailed matters relating to: corporate financial statements; the audit process, general oversight of financial controls/reporting; compliance with financial regulations/policies; and, risk management.

2. DEFINITIONS:

- a) “City” means the Corporation of the City of Kitchener;
- b) “Committee” means the Audit Committee;
- c) “Council” means the governing body of the City;
- d) “External Auditor” means an auditor appointed for the City as required by the Municipal Act;
- e) “Internal Controls” means systems, processes, and procedures developed to:
 - i. Safeguard assets;
 - ii. Ensure the accuracy of the financial data;
 - iii. Promote operational efficiency; and
 - iv. Promote adherence to policies.

Policy No: GOV-BOA-066

Policy Title: AUDIT COMMITTEE - TERMS OF REFERENCE

- f) "Mayor" means the chief elected official of the City;
- g) "Member" means an individual appointed to the Committee;
- h) "Municipal Act" means the Municipal Act, 2001, as amended;
- i) "Procedure By-law" means the City By-law which provides the Rules of Procedure for Council and its Committees.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

Committee Composition and Reporting.

Voting members:

- All Members of Council

Resources to the Committee, as required:

- Internal Auditor
- External Auditors
- Chief Administrative Officer (CAO)
- Chief Financial Officer
- Director, Reporting and ERP Solutions

The Mayor or Acting Mayor in the Mayor's absence, shall serve as Chair of the Audit Committee.

Meetings will be held quarterly or at the call of the Chair and minutes will be kept by the Clerk or designate who will distribute the minutes to all of Council

Policy No: GOV-BOA-066

Policy Title: AUDIT COMMITTEE - TERMS OF REFERENCE

and the Corporate Leadership Team. All meetings shall be conducted in accordance with Council's Procedure By-law.

The Committee shall report directly to Council.

Responsibilities

- (a) Review audited corporate financial statements annually.
- (b) Approve internal audit plans annually & provide recommendations for areas of focus and types of audits.
- (c) Oversee the selection process for the external auditor, including approving the appointment and fees.
- (d) Approve external audit plans, including consideration of financial risk management issues and the required internal control framework.
- (e) Provide a forum for discussions with external auditor if and when necessary.
- (f) Responsible for resolution of disagreements between management and the external auditor (if they arise).
- (g) Have general oversight of internal controls, financial reporting, and compliance with regulations/policies.
- (h) Review internal & external audit results & recommendations.
- (i) Ensure that management has established and is maintaining a comprehensive risk and control framework.

Term

Concurrent with term of Council (4 years).

Frequency of Meetings

As required, at minimum quarterly.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-066 policy template re-formatted to new numbering system and given GOV-BOA-066.

Policy No: GOV-BOA-066

Policy Title: AUDIT COMMITTEE - TERMS OF REFERENCE

Formal Amendments

2005-05-16 - As per Council/CLT directive.

2011-06-13 - As per Council/CLT directive.

	<h2 style="margin: 0;">POLICY</h2>	<u>Policy No:</u> GOV-BOA-066
<u>Policy Title:</u> AUDIT COMMITTEE - TERMS OF REFERENCE <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Board & Committee <u>Author:</u> City Clerk, Director of Legislated Services <u>Dept/Div:</u> Finance & Corporate Services, Legislated Services	<u>Approval Date:</u> December 13, 2004 <u>Reviewed Date:</u> July 2016 <u>Next Review Date:</u> July 2021 <u>Last Amended:</u> June 13, 2011 <u>Replaces:</u> I-66, Audit Committee, Terms of Reference <u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. POLICY PURPOSE:

The Audit Committee is a sub-committee of the Finance & Corporate Services Standing Committee which will deal with detailed matters relating to: corporate financial statements; the audit process, general oversight of financial controls/reporting; compliance with financial regulations/policies; and, risk management.

2. DEFINITIONS:

a) “City” means the Corporation of the City of Kitchener;

b) “Committee” means the Audit Committee;

c) “Council” means the governing body of the City;

d) “External Auditor” means an auditor appointed for the City as required by the Municipal Act;

i

Policy No: GOV-BOA-066

Policy Title: AUDIT COMMITTEE - TERMS OF REFERENCE

e) “Internal Controls” means systems, processes, and procedures developed to:

- i. Safeguard assets;
- ii. Ensure the accuracy of the financial data;
- iii. Promote operational efficiency; and
- iv. Promote adherence to policies;

f) “Mayor” means the chief elected official of the City;

g) “Member” means an individual appointed to the Committee;

i) h) “Municipal Act” means the Municipal Act, 2001, as amended;

ii) “Procedure By-law” means the City By-law which provides the Rules of Procedure for Council and its Committees. ~~To be included at next review.~~

a)–

3. **SCOPE:**

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
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<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

~~To be included at next review.~~

4. **POLICY CONTENT:**

Committee Composition and Reporting.

Voting members:

- All Members of Council

Resources to the Committee, as required:

- Internal Auditor
- External Auditors
- Chief Administrative Officer (CAO)

Policy No: GOV-BOA-066

Policy Title: AUDIT COMMITTEE - TERMS OF REFERENCE

- ~~Deputy CAO, Financial and Corporate Services~~ Chief Financial Officer
- Director, ~~Accounting Reporting and ERP Solutions~~

~~Members will be appointed for the term of Council.~~ The Mayor or Acting Mayor in the Mayor's absence, shall serve as Chair of the Audit Committee.

Meetings will be held quarterly or at the call of the Chair and minutes will be kept by the ~~committee secretary~~ Clerk or designate ~~Committee Administrator~~ who will distribute the minutes to all of Council and the Corporate Leadership Team. All meetings shall be conducted in accordance with Council's Procedural Procedure By-law.

The Committee shall report directly to Council.

Responsibilities

- (a) Review audited corporate financial statements annually.
- (b) Approve internal audit plans annually & provide recommendations for areas of focus and types of audits.
- (c) ~~Oversee the selection process for Approve of the external auditor, including approving the appointment and fees selection & fees as required.~~
- (d) Approve external audit plans, including consideration of financial risk management issues and the required internal control framework.
- (e) Provide a forum for discussions with external auditor if and when necessary.
- (f) Responsible for resolution of disagreements between management and the external auditor (if they arise).
- (g) Have general oversight of internal controls, financial reporting, and compliance with regulations/policies.
- (h) Review internal & external audit results & recommendations.
- (i) Ensure that management has established and is maintaining a comprehensive risk and control framework.

Term

Concurrent with term of Council (4 years).

Policy No: GOV-BOA-066

Policy Title: AUDIT COMMITTEE - TERMS OF REFERENCE

Frequency of Meetings

As required, at minimum quarterly.

5. **HISTORY OF POLICY CHANGES**

Administrative Updates

2016-06-01 - I-066 policy template re-formatted to new numbering system and given GOV-BOA-066.

Formal Amendments

2005-05-16 - As per Council/CLT directive.

2011-06-13 - As per Council/CLT directive.

	POLICY	<u>Policy No:</u> GOV-BOA-067
<u>Policy Title:</u> LONG SERVICE AWARD - BOARDS & COMMITTEES <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Board & Committee <u>Author:</u> City Clerk, Director of Legislated Services <u>Dept/Div:</u> Finance & Corporate Services, Legislated Services	<u>Approval Date:</u> March 2, 2009	
	<u>Reviewed Date:</u> July 2016 <u>Next Review Date:</u> July 2021	
	<u>Amended:</u>	
	<u>Replaces:</u> I-67, Long Service Award- Boards & Committees	
	<u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> Municipal Act, 2001, S.O. 2001, c. 25. GOV-BOA-063: Appointments to Boards and Committees Policy		

1. POLICY PURPOSE:

To recognize the commitment made by citizen volunteers who were appointed by Council to sit on City Advisory Committees, Quasi-Judicial Tribunals and Local Boards save and except for members of the Kitchener Downtown Business Improvement Area Board of Management, Belmont Business Improvement Area Board of Management, Grand River Accessibility Advisory Committee and, Enova Power Corporation.

2. DEFINITIONS:

“Advisory Committees” those committees, whose members are appointed by Council, to provide advice and recommendations to Council as requested on areas within their mandates with no authority for decision making or independent actions.

“City” the Corporation of the City of Kitchener.

"Clerk" the person appointed by Council under Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25).

“Local Boards” those established by legislation and members are appointed by Council. They have authority to address their responsibilities as determined under the relevant legislation. Examples include the Kitchener Public Library Board,

Policy No: GOV-BOA-067

Policy Title: LONG SERVICE AWARD - BOARDS & COMMITTEES

Kitchener Housing Inc. Board, Centre in the Square Board of Management, Downtown Kitchener Business Improvement Area Board of Management and the Belmont Business Improvement Area Board of Management.

"Member" an individual who has been appointed by Council as a member of an Advisory Committee, Quasi-Judicial Tribunal or Board.

"Quasi-Judicial Tribunals" operate independently from the City and hold hearings to resolve disputes, regulate activities, adjudicate on matters and determine legal rights and benefits.

"Staff" the City staff member(s) who provide administrative and legislative assistance.

"Statutory Committees" those permitted or required by provincial legislation and perform functions as specified in the relevant legislation. Examples include the Committee of Adjustment, Property Standards Committee, Municipal Election Audit Compliance Committee, Accessibility Advisory Committee, and the Heritage Kitchener Committee.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other: Citizen Volunteer
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

This Policy applies to Members that have resigned or retired from an appointment and meet the eligibility requirements provided in Section 4.1.

4. POLICY CONTENT:

4.1 Recognition Criteria

Policy No: GOV-BOA-067

Policy Title: LONG SERVICE AWARD - BOARDS & COMMITTEES

- a) The following recognition will be given to citizen volunteers appointed to Boards, Tribunals and/or Committees under the jurisdiction of City Council:
 - i) A Certificate of Service suitably displayed, for those whose accumulated service is at least 2 years and less than 5 years; or,
 - ii) An Award of Merit such as wooden plaque or other appropriate display for those whose accumulated service is 5 years or more.
 - iii) In addition, the volunteer must have attended at least 70% of the regularly scheduled Board or Committee meetings.
- b) The City Clerk or designate will consult with the Chair of each committee, tribunal or board and the council representative to ascertain if there are any extenuating circumstances that should be considered in determining for eligibility for presentation.

4.2 Presentation

- a) The above-noted recognition will be given to the citizen volunteer when they have met the criteria and are no longer appointed to a committee, tribunal or board.
- b) Presentations will be made at a Council meeting and the respective presentations be made by the member of Council who participated on the said committee, tribunal or board during the previous year or, by the Mayor where there was no Council representative on the committee.

2. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-067 policy template re-formatted to new numbering system and given number GOV-BOA-067.

Formal Amendments

No amendment history to date.

	<h1>POLICY</h1>	Policy No: GOV-BOA-067
<p><u>Policy Title:</u> LONG SERVICE AWARD - BOARDS & COMMITTEES</p> <p><u>Policy Type:</u> COUNCIL</p> <p><u>Category:</u> Governance</p> <p><u>Sub-Category:</u> Board & Committee</p> <p><u>Author:</u> City Clerk, Director of Legislated Services</p> <p><u>Dept/Div:</u> Finance & Corporate Services, Legislated Services</p>	<p><u>Approval Date:</u> March 2, 2009</p> <p><u>Reviewed Date:</u> July 2016</p> <p><u>Next Review Date:</u> July 2021</p> <p><u>Amended:</u></p> <p><u>Replaces:</u> I-67, Long Service Award-Boards & Committees</p> <p><u>Repealed:</u></p> <p><u>Replaced by:</u></p>	
<p><u>Related Policies, Procedures and/or Guidelines:</u> Municipal Act, 2001, S.O. 2001, c. 25. GOV-BOA-063 To be included at next review.: Appointments to Boards and Committees Policy</p>		

1. POLICY PURPOSE:

To recognize the commitment made by citizen volunteers who were appointed by Council to sit on City Advisory Committees, Quasi-Judicial Tribunals and Local boards-Boards and committees save and except for members of the Kitchener Downtown Business Improvement Area Board of Management, Belmont Business Improvement Area Board of Management, Grand River Accessibility Advisory Committee and, Kitchener Enova Power Corporation.

2. DEFINITIONS:

“Advisory Committees” those committees, whose members are appointed by Council, to provide advice and recommendations to Council as requested on areas within their mandates with no authority for decision making or independent actions.

“City” the Corporation of the City of Kitchener.

"Clerk" the person appointed by Council under Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25).

Policy No: GOV-BOA-067

Policy Title: LONG SERVICE AWARD - BOARDS & COMMITTEES

“Local Boards” those established by legislation and members are appointed by Council. They have authority to address their responsibilities as determined under the relevant legislation. Examples include the Kitchener Public Library Board, Kitchener Housing Inc. Board, Centre in the Square Board of Management, Downtown Kitchener Business Improvement Area Board of Management and the Belmont Business Improvement Area Board of Management.

“Member” an individual who has been appointed by Council as a member of an Advisory Committee, Quasi-Judicial Tribunal or Board.

“Quasi-Judicial Tribunals” operate independently from the City and hold hearings to resolve disputes, regulate activities, adjudicate on matters and determine legal rights and benefits.

“Staff” the City staff member(s) who provide administrative and legislative assistance.

“Statutory Committees” those permitted or required by provincial legislation and perform functions as specified in the relevant legislation. Examples include the Committee of Adjustment, Property Standards Committee, Municipal Election Audit Compliance Committee, Accessibility Advisory Committee, and the Heritage Kitchener Committee.

~~To be included at next review.~~

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other: Citizen Volunteer
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

~~—————To bThis Policy applies to Members that have resigned or retired from an appointment and meet the eligibility requirements provided in Section 4.1.e included at next review.~~

4. POLICY CONTENT:

Policy No: GOV-BOA-067

Policy Title: LONG SERVICE AWARD - BOARDS & COMMITTEES

4.1 Recognition Criteria

- a) The following recognition will be given to citizen volunteers appointed to Boards, Tribunals and/or Committees under the jurisdiction of City Council:
 - i) A Certificate of Service suitably displayed, for those whose accumulated service is at least 2 years and less than 5 years; or,
 - ii) An Award of Merit such as wooden plaque or other appropriate display for those whose accumulated service is 5 years or more.
 - iii) In addition, the ~~citizen~~-volunteer must have attended at least 70% of the regularly scheduled Board or Committee meetings.
- b) The City Clerk or designate will consult with the Chair of each committee, tribunal or /board and the council representative to ascertain if there are any extenuating circumstances that should be considered in determining for eligibility for presentation.

4.2 Presentation

- a) The above-noted recognition will be given to the citizen volunteer when they have met the criteria and are no longer appointed to a committee, tribunal or /board.
- b) Presentations will be made at a Council meeting and the respective presentations be made by the member of Council who participated on the said committee, tribunal or board during the previous year or, by the Mayor where there was no Council representative on the committee.

2. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-067 policy template re-formatted to new numbering system and given number GOV-BOA-067.

Formal Amendments

No amendment history to date.

Policy No: GOV-BOA-095

Policy Title: ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE

	POLICY	<u>Policy No:</u> GOV-BOA-095
<u>Policy Title:</u> ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE		<u>Approval Date:</u> August 4, 2005
<u>Policy Type:</u> COUNCIL		<u>Reviewed Date:</u> October 2021
<u>Category:</u> Governance		<u>Next Review Date:</u> July 2026
<u>Sub-Category:</u> Board & Committee		<u>Reviewed Date:</u> October 2021
<u>Author:</u> Author Unknown		<u>Last Amended:</u> August 27, 2012
<u>Dept/Div:</u> Development Services Department / Economic Development		<u>Replaces:</u>
		<u>Repealed:</u>
		<u>Replaced by:</u>
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. POLICY PURPOSE:

The primary purpose of the Economic Development Advisory Committee is to advise Council and the Economic Development Division of the City of Kitchener in the development and on-going implementation of economic development strategies and initiatives.

2. DEFINITIONS:

"Ad Hoc Committee" or "Sub Committee" means a committee created with a defined ending, that shall not constitute quorum.

"Advisory Committee" means a committee created by Council, to report to Staff or a designated Committee on a specific subject.

"Chair" means the role to facilitate and chair meetings.

"Quorum" the number of members comprising a majority of a committee that must be present at any of its meetings to make the proceedings of that meeting valid.

"Vice-Chair" a role that assumes the authority and performs all the duties of the

Policy No: GOV-BOA-095

Policy Title: ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE

Chair in the absence of the Chair

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

The goal of the composition is to ensure representation across sectors while maintaining flexibility to align membership with the Make It Kitchener 2.0 (MIK2.0) Strategy, current sectors are guidelines only.

Three (3) Members of City Council

One (1) Member of the Community at Large

One (1) Representative from each of the Following Business Sectors:

High Tech

Marketing

Downtown Retail Business

Consultant Industry

ICI Realtor

Major Retail (Outside of Downtown)

Housing Development

Labour Council

Manufacturing

Financial (Banking)

Downtown Office Owner

Hospitality/Convention/Tourism Industry

Health Sciences

Education

Arts & Culture

Members will be appointed to 4 years terms staggered with an overlap 50/50 split to ensure that the committee has continuous coverage. The Committee shall, from amongst its members, choose Committee Co-Chairs which may or may not include one member of Council.

Meetings will be held monthly or at the call of the Chair and minutes will be kept by the committee administrator who will distribute the minutes to all of Council and the Corporate Leadership Team. All meetings shall be conducted in accordance with Council's Procedure By-law and as such, a quorum is defined as half plus one (1) of current committee members.

Policy No: GOV-BOA-095

Policy Title: ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE

In accordance with the Procedure By-law and upon recommendations to Council from the Committee any member of the Committee who fails to attend three successive regular meetings without being authorized, may be removed from the committee. Notwithstanding the foregoing, the Committee may at any time recommend to Council that a member of the Committee be removed when that member has failed to attend more than three regular meetings without authorization.

The Committee shall report through the Finance & Corporate Services Committee unless Co-Chairs deem it expedient that a report be made directly to Council.

Should the Committee feel a sub-committee is required to deal with specific issues, such sub-committee shall be ad hoc in nature, with specific, clearly articulated mandate. All sub-committees shall be reviewed annually to determine whether they need to continue. Membership on sub-committees may be expanded to include people who are not advisory committee members, to take advantage of individual expertise.

3. Responsibilities

- To advise Council and staff in the development and implementation of an economic development policy, including both long-term and short-term objectives.
- To identify emerging economic conditions/new trends/niche markets that will assist in shaping the strategic plan for Economic Development.
- To vet new policy matters and specific studies, reports or publications.
- To advocate for economic development.
- To recommend changes to the City's policies and economic development climate.
- To partner with City staff in hosting incoming missions/dignitaries, visitation programs and other initiatives which contribute to economic wealth of the community. EDAC members are emissaries/ambassadors of the business community and of the City of Kitchener.
- To assist in the review and monitoring of the City's initiatives for reuse of existing infrastructure, buildings and employment lands.
- To assist the Economic Development Division in aligning its annual work with Kitchener's economic development strategy: Make it Kitchener 2.0.
- To advise the Economic Development Division about its marketing plan and initiatives (i.e. trade shows, web page, newsletters, events, market research information, publications and best practices from across North America, etc.).

Policy No: GOV-BOA-095

Policy Title: ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE

- To play a key role in the development of partnerships such as Waterloo Region Economic Development Corporation, Communitech, Greater Kitchener-Waterloo Chamber of Commerce, Small Business Centres, other municipalities, and the Province to advance the City's economic strategy.
- To propose programs for the enhancement of the image of the community and the development of other amenities and services related to economic development.

5. **HISTORY OF POLICY CHANGES**

Administrative Updates

- 2016-06 - Policy I-095 template re-formatted to new numbering system and given number GOV-BOA-095.
- 2018-04-03 - Department name change due to corporate re-organization.
- 2021-10-28 - Administrative updates.

Formal Amendments

- 2006-12-04 - As per Council directive
- 2012-08-27 - As per Council directive

Policy No: GOV-BOA-095

Policy Title: ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE

	POLICY	<u>Policy No:</u> GOV-BOA-095
<u>Policy Title:</u> ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE		<u>Approval Date:</u> August 4, 2005
<u>Policy Type:</u> COUNCIL		<u>Reviewed Date:</u> October 2021
<u>Category:</u> Governance		<u>Next Review Date:</u> July 2026
<u>Sub-Category:</u> Board & Committee		<u>Reviewed Date:</u> October 2021
<u>Author:</u> Author Unknown		<u>Last Amended:</u> August 27, 2012
<u>Dept/Div:</u> Development Services Department / Economic Development		<u>Replaces:</u>
		<u>Repealed:</u>
		<u>Replaced by:</u>
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. POLICY PURPOSE:

The primary purpose of the Economic Development Advisory Committee is to advise Council and the Economic Development Division of the City of Kitchener in the development and on-going implementation of economic development strategies and initiatives.

2. DEFINITIONS:

"Ad Hoc Committee" or "Sub Committee" means a committee created with a defined ending, that shall not constitute quorum.

"Advisory Committee" means a committee created by Council, to report to Staff or a designated Committee on a specific subject.

"Chair" means the role to facilitate and chair meetings.

"Quorum" the number of members comprising a majority of a committee that must be present at any of its meetings to make the proceedings of that meeting valid.

Policy No: GOV-BOA-095

Policy Title: ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE

~~"Vice-Chair" a role that assumes the authority and performs all the duties of the Chair in the absence of the Chair To be included at next review.~~

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

~~To be included at next review.~~

4. POLICY CONTENT:

The goal of the composition is to ensure representation across sectors while maintaining flexibility to align membership with the Make It Kitchener 2.0 (MIK2.0) Strategy, current sectors are guidelines only.

Three (3) Members of City Council

One (1) Member of the Community at Large

One (1) Representative from each of the Following Business Sectors:

High Tech

Marketing

Downtown Retail Business

Consultant Industry

ICI Realtor

Major Retail (Outside of Downtown)

Housing Development

Labour Council

Manufacturing

Financial (Banking)

Downtown Office Owner

Hospitality/Convention/Tourism Industry

Health Sciences

Education

Arts & Culture

Members will be appointed to 4 years terms staggered with an overlap 50/50 split to ensure that the committee has continuous coverage. The Committee shall, from amongst its members, choose Committee Co-Chairs which may or may not include one member of Council.

Meetings will be held monthly or at the call of the Chair and minutes will be kept by the committee administrator who will distribute the minutes to all of Council and the Corporate ~~Management~~ Leadership Team. All meetings shall be conducted in

Policy No: GOV-BOA-095

Policy Title: ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE

accordance with Council's ~~Procedural Procedure~~ By-law and as such, a quorum is defined as ~~half plus one (1) of current committee members, nine (9) voting members of the Committee.~~

In accordance with the ~~Procedural Procedure~~ By-law and upon recommendations to Council from the Committee any member of the Committee who fails to attend three successive regular meetings without being authorized, may be removed from the committee. Notwithstanding the foregoing, the Committee may at any time recommend to Council that a member of the Committee be removed when that member has failed to attend more than three regular meetings without authorization.

The Committee shall report through the Finance & Corporate Services Committee unless Co-Chairs deem it expedient that a report be made directly to Council.

Should the Committee feel a sub-committee is required to deal with specific issues, such sub-committee shall be ad hoc in nature, with specific, clearly articulated mandate. All sub-committees shall be reviewed annually to determine whether they need to continue. Membership on sub-committees may be expanded to include people who are not advisory committee members, to take advantage of individual expertise.

3. Responsibilities

- To advise Council and staff in the development and implementation of an economic development policy, including both long-term and short-term objectives.
- To identify emerging economic conditions/new trends/niche markets that will assist in shaping the strategic plan for Economic Development.
- To vet new policy matters and specific studies, reports or publications.
- To advocate for economic development.
- To recommend changes to the City's policies and economic development climate.
- To partner with City staff in hosting incoming missions/dignitaries, visitation programs and other initiatives which contribute to economic wealth of the community. EDAC members are emissaries/ambassadors of the business community and of the City of Kitchener.
- To assist in the review and monitoring of the City's initiatives for reuse of existing infrastructure, buildings and employment lands.
- To assist the Economic Development Division in aligning its annual work with Kitchener's economic development strategy: Make it Kitchener 2.0.

Policy No: GOV-BOA-095

Policy Title: ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE

- To advise the Economic Development Division about its marketing plan and initiatives (i.e. trade shows, web page, newsletters, events, market research information, publications and best practices from across North America, etc.).
- To play a key role in the development of partnerships such as Waterloo Region Economic Development Corporation, Communitech, Greater Kitchener-Waterloo Chamber of Commerce, Small Business Centres, other municipalities, and the Province to advance the City's economic strategy.
- To propose programs for the enhancement of the image of the community and the development of other amenities and services related to economic development.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06 - Policy I-095 template re-formatted to new numbering system and given number GOV-BOA-095.

2018-04-03 - Department name change due to corporate re-organization.

2021-10-28 - Administrative updates.

Formal Amendments

2006-12-04 - As per Council directive

2012-08-27 - As per Council directive



POLICY

Policy No: **GOV-BOA-105**

Policy Title: **FINANCE & CORPORATE SERVICES COMMITTEE - TERMS OF REFERENCE**

Policy Type: COUNCIL

Category: Governance

Sub-Category: Board & Committee

Author: City Clerk, Director of Legislated Services

Dept/Div: Finance & Corporate Services Department, Legislated Services Division

Approval Date: May 27, 2002

Reviewed Date: July 2016

Next Review Date: July 2021

Reviewed Date:

Last Amended: September 19, 2005

Replaces: I-105, F&CSC, Terms of Reference

Repealed:

Replaced by:

Related Policies, Procedures and/or Guidelines:
Municipal Act, 2001, S.O. 2001, c. 25.

1. POLICY PURPOSE:

The Finance and Corporate Services Committee is a designated Standing Committee of City Council.

2. DEFINITIONS:

To be included at next review.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

Policy No: GOV-BOA-105

Policy Title: FINANCE & CORPORATE SERVICES COMMITTEE - TERMS OF REFERENCE

4. POLICY CONTENT:

1. All members of Council shall sit as members of the Finance and Corporate Services Committee and Council shall annually appoint from among its members, a Chair and Vice-Chair.
2. The following specific, but not exclusive, items shall be considered as falling within the Committee's mandate:
 - a) Operational and policy issues pertaining to the: Financial Services, Corporate Services and the Chief Administrator's Office;
 - b) Issues which are of an overriding financial, administrative or strategic nature, irrespective of where a department routinely reports;
 - c) Review and submission to Council of the Annual Operating Budget and the Ten Year Capital Forecast;
 - d) Financial and investment policies and practices;
 - e) Budgetary control;
 - f) Review of the Annual Financial Report and Auditor's Report;
 - g) Approval of unbudgeted expenditures;
 - h) Setting of fees for service, rental and leases not falling under the Terms of Reference of any other Committee;
 - i) Council and Committee Rules of Procedure; and,
 - j) The Committee shall provide the point of contact between Council and:
 - k) Enova Power Corporation.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-105 Policy template re-formatted to new numbering system and given number GOV-BOA-105.

Formal Amendments

2005-09-12 - As per Council/CLT directive.

	<h1>POLICY</h1>	Policy No: GOV-BOA-105
<p><u>Policy Title:</u> FINANCE & CORPORATE SERVICES COMMITTEE - TERMS OF REFERENCE</p> <p><u>Policy Type:</u> COUNCIL</p> <p><u>Category:</u> Governance</p> <p><u>Sub-Category:</u> Board & Committee</p> <p><u>Author:</u> City Clerk, Director of Legislated Services</p> <p><u>Dept/Div:</u> Finance & Corporate Services Department, Legislated Services Division</p>	<p><u>Approval Date:</u> May 27, 2002</p> <p><u>Reviewed Date:</u> July 2016</p> <p><u>Next Review Date:</u> July 2021</p> <p><u>Reviewed Date:</u></p> <p><u>Last Amended:</u> September 19, 2005</p> <p><u>Replaces:</u> I-105, F&CSC, Terms of Reference</p> <p><u>Repealed:</u></p> <p><u>Replaced by:</u></p>	
<p><u>Related Policies, Procedures and/or Guidelines:</u> <u>Municipal Act, 2001, S.O. 2001, c. 25. To be included at next review.</u></p>		

1. POLICY PURPOSE:

~~To be included at next review. The Finance and Corporate Services Committee is a designated Standing Committee of City Council.~~

2. DEFINITIONS:

To be included at next review.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

Policy No: GOV-BOA-105

Policy Title: FINANCE & CORPORATE SERVICES COMMITTEE - TERMS OF REFERENCE

~~To be included at next review.~~

4. **POLICY CONTENT:**

~~1. The Finance and Corporate Services Committee is hereby designated a Standing Committee of City Council.~~

~~2.~~

3.1. All members of Council shall sit as members of the Finance and Corporate Services Committee and Council shall annually appoint from among its members, a Chair and Vice-Chair.

4.2. The following specific, but not exclusive, items shall be considered as falling within the Committee's mandate:

- a) Operational and policy issues pertaining to the: Financial Services, Corporate Services and the Chief Administrator's Office;
- b) Issues which are of an overriding financial, administrative or strategic nature, irrespective of where a department routinely reports;
- c) Review and submission to Council of the Annual Operating Budget and the Ten Year Capital Forecast;
- d) Financial and investment policies and practices;
- e) Budgetary control;
- f) Review of the Annual Financial Report and Auditor's Report;
- g) Approval of unbudgeted expenditures;
- h) Setting of fees for service, rental and leases not falling under the Terms of Reference of any other Committee;
- i) Council and Committee Rules of Procedure; and,
- j) The Committee shall provide the point of contact between Council and:
 - i) ~~Kitchener~~Enova Power Corporation.

Policy No: GOV-BOA-105

Policy Title: FINANCE & CORPORATE SERVICES COMMITTEE - TERMS OF REFERENCE

5. **HISTORY OF POLICY CHANGES**

Administrative Updates

2016-06-01 - I-105 Policy template re-formatted to new numbering system and given number GOV-BOA-105.

Formal Amendments

2005-09-12 - As per Council/CLT directive.

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-BOA-110
<u>Policy Title:</u> HERITAGE KITCHENER - TERMS OF REFERENCE <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Board & Committee <u>Author:</u> City Clerk, Director of Legislated Services <u>Dept/Div:</u> Corporate Services Dept / Legislated Services Division	<u>Approval Date:</u> May 27, 2002 <u>Reviewed Date:</u> July 2016 <u>Next Review Date:</u> July 2016 <u>Last Amended:</u> February 27, 2017 <u>Replaces:</u> <u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> Ontario Heritage Act, R.S.O. 1990, c. O.18		

1. POLICY PURPOSE:

Heritage Kitchener advises Council on matters involving conservation of heritage resources within Kitchener, both publicly and privately owned. Heritage Kitchener is a local architectural conservation advisory committee, as defined in the Ontario Heritage Act.

2. DEFINITIONS:

"Chair/Co-Chair" the individual(s) appointed by a Committee to act as the Chair/Co-Chair of the Committee at any given meeting.

"City" the Corporation of the City of Kitchener.

"Clerk" the person appointed by Council under Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25. d).

"Member" an individual who has been appointed by Council as a member of an Advisory Committee, Quasi-Judicial Tribunal or Board.

"Staff" the City staff member(s) who provide administrative and legislative assistance.

3. SCOPE:

Policy No: GOV-BOA-110

Policy Title: HERITAGE KITCHENER - TERMS OF REFERENCE

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

Committee Composition and Reporting

The composition of the Committee will be:

- a) 1 Member of Council
- b) 5-6 Sector-specific members
- c) 2-3 Members of the community-at-large
- d) 1 Representative of the Upper Doon Conservation District
- e) 1 Representative of the Victoria Park Area Heritage Conservation District
- f) 1 Representative of the St. Mary's Heritage Conservation District
- g) 1 Representative of the Civic Centre Heritage Conservation District

In filling the sector-specific positions, Council shall endeavour to include, but not be limited to, at least one representative from each of the following areas:

- Professional Architect; Building Industry (builder, developer, renovator etc.); Professional Planner; Historian (i.e. history teacher, member of historical society); Museum Specialist or Conservator; Landscape Specialist and an Archaeologist.

Members will be appointed for a term of two years ending November 30. The Committee shall, from amongst its members, choose a Committee Co-Chair who is not a member of Council, to co-chair the committee with the appointed Council Co-Chair.

Policy No: GOV-BOA-110

Policy Title: HERITAGE KITCHENER - TERMS OF REFERENCE

Meetings will be held monthly or at the call of the Chair and minutes will be kept by the Clerk of designate who will distribute the minutes to all of Council and the Corporate Leadership Team. All meetings shall be conducted in accordance with Council's Procedure By-law.

The Committee may report directly to Council or through the Planning & Strategic Initiatives Committee.

Should the Committee feel a sub-committee is required to deal with specific issues, such sub-committee shall be ad hoc in nature, with specific, clearly articulated mandate. All sub-committees shall be reviewed annually to determine whether they need to continue. Membership on sub-committees may be expanded to include people who are not advisory committee members, to take advantage of individual expertise.

Quorum

When executing the duties prescribed by the Ontario Heritage Act quorum is 5 members and for all other matters, including the composition of sub-committees, quorum shall be a majority of members appointed to Heritage Kitchener.

Responsibilities

- a) Advise Council on the following matters pursuant to the Ontario Heritage Act:
 - i) all matters under Part IV of the Ontario Heritage Act (individual property designation); and,
 - ii) passing of a by-law to define the municipality or one or more areas thereof as an area to be examined for future designation as a heritage conservation district; and,
 - iii) passing of a by-law to designate heritage conservation districts, to adopt heritage conservation district plans which will constitute Council's intent with respect to conservation of the heritage conservation district.
- b) Examine, research develop and prepare a detailed inventory of:
 - i) those properties within in the municipality it feels should be designated as being of historic and/or architectural interest pursuant to Part IV of the Ontario Heritage Act; and,

Policy No: GOV-BOA-110

Policy Title: HERITAGE KITCHENER - TERMS OF REFERENCE

- iii) those areas within the municipality that it feels should be defined as areas to be examined for future designation as heritage conservation districts pursuant to Part V of the Ontario Heritage Act.
- c) Recommend to Council approval of grants pursuant to the Municipal Designated Heritage Property Grant Program.
- d) Recommend properties for Mike Wagner Heritage Awards.
- e) Annually review local issues, propose committee priorities and develop workplans based upon the identified priorities of the Committee. In some cases, it may be appropriate to refer to other standing and advisory committees, community groups or staff for action or to establish working groups/sub-committees to address specific issues.
- f) To promote greater public awareness of our built heritage and heritage conservation issues through exhibits and openings, posters, the plaquing program, guides, and special events such as the annual Heritage Showcase display and the Mike Wagner Heritage Awards.
- g) To assist and lend advice to owners of heritage properties in terms of good conservation practice.
- h) Prepare and present, in co-operation with staff, bi-annual updates to the Development & Technical Services Committee and Council, including recommendations on priority issues identified by the Committee and/or community concerns brought to the Committee by Council, community members or groups.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - Policy template re-formatted to new numbering system and given number GOV-BOA-110.

2018-04-03 - Department name change due to corporate re-organization.

Formal Amendments

2002-09-30 - As per Council/CLT directive.

2004-09-20 - As per Council/CLT directive.

2008-02-25 - As per Council directive, designation by-law No. 2008-039

2017-02-27 - As per Council/CLT directive.

	<h1>POLICY</h1>	Policy No: GOV-BOA-110
<p><u>Policy Title:</u> HERITAGE KITCHENER - TERMS OF REFERENCE</p> <p><u>Policy Type:</u> COUNCIL</p> <p><u>Category:</u> Governance</p> <p><u>Sub-Category:</u> Board & Committee</p> <p><u>Author:</u> City Clerk, Director of Legislated Services</p> <p><u>Dept/Div:</u> Corporate Services Dept / Legislated Services Division</p>	<u>Approval Date:</u> May 27, 2002	<u>Reviewed Date:</u> July 2016 <u>Next Review Date:</u> July 2016
<p><u>Related Policies, Procedures and/or Guidelines:</u> <u>Ontario Heritage Act, R.S.O. 1990, c. O.18</u>To be included at next review.</p>	<u>Last Amended:</u> February 27, 2017	<u>Replaces:</u>
	<u>Repealed:</u>	<u>Replaced by:</u>

1. POLICY PURPOSE:

Heritage Kitchener Act advises Council on matters involving conservation of heritage resources within Kitchener, both publicly and privately owned. Heritage Kitchener is a local architectural conservation advisory committee, as defined in the Ontario Heritage Act.

2. DEFINITIONS:

"Chair/Co-Chair" the individual(s) appointed by a Committee to act as the Chair/Co-Chair of the Committee at any given meeting.

"City" the Corporation of the City of Kitchener.

- "Clerk" the person appointed by Council under Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25. d).

"Member" an individual who has been appointed by Council as a member of an Advisory Committee, Quasi-Judicial Tribunal or Board.

- "Staff" the City staff member(s) who provide administrative and legislative assistance.

Policy No: GOV-BOA-110

Policy Title: HERITAGE KITCHENER - TERMS OF REFERENCE

~~To be included at next review.~~

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

~~To be included at next review.~~

4. POLICY CONTENT:

Committee Composition and Reporting

The composition of the ~~C~~committee will be:

- a) 1 ~~—~~ Member of Council
- b) 5-6 ~~—~~ Sector-specific members
- c) 2-3 ~~—~~ Members of the community-at-large
- d) 1 ~~—~~ Representative of the Upper Doon Conservation District
- e) 1 ~~—~~ Representative of the Victoria Park Area Heritage Conservation District
- f) 1 ~~—~~ Representative of the St. Mary's Heritage Conservation District
- g) 1 ~~—~~ Representative of the Civic Centre Heritage Conservation District

In filling the sector-specific positions, Council shall endeavour to include, but not be limited to, at least one representative from each of the following areas:

- ~~•~~ Professional Architect; Building Industry (builder, developer, renovator etc.); Professional Planner; Historian (i.e. history teacher, member of historical society); Museum Specialist or Conservator; ~~—~~ Landscape Specialist and an Archaeologist.

Policy No: GOV-BOA-110

Policy Title: HERITAGE KITCHENER - TERMS OF REFERENCE

Members will be appointed for a term of two years ending November 30. The Committee shall, from amongst its members, choose a Committee Co-Chair who is not a member of Council, to co-chair the committee with the appointed Council Co-Chair.

Meetings will be held monthly or at the call of the Chair and minutes will be kept by the ~~Ccommittee administrator~~ AdministratorClerk of designate who will distribute the minutes to all of Council and the Corporate Management Leadership Team. All meetings shall be conducted in accordance with Council's ~~Precedural~~ Procedure By-law.

The Committee may report directly to Council or through the Planning & Strategic Initiatives Committee.

Should the Committee feel a sub-committee is required to deal with specific issues, such sub-committee shall be ad hoc in nature, with specific, clearly articulated mandate. All sub-committees shall be reviewed annually to determine whether they need to continue. Membership on sub-committees may be expanded to include people who are not advisory committee members, to take advantage of individual expertise.

Quorum

When executing the duties prescribed by the Ontario Heritage Act quorum is 5 members and for all other matters, including the composition of sub-committees, quorum shall be a majority of members appointed to Heritage Kitchener.

Responsibilities

- a) Advise Council on the following matters pursuant to the Ontario Heritage Act:
 - i) all matters under Part IV of the Ontario Heritage Act (individual property designation); and,
 - ii) passing of a by-law to define the municipality or one or more areas thereof as an area to be examined for future designation as a heritage conservation district; and,
 - iii) passing of a by-law to designate heritage conservation districts, to adopt heritage conservation district plans which will constitute Council's intent with respect to conservation of the heritage conservation district.
- b) Examine, research develop and prepare a detailed inventory of:

Policy No: GOV-BOA-110

Policy Title: HERITAGE KITCHENER - TERMS OF REFERENCE

- i) those properties within in the municipality it feels should be designated as being of historic and/or architectural interest pursuant to Part IV of the Ontario Heritage Act; and,
 - iii) those areas within the municipality that it feels should be defined as areas to be examined for future designation as heritage conservation districts pursuant to Part V of the Ontario Heritage Act.
- c) Recommend to Council approval of grants pursuant to the Municipal Designated Heritage Property Grant Program.
 - d) Recommend properties for Mike Wagner Heritage Awards.
 - e) Annually review local issues, propose committee priorities and develop workplans based upon the identified priorities of the Committee. In some cases, it may be appropriate to refer to other standing and advisory committees, community groups or staff for action or to establish working groups/sub-committees to address specific issues.
 - f) To promote greater public awareness of our built heritage and heritage conservation issues through exhibits and openings, posters, the plaquing program, guides, and special events such as the annual Heritage Showcase display and the Mike Wagner Heritage Awards.
 - g) To assist and lend advice to owners of heritage properties in terms of good conservation practice.
 - h) Prepare and present, in co-operation with staff, bi-annual updates to the Development & Technical Services Committee and Council, including recommendations on priority issues identified by the Committee and/or community concerns brought to the Committee by Council, community members or groups.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - Policy template re-formatted to new numbering system and given number GOV-BOA-110.

2018-04-03 - Department name change due to corporate re-organization.

Formal Amendments

2002-09-30 - As per Council/CLT directive.

2004-09-20 - As per Council/CLT directive.

2008-02-25 - As per Council directive, designation by-law No. 2008-039

2017-02-27 - As per Council/CLT directive.

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-BOA-115
<u>Policy Title:</u> APPOINTMENTS - BOARD OF DIRECTORS - ENOVA POWER CORPORATION <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Board & Committee <u>Author:</u> City Clerk, Director of Legislated Services <u>Dept/Div:</u> Corporate Services Department / Legislated Services Division	<u>Approval Date:</u> September 30, 2002	<u>Reviewed Date:</u> July 2016 <u>Next Review Date:</u> July 2021
	<u>Amended:</u>	<u>Replaces:</u> I-115, Appointments - Board of Directors - Kit Power Corp
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.	<u>Repealed:</u> <u>Replaced by:</u>	

1. POLICY PURPOSE:

Enova Energy Corporation is an energy company owned by the City of Kitchener, the City of Waterloo, the Township of Woolwich, the Township of Wilmot, and the Township of Wellesley.

Enova Power Corp. (Enova) is a regulated electricity distribution company and a wholly-owned subsidiary of Enova Energy Corporation, created by the merger of Kitchener-Wilmot Hydro and Waterloo North Hydro.

In accordance with the Shareholders Agreement, independent and non-independent Directors shall serve on the Enova Energy and Enova Power Corp. Board of Directors, respectively.

2. DEFINITIONS:

“Board” means the Board of Directors of the Corporation;

“Corporation” means the Enova Energy Corporation

“Independent” means an individual who: (i) is not an employee of the Corporation or any Subsidiary; (ii) is not an employee of any Shareholder or any Affiliate of any Shareholder; (iii) is not an elected official of any Shareholder; (iv)

Policy No: GOV-BOA-115

Policy Title: APPOINTMENTS - BOARD OF DIRECTORS - ENOVA POWER CORPORATION

is not a party to, or holds a material interest in a Person that is a party to, a material contract between any Shareholder and such individual, and (v) unless otherwise agreed by a Super Majority, is not a spouse, child or parent of any of the foregoing;

“Non-Independent” means any individual who is not Independent;

“Person” means an individual, firm, partnership, unincorporated association, corporation, municipal corporation, trust or other legal entity of any kind whatsoever;

“Shareholder” means any Person which is a registered holder of Shares;

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

Appointments to the Board of Directors of the Enova Power Corp. and Enova Energy Corporation shall be made in accordance the Shareholder’s Agreement dated September 1, 2022. The City of Kitchener’s appointments shall be made in accordance with this policy.

- The City of Kitchener shall appoint annually, two members to the Enova Power Corp. Board of Directors, one of which shall be the Mayor, and one shall be a member of City Council.
- The City of Kitchener shall appoint annually, three members to the Enova Energy Corporation Board of Directors, one of which shall be the Mayor, and two shall be members of City Council.
- Four independent Directors to the Enova Energy Corporation Board of Directors shall be members of the public who will be nominated by the Enova, in accordance with the Shareholder Agreement and its By-laws, for

Policy No: GOV-BOA-115

Policy Title: APPOINTMENTS - BOARD OF DIRECTORS - ENOVA POWER CORPORATION

Council's consideration during the annual appointments to Boards and Committees.

Each year at least one City appointed member of the Board of Directors will be replaced, preferably the longest sitting Director. Council will endeavour, if possible, not to replace more than one Director in a year. The Mayor, by virtue of the Shareholder's Agreement, is exempt from this clause.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-115 policy template re-formatted to new numbering system and given number GOV-BOA-115.

Formal Amendments

No amendment history to date.

	<h1>POLICY</h1>	<p>Policy No: GOV-BOA-115</p>
<p><u>Policy Title:</u> <u>APPOINTMENTS – BOARD OF DIRECTORS – KITCHENER POWER CORPORATION APPOINTMENTS - BOARD OF DIRECTORS - ENOVA POWER CORPORATION</u></p> <p><u>Policy Type:</u> COUNCIL</p> <p><u>Category:</u> Governance</p> <p><u>Sub-Category:</u> Board & Committee</p> <p><u>Author:</u> City Clerk, Director of Legislated Services</p> <p><u>Dept/Div:</u> Finance & Corporate Services Department / Legislated Services Division</p>	<p><u>Approval Date:</u> September 30, 2002</p> <p><u>Reviewed Date:</u> July 2016</p> <p><u>Next Review Date:</u> July 2021</p> <p><u>Amended:</u></p> <p><u>Replaces:</u> I-115, Appointments - Board of Directors - Kit Power Corp</p> <p><u>Repealed:</u></p> <p><u>Replaced by:</u></p>	
<p><u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.</p>		

1. POLICY PURPOSE:

~~———— To be included at next review.~~ Enova Energy Corporation is an energy company owned by the City of Kitchener, the City of Waterloo, the Township of Woolwich, the Township of Wilmot, and the Township of Wellesley.

Enova Power Corp. (Enova) is a regulated electricity distribution company and a wholly-owned subsidiary of Enova Energy Corporation, created by the merger of Kitchener-Wilmot Hydro and Waterloo North Hydro.

In accordance with the Shareholders Agreement, independent and non-independent Directors shall serve on the Enova Energy and Enova Power Corp. Board of Directors, respectively.

2. DEFINITIONS:

Policy No: GOV-BOA-115

Policy Title: ~~APPOINTMENTS – BOARD OF DIRECTORS – KITCHENER POWER CORPORATION~~
~~APPOINTMENTS - BOARD OF DIRECTORS - ENOVA POWER CORPORATION~~

“Board” means the Board of Directors of the Corporation;

“Corporation” means the Enova Energy Corporation

“Independent” means an individual who: (i) is not an employee of the Corporation or any Subsidiary; (ii) is not an employee of any Shareholder or any Affiliate of any Shareholder; (iii) is not an elected official of any Shareholder; (iv) is not a party to, or holds a material interest in a Person that is a party to, a material contract between any Shareholder and such individual, and (v) unless otherwise agreed by a Super Majority, is not a spouse, child or parent of any of the foregoing;

“Non-Independent” means any individual who is not Independent;

“Person” means an individual, firm, partnership, unincorporated association, corporation, municipal corporation, trust or other legal entity of any kind whatsoever;

“Shareholder” means any Person which is a registered holder of Shares;
~~To be included at next review.~~

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only: City Clerk	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

~~To be included at next review.~~

4. POLICY CONTENT:

Appointments to the Board of Directors of the Kitchener-Enova Power Corporation Corp. and Enova Energy Corporation shall be made in accordance the Shareholder’s Agreement dated ~~August 1, 2000~~September 1, 2022. The City of Kitchener’s appointments shall be made in accordance with this policy.

Policy No: GOV-BOA-115

Policy Title: ~~APPOINTMENTS – BOARD OF DIRECTORS – KITCHENER POWER CORPORATION~~
~~APPOINTMENTS - BOARD OF DIRECTORS - ENOVA POWER CORPORATION~~

- ~~The City of Kitchener shall appoint annually, five-two members to the Enova Power Corp. Board of Directors, one of which shall be the Mayor, and two one shall be a members of City Council.~~
- ~~The City of Kitchener shall appoint annually, three members to the Enova Energy Corporation Board of Directors, one of which shall be the Mayor, and Two two appointments shall be members of City Council.~~
- ~~Four independent Directors to the Enova Energy Corporation Board of Directors shall be members of the public who will be nominated by the Kitchener Power Corporation Enova, in accordance with the Shareholder Agreement and its By-laws, for Council's consideration during the annual appointments to Boards and Committees.~~

Each year at least one City appointed member of the Board of Directors will be replaced, preferably the longest sitting Director. Council will endeavour, if possible, not to replace more than one Director in a year. The Mayor, by virtue of the Shareholder's Agreement, is exempt from this clause.

Transition

~~To ensure a smooth transition and minimise changes on the Board of Directors; for the 2003 appointments, one Councillor shall be appointed as part of the five City appointments, replacing one of the current Directors. For the 2004 appointments, a second Councillor will be appointed as part of the five City appointments, replacing one of the current Directors who is not the Mayor or a Councillor.~~

5. 2. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-115 policy template re-formatted to new numbering system and given number GOV-BOA-115.

Formal Amendments

No amendment history to date.

Policy No: GOV-BOA-130

Policy Title: STANDING COMMITTEES

“Council” the governing body of the City;

“meeting” any regular, special, or other meeting of council, of a local board or of a committee of either of them, where:

- (a) A quorum of members is present, and
- (b) 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

“Procedure By-law” the City By-law which provides the Rules of Procedure for Council and its Committees.

“Standing Committee” such committees of Council designed by resolution of Council.

“Vice-Chair” means the individual appointed by a Committee to act as the Vice-Chair of the Committee at any given meeting and shall assume the authority and perform all the duties of the Chair in the absence of the Chair.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

4.1 The Standing Committees of Council shall be:

- a) Finance and Corporate Services Committee
- b) Community and Infrastructure Services Committee
- c) Planning and Strategic Initiatives Committee.

Policy No: GOV-BOA-130

Policy Title: STANDING COMMITTEES

- 4.2 Notwithstanding issues which are of an overriding financial, administrative or strategic nature, the individual City departments report to the Standing Committee corresponding to their functions, and the Chief Administrator's Office reports through the Finance and Corporate Services Committee.
- 4.3 The dates of Standing Committee meetings shall be set by resolution of Council, with the City Clerk having discretion to alter the times as advisable to ensure the most efficient overall meeting arrangements.
- 4.4 Committee Meetings
- a) Meeting agendas will be prepared by the Office of the City Clerk. The Clerk or designate in consultation with the Committee Chair, shall determine the items on the agenda which shall appear as consent items requiring one motion to adopt all without debate. The Clerk or designate will estimate the time required to complete each item and include the time in the agenda proper.
 - b) Each Department is responsible for meeting the agenda preparation deadlines established by the City Clerk advising the Clerk or designate well in advance, when a significant agenda item is coming forward to ensure meeting efficiency.
 - c) Any report containing financial considerations shall have the approval of the Chief Financial Officer or their designate prior to inclusion on the agenda.
 - d) No verbal reports will be allowed from staff unless absolutely necessary and if necessary, are to be limited in length as per the rules outlined in the City's Procedure By-law.
 - e) All members of Council should attempt, to the degree possible, to raise and address matters with staff in advance of and/or rather than bringing items directly to committee under New Business.
 - f) The Committee Chair is responsible for conducting the meeting and for ensuring that the business of the Committee is addressed within the allocated time frame.
 - g) Committee agendas shall be published by Legislated Services as per the rules outlined in the City's Procedure By-law. Late items not included on the agenda are only considered subject to Committee approval. It is the responsibility of the Department to inform the Committee Administrator and Chair at the earliest opportunity, of the item and providing sufficient copies for the meeting.

Policy No: GOV-BOA-130

Policy Title: STANDING COMMITTEES

h) Minutes of a Standing Committee meeting shall be taken by the Clerk or designate and completed minutes shall be published no later than the Friday preceding the next regular Council meeting. If the minutes cannot be published for the Friday delivery, they shall be available at the Council meeting.

4.5 Committee meetings shall be conducted in accordance with Chapter 25 (Council Procedures) of the Municipal Code.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06 - Policy I-130 template re-formatted to new numbering system and given number GOV-BOA-130.

Formal Amendments

2005-09-19 - As per Council directive

	<h1>POLICY</h1>	Policy No: GOV-BOA-130
<p><u>Policy Title:</u> STANDING COMMITTEES</p> <p><u>Policy Type:</u> COUNCIL</p> <p><u>Category:</u> Governance</p> <p><u>Sub-Category:</u> Board & Committee</p> <p><u>Author:</u> Author Unknown</p> <p><u>Dept/Div:</u> Finance & Corporate Services\Legislated Services\Council\Committee Services</p>	<u>Approval Date:</u> May 27, 2002	<u>Reviewed Date:</u> July 2016 <u>Next Review Date:</u> July 2021 <u>Reviewed Date:</u>
<p><u>Related Policies, Procedures and/or Guidelines:</u> <u>Municipal Act, 2001, S.O. 2001, c. 25. To be included at next review.</u></p>	<u>Last Amended:</u> September 19, 2005	<u>Replaces:</u> I-130 - Standing Committees
	<u>Repealed:</u> <u>Replaced by:</u>	

1. POLICY PURPOSE:

~~To be included at next review.~~ Standing Committees of Council facilitate the decision-making process of Council. Standing Committees work on behalf of Council to provide advice and make recommendations to Council. They are an important forum for policy debate and public input on issues within Council's area of responsibility. To capture the efficiency afforded by working in smaller groups, Council does not repeat the detailed discussion and analysis conducted by the Committee during Council sessions.

2. DEFINITIONS:

"City" the Corporation of the City of Kitchener.

~~To be included at next review.~~ "Chair" the individual appointed by a Committee to act as the chair of the Committee at any given meeting.

"Clerk" the person appointed by Council under Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25. d).

Policy No: GOV-BOA-130

Policy Title: STANDING COMMITTEES

“Council” the governing body of the City;

“meeting” any regular, special, or other meeting of council, of a local board or of a committee of either of them, where:

(a) A quorum of members is present, and

(b) 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

“Procedure By-law” the City By-law which provides the Rules of Procedure for Council and its Committees.

“Standing Committee” such committees of Council designed by resolution of Council.

“Vice-Chair” means the individual appointed by a Committee to act as the Vice-Chair of the Committee at any given meeting and shall assume the authority and perform all the duties of the Chair in the absence of the Chair.

3. **SCOPE:**

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

~~To be included at next review.~~

4. **POLICY CONTENT:**

4.1 The Standing Committees of Council shall be:

- a) Finance and Corporate Services Committee
- b) Community and Infrastructure Services Committee
- c) ~~Development and Technical Services~~ Planning and Strategic Initiatives Committee.

Policy No: GOV-BOA-130

Policy Title: STANDING COMMITTEES

- 4.2 Notwithstanding issues which are of an overriding financial, administrative or strategic nature, the individual City departments report to the Standing Committee corresponding to their ~~functions~~department name, and the Chief Administrator's Office reports through the Finance and Corporate Services Committee.
- 4.3 The dates of Standing Committee meetings shall be set by resolution of Council, with the City Clerk having discretion to alter the times as advisable to ensure the most efficient overall meeting arrangements.
- 4.4 Committee Meetings
- a) Meeting agendas will be prepared by the Office of the City Clerk. The ~~Committee Administrator~~Clerk or designate in consultation with the ~~committee~~Committee Chair, shall determine the items on the agenda which shall appear as consent items requiring one motion to adopt all without debate. The ~~Committee Administrator~~Clerk or designate will estimate the time required to complete each item and include the time in the agenda proper.
 - b) Each Department is responsible for meeting the agenda preparation deadlines established by the City Clerk advising the ~~Committee Administrator~~Clerk or designate well in advance, when a ~~major significant~~ agenda item is coming forward to ensure meeting efficiency. ~~Departments that cannot meet the deadlines will be responsible for supplying the required number of copies of the report to the Office of the City Clerk for delivery. The Department is responsible for delivery to the Corporate Management Team no later than the Friday preceding the Committee meeting.~~
 - c) Any report containing financial considerations shall have the approval of the ~~General Manager of Financial Services~~Chief Financial Officer or his ~~her~~their designate prior to inclusion on the agenda.
 - d) No verbal reports will be allowed from staff unless absolutely necessary and if necessary, ~~are to be limited to 5 minutes in length.~~ are to be limited in length as per the rules outlined in the City's Procedure By-law.
 - e) All members of Council should attempt, to the degree possible, to ~~rectify raise and address problems at the~~matters with staff ~~level in advance of~~ and/or rather than bringing items directly to committee under ~~new~~New businessBusiness.

Policy No: GOV-BOA-130

Policy Title: STANDING COMMITTEES

- f) The Committee Chair is responsible for conducting the meeting and for ensuring that the business of the Committee is addressed within the allocated time frame.
- g) Committee agendas shall be ~~delivered~~ published by ~~the Office of the City Clerk~~ Legislated Services as per the rules outlined in the City's Procedure By-law, no later than the Friday preceding the Committee meeting. Late items not included on the agenda are only considered subject to Committee approval. It is the responsibility of the Department to inform the Committee Administrator and Chair at the earliest opportunity, of the item and providing sufficient copies for the meeting.
- h) Minutes of a Standing Committee meeting shall be taken by the Committee Administrator Clerk or designate and completed minutes ~~will~~ shall be ~~delivered~~ published ~~to members of the Committee~~ no later than the Friday preceding the next regular Council meeting. If the minutes cannot be ~~readied~~ published for the Friday delivery, they shall be available at the Council meeting.

~~4.5~~ 4.5 ~~The~~ Committee meetings shall be conducted in accordance with Chapter 25 (Council Procedures) of the Municipal Code.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06 - Policy I-130 template re-formatted to new numbering system and given number GOV-BOA-130.

Formal Amendments

2005-09-19 - As per Council directive

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-COR-015
<u>Policy Title:</u> CORPORATE ACCOUNTABILITY & TRANSPARENCY <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Corporate <u>Author:</u> Director, Legislated Services and City Clerk <u>Dept/Div:</u> Finance & Corporate Services Department, Legislated Services	<u>Approval Date:</u> December 10, 2007 <u>Reviewed Date:</u> June 2016 <u>Next Review Date:</u> June 2021 <u>Reviewed Date:</u> <u>Last Amended:</u> March 3, 2014 <u>Replaces:</u> I-015, Corporate Accountability & Transparency	
<u>Related Policies, Procedures and/or Guidelines:</u> <u>Municipal Act, 2001, S.O. 2001, c. 25.</u>		

1. POLICY PURPOSE:

The City of Kitchener (“the City”) is committed to the fundamental principles of accountability and transparency as they are key values within the City’s Open Government Framework. The City has adopted the following as its Vision for Open Government: *“To provide a City government that is transparent and accountable to its residents, with opportunities for meaningful, accessible public participation, made possible through innovation, technology and collaboration.”*

The City of Kitchener is committed to creating a culture where Council, staff and residents of Kitchener are aware of and understand the principles of accountability and transparency, and their roles in upholding these essential standards of good government that enhance public trust.

In support of the open government principles of accountability and transparency, this Policy outlines the City’s commitments which will ensure:

- The City is open by default, subject to financial, legal, legislative and privacy constraints;
- Council decision-making is open and transparent;
- The City is accountable for the provision and performance of its services.

Policy No: GOV-COR-015

Policy Title: CORPORATE ACCOUNTABILITY & TRANSPARENCY

2. DEFINITIONS:

Accountability: the City has established rules and guidelines that ensure the City is able to explain its actions to the public.

Transparency: City information is accurate, timely, available and decisions are open for public review and discussion.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input checked="" type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

a) LEGISLATIVE AUTHORITY

Section 270 of the *Municipal Act 2001* (The “Act”) requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will ensure it is accountable to the public for its actions, and the manner in which its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of municipal activities and services in an accountable and transparent manner in accordance with the Municipal Act.

b) APPLICATION

This Policy applies to all City employees and members of City Council.

c) POLICY COMPONENTS

In order to ensure the principles of Accountability and Transparency are practiced and adhered to as a matter of good governance, the following represent overarching guidance for the provision of City activities, services and programs in support of the principles.

Policy No: GOV-COR-015

Policy Title: CORPORATE ACCOUNTABILITY & TRANSPARENCY

Accountability Components:

The roles and responsibilities of the City must be clearly defined. In the context of other levels of government, it should be clearly explained as to which government is responsible for what services. Within the City, the roles of Council and staff, and the responsibility for services provided, need to be easily understood. The roles and responsibilities of stakeholders – including individuals, customers and businesses - that utilize the services of the City must also be clearly defined in order to ensure the service is provided in a fair, equitable and timely manner and that the anticipated outcomes are achieved.

Actions will be consistent with clearly understood expectations. Services offered by the City should be clearly explained and outlined to include what is expected from the customer and what the customer can expect from the City. In setting expectations and reaching agreement, expectations may be implied or explicit. In many cases there will be a reasonable expectation based on common sense or normal practices and in other cases the outcome or expectation will need to be specifically given and acknowledged. Wherever possible the anticipated outcome of any service provided by the City will be given to provide clarity on what the individual, customer or business can expect.

There must be a reasonable balance between expectations and capacities. Customer and resident expectations may change from time to time, and all expectations must be balanced against the City's authority, available skills and resources required to achieve the expected outcome.

There must be clear and timely reporting on actions. Reporting must be credible, the information useful, accurate, timely and accessible. Reporting on actions taken or not taken shall be clear and easy to understand.

There must be reasonable review and adjustment. Accountable reporting will highlight areas where expectations have been met, as well as those which have not. Achievements should be recognized, and where expectations have not been met, adjustment and corrective actions may need to be made.

Transparency Components:

City information must be fully accessible within legal limitations. Providing information that individuals or others require in order to comment on the City's services and activities, allows for the influencing of City activities and decisions and initiating change. This results in trust, enabling the City to

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Policy Title: CORPORATE ACCOUNTABILITY & TRANSPARENCY

manage its services and activities more effectively and efficiently. Information provided by the City must be accessible, understandable, and provided in the appropriate format. In providing information or data, the City must balance this obligation with other legal and regulatory obligations. The City will continue to comply with legislation that protects certain information. Whenever meaningful information is withheld, an explanation will be given as to why.

All information should be provided in clear, simple language. City information that is provided publicly should be provided in clear, plain language. Whenever there is a requirement to provide information in a certain way in order to satisfy legal or regulatory obligations, a plain language description will also be provided.

Information deemed to be in the public interest is to be updated regularly, consistently and as much as possible, proactively. Processes will be established to ensure information is updated and remains relevant following initial provision of the information. The City is committed to evolving the culture of the organization toward being 'open by default', where meaningful information is provided to the public proactively and not based on reaction to requests.

d) POLICY COMMITMENTS

The City has in place a number of activities and actions supporting Accountability and Transparency. The following is a summary of the key methods through which the principles are practiced and adhered to. The City strives to meet these commitments and it must be understood that City resources – human, financial and technical – have limitations based on operating and capital budgets, which are developed with public consultation.

Council Meetings

The City provides the public with information on the role and responsibilities of the Mayor and city Councillors. The time and dates of meetings, agendas and reports under consideration are made available to the public in advance of public deliberations. All staff reports to Council or Committees of Council are written using a standard report template in clear non-technical language where possible, providing the reader with full information on the topic. A digital repository is used to maintain up-to-date records of Council by-laws, reports and minutes and is openly accessible to the general public. All meetings of Council and Committees of Council are open to the public, with exceptions as permitted by the Municipal Act, and members of the public are

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invited to be delegations to Council to ask questions or discuss specific issues. Agendas for closed meetings of Council provide as much information as possible without revealing confidential information.

Budgets and Financial Information

The City publishes the annual budget written in plain language. Budget deliberations are held in public Council/Committee sessions, and members of the public are encouraged to provide input and comments. Budget variance reports are published at least three times a year with explanations provided for significant deviations. Proposed and actual expenditures of development charges are reported annually. Audited financial statements accompanied by plain language explanations are published annually.

Public Services

The City proactively provides information to the public on the services that are provided, the processes for accessing public services including fees and timelines, and contact information for key personnel, making the information easily accessible and using plain language. The City has expanded its internet and social media presence including online services. Feedback and complaint mechanisms are in place using a range of channels. The City's internal audit function has a broad mandate to review the efficiency and effectiveness of City operations under Council's direction.

Procurement

The City has a comprehensive, clear and understandable framework for the open and transparent procurement of goods and services. Opportunities are openly advertised and bids are opened publicly. Selection criteria are clear, awards are fully disclosed, and mechanisms are in place to dispute a contract award. Standardized documents and e-procurement technology are used to provide simple, secure and efficient processes and provide accurate and timely disclosure of information for potential contractors and the general public. The City has in place by-laws and procedures guiding the authority of staff to enter into contractual agreements within defined limits. By-laws and procedures also provide guidance for City land acquisition and sale.

Conflict of Interest

The City applies clear rules and guidelines for the disclosure and management of conflicts of interest to ensure decisions are not improperly affected by self-interest. Direction is provided for offers of gifts and hospitality to prevent special interests from attempting to offer staff or members of Council items or services of value in return for favours. A code of conduct has been established for members of Council. Employment of relatives of staff and members of Council is limited through policy. The Integrity Commissioner role has been established to review potential conflicts of interest.

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Records Management and Access to Information

The City maintains sound records management practices, ensuring that accurate and reliable records are created and remain accessible, usable and authentic for as long as they are needed. A wide range of information and records are proactively made available to the public online, and routinely available information that is not available online can be requested directly from the service area or division responsible for the information. Records or information that is not routinely disclosed can be requested by making a Freedom of Information Request and the City will make every attempt to provide appropriate access to records while respecting the need for privacy, in accordance with legislation.

Open Data

In support of transparency, the City is making its data “open by default”. The prioritization for publishing open data is complemented by community engagement with individuals, businesses and other public sector organizations. The City strives to make this data machine and human readable, and releases public information that helps reveal and inform decision-making as open datasets. The City has created specific requirements, which are evolving, for ongoing updates of open data, and aims to release its data in a timely manner, dependent on the nature of the data. Open data is seen as a collaborative community undertaking to meet the needs of the community, and to monitor changes within the open government data community.

Engagement

The City has adopted a commitment to effectively involving the community in public decision-making processes. A community engagement framework has been established and training is provided for city staff, to provide direction and guidance on the development and implementation of community engagement processes. As standard practice, staff reports to Council are required to indicate the way in which members of the community will be or have been involved in the issue at hand, if applicable. The City has a current policy regarding public notice requirements. Community members can also get involved through various committees, tribunals and boards. Committees provide advice and feedback to City Council and standing committees on a variety of issues or topics, including arts and culture, accessibility, downtown, the environment and the City’s strategic plan; whereas tribunals and boards have the autonomy to make decisions.

e) ROLES AND RESPONSIBILITIES

The City Clerk holds an oversight role for this Policy and is the first point of contact regarding the Policy. Staff and Council have responsibility for various

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Policy Title: CORPORATE ACCOUNTABILITY & TRANSPARENCY

actions and activities related to the Policy and in support of the open government principles of accountability and transparency.

f) APPOINTMENTS

Under part VI of the Municipal Act, the City is authorized to appoint the following: Integrity Commissioner, Lobbyist registry, Ombudsman, and Auditor General. New appointments are reviewed as deemed required by staff or Council. Continuations or renewals of existing appointments are reviewed before the expiration of the current contact term(s).

g) REVIEW AND REPORTING

This Policy will be reviewed once during each term of Council for relevance, currency and accuracy including the review of activities and commitments in place to support accountability and transparency. The Policy is intended to provide general and relevant direction, on which to build supporting actions.

Initiatives that further accountability and transparency will be reported through public meetings in accordance with the City's Open Government Framework.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06 - I-015 policy template re-formatted to new numbering system and given number GOV-COR-015.

Formal Amendments

2008-10-06 - As per Council/CLT directive.

2014-03-03 - As per Council/CLT directive.

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-COR-015
<u>Policy Title:</u> CORPORATE ACCOUNTABILITY & TRANSPARENCY <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Corporate <u>Author:</u> Director, Legislated Services and City Clerk <u>Dept/Div:</u> Finance & Corporate Services Department, Legislated Services	<u>Approval Date:</u> December 10, 2007 <u>Reviewed Date:</u> June 2016 <u>Next Review Date:</u> June 2021 <u>Reviewed Date:</u> <u>Last Amended:</u> March 3, 2014 <u>Replaces:</u> I-015, Corporate Accountability & Transparency	
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review. Municipal Act, 2001, S.O. 2001, c. 25.		

1. POLICY PURPOSE:

The City of Kitchener ('the City') is committed to the fundamental principles of accountability and transparency as they are key values within the City's Open Government Framework. The City has adopted the following as its Vision for Open Government: *"To provide a City government that is transparent and accountable to its [citizens/residents](#), with opportunities for meaningful, accessible public participation, made possible through innovation, technology and collaboration."*

The City of Kitchener is committed to creating a culture where Council, staff and [citizens-residents](#) of Kitchener are aware of and understand the principles of accountability and transparency, and their roles in upholding these essential standards of good government that enhance public trust.

In support of the open government principles of accountability and transparency, this Policy outlines the City's commitments which will ensure:

- The City is open by default, subject to financial, legal, legislative and privacy constraints;
- Council decision-making is open and transparent;
- The City is accountable for the provision and performance of its services.

Policy No: GOV-COR-015

Policy Title: CORPORATE ACCOUNTABILITY & TRANSPARENCY

2. DEFINITIONS:

Accountability: the City has established rules and guidelines that ensure the City is able to explain its actions to the public.

Transparency: City information is accurate, timely, ~~and freely~~ available and decisions are open for public review and discussion.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input checked="" type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

~~To be included at next review.~~

4. POLICY CONTENT:

a) LEGISLATIVE AUTHORITY

Section 270 of the *Municipal Act 2001* (The “Act”) requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will ensure it is accountable to the public for its actions, and the manner in which its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of municipal activities and services in an accountable and transparent manner in accordance with the Municipal Act.

b) APPLICATION

This Policy applies to all City employees and members of City Council.

c) POLICY COMPONENTS

In order to ensure the principles of Accountability and Transparency are practiced and adhered to as a matter of good governance, the following

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Policy Title: CORPORATE ACCOUNTABILITY & TRANSPARENCY

represent overarching guidance for the provision of City activities, services and programs in support of the principles.

Accountability Components:

The roles and responsibilities of the City must be clearly defined. In the context of other levels of government, it should be clearly explained as to which government is responsible for what services. Within the City, the roles of Council and staff, and the responsibility for services provided, need to be easily understood. The roles and responsibilities of stakeholders – including [citizens/individuals](#), customers and businesses - that utilize the services of the City must also be clearly defined in order to ensure the service is provided in a fair, equitable and timely manner and that the anticipated outcomes are achieved.

Actions will be consistent with clearly understood expectations. Services offered by the City should be clearly explained and outlined to include what is expected from the customer and what the customer can expect from the City. In setting expectations and reaching agreement, expectations may be implied or explicit. In many cases there will be a reasonable expectation based on common sense or normal practices and in other cases the outcome or expectation will need to be specifically given and acknowledged. Wherever possible the anticipated outcome of any service provided by the City will be given to provide clarity on what the [citizen/individual](#), customer or business can expect.

There must be a reasonable balance between expectations and capacities. Customer and [citizen-resident](#) expectations may change from time to time, and all expectations must be balanced against the City's authority, available skills and resources required to achieve the expected outcome.

There must be clear and timely reporting on actions. Reporting must be credible, the information useful, accurate, timely and accessible. Reporting on actions taken or not taken shall be clear and easy to understand.

There must be reasonable review and adjustment. Accountable reporting will highlight areas where expectations have been met, as well as those which have not. Achievements should be recognized, and where expectations have not been met, adjustment and corrective actions may need to be made.

Transparency Components:

Policy No: GOV-COR-015

Policy Title: CORPORATE ACCOUNTABILITY & TRANSPARENCY

City information must be fully accessible within legal limitations.

Providing information that ~~citizens~~individuals or others require in order to comment on the City's services and activities, allows for the influencing of City activities and decisions and initiating change. This results in trust, enabling the City to manage its services and activities more effectively and efficiently. Information provided by the City must be accessible, understandable, and provided in the appropriate format. In providing information or data, the City must balance this obligation with other legal and regulatory obligations. The City will continue to comply with legislation that protects certain information. Whenever meaningful information is withheld, an explanation will be given as to why.

All information should be provided in clear, simple language.

City information that is provided publicly should be provided in clear, plain language. Whenever there is a requirement to provide information in a certain way in order to satisfy legal or regulatory obligations, a plain language description will also be provided.

Information deemed to be in the public interest is to be updated regularly, consistently and as much as possible, proactively.

Processes will be established to ensure information is updated and remains relevant following initial provision of the information. The City is committed to evolving the culture of the organization toward being 'open by default', where meaningful information is provided to the public proactively and not based on reaction to requests.

d) POLICY COMMITMENTS

The City has ~~put and/or is putting~~ in place a number of activities and actions supporting Accountability and Transparency. ~~The f~~Following is a summary of the key methods through which the principles are practiced and adhered to. The City strives to meet these commitments and it must be understood that City resources – human, financial and technical – have limitations based on operating and capital budgets, which are developed with public consultation.

Council Meetings

The City provides the public with information on the role and responsibilities of the Mayor and city Councillors. The time and dates of meetings, agendas and reports under consideration are made available to the public in advance of public deliberations. All staff reports to Council or Committees of Council are written using a standard report template in clear non-technical language where possible, providing the reader with full information on the topic. A

Policy No: GOV-COR-015

Policy Title: CORPORATE ACCOUNTABILITY & TRANSPARENCY

digital repository is used to maintain up-to-date records of Council by-laws, reports and minutes and is openly accessible to the general public. All meetings of Council and Committees of Council are open to the public, with exceptions as permitted by the Municipal Act, and members of the public are invited to be delegations to Council to ask questions or discuss specific issues. Agendas for closed meetings of Council provide as much information as possible without revealing confidential information.

Budgets and ~~Business Plans~~ Financial Information

The City publishes the annual ~~proposed budget and business plan~~ written in plain language ~~in both print and digital formats, which is replaced by the annual approved budget once it has been ratified by Council.~~ Budget deliberations are held in public Council/Committee sessions ~~in Council~~, and members of the public are encouraged to provide input and comments. Budget variance reports are published at least three times a year with ~~financial indicators and business plan status updates are published throughout the year with~~ explanations provided for significant deviations. Proposed and actual expenditures of development charges are reported regularly annually. Audited financial statements accompanied by plain language explanations are published annually.

Public Services

The City proactively provides information to the public on the services that are provided, the processes for accessing public services including fees and timelines, and contact information for key personnel, making the information easily accessible and using plain language. The City has expanded its internet and social media presence including online services. Feedback and complaint mechanisms are in place using a range of channels. The City's internal audit function has a broad mandate to review the efficiency and effectiveness of City operations under Council's direction.

Procurement

The City has a comprehensive, clear and understandable framework for the open and transparent procurement of goods and services. Opportunities are openly advertised and bids are opened publicly. Selection criteria are clear, awards are fully disclosed, and mechanisms are in place to dispute a contract award. Standardized documents and e-procurement technology are used to provide simple, secure and efficient processes and provide accurate and timely disclosure of information for potential contractors and the general public. The City has in place by-laws and procedures guiding the authority of staff to enter into contractual agreements within defined limits. By-laws and procedures also provide guidance for City land acquisition and sale.

Conflict of Interest

Policy No: GOV-COR-015

Policy Title: CORPORATE ACCOUNTABILITY & TRANSPARENCY

The City applies clear rules and guidelines for the disclosure and management of conflicts of interest to ensure decisions are not improperly affected by self-interest. Direction is provided for offers of gifts and hospitality to prevent special interests from attempting to offer staff or members of Council items or services of value in return for favours. A code of conduct has been established for members of Council. Employment of relatives of staff and members of Council is limited through policy. The Integrity Commissioner role has been established to review potential conflicts of interest.

Records Management and Access to Information

The City maintains sound records management practices, ensuring that accurate and reliable records are created and remain accessible, usable and authentic for as long as they are needed. A wide range of information and records are proactively made available to the public online, and routinely available information that is not available online can be requested directly from the service area or division responsible for the information. Records or information that is not routinely disclosed can be requested—by making a Freedom of Information Request and the City will make every attempt to provide appropriate access to records while respecting the need for privacy, in accordance with legislation.

Open Data

In support of transparency, the City is making its data “open by default”. The prioritization for publishing open data is complemented by community engagement with [citizensindividuals](#), businesses and other public sector organizations. The City strives to make this data machine and human readable, and releases public information that helps reveal and inform decision-making as open datasets. The City has created specific requirements, which are evolving, for ongoing updates of open data, and aims to release its data in a timely manner, dependent on the nature of the data. Open data is seen as a collaborative community undertaking to meet the needs of the community, and to monitor changes within the open government data community.

Citizen Engagement

The City has adopted a commitment to effectively involving the community in public decision-making processes. A community engagement framework has been established and training is provided for city staff, to provide direction and guidance on the development and implementation of community engagement processes. As standard practice, staff reports to Council are required to indicate the way in which members of the community will be or have been involved in the issue at hand, if applicable. The City has a current policy regarding public notice requirements. ~~Citizens and~~ community members can also get involved through various ~~citizen~~ committees, tribunals

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and boards. ~~Citizen-c~~Committees provide advice and feedback to City Council and standing committees on a variety of issues or topics, including arts and culture, accessibility, downtown, the environment and the City's strategic plan; whereas tribunals and boards have the autonomy to make decisions ~~for the good of their organizations.~~

e) ROLES AND RESPONSIBILITIES

The City Clerk holds an oversight role for this Policy and is the first point of contact regarding the Policy. Staff and Council have responsibility for various actions and activities related to the ~~policy~~ Policy and in support of the open government principles of accountability and transparency.

f) APPOINTMENTS

Under part VI of the Municipal Act, the City is authorized to appoint the following: Integrity Commissioner, Lobbyist registry, Ombudsman, and Auditor General. New appointments are reviewed as deemed required by staff or Council. Continuations or renewals of existing appointments are reviewed before the expiration of the current contact term(s).

g) REVIEW AND REPORTING

This Policy will be reviewed once during each term of Council for relevance, currency and accuracy including the review of activities and commitments in place to support accountability and transparency. The Policy is intended to provide general and relevant direction, on which to build supporting actions.

~~Initiatives that further Progress toward becoming more~~ accountability ~~and transparent~~ transparency will be reported through ~~public meetings reporting on actions in the upcoming 4-year action plan, supporting in accordance with~~ the City's Open Government Framework.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06 - I-015 policy template re-formatted to new numbering system and given number GOV-COR-015.

Formal Amendments

2008-10-06 - As per Council/CLT directive.

2014-03-03 - As per Council/CLT directive.

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-COU-005
<u>Policy Title:</u> CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS & ADVISORY COMMITTEES <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Board & Committee <u>Author:</u> City Clerk <u>Dept/Div:</u> Finance & Corporate Services Department, Legislated Services	<u>Approval Date:</u> October 6, 2008	
	<u>Reviewed Date:</u> June 2021 <u>Next Review Date:</u> June 2026	
	<u>Last Amended:</u> August 21, 2021	
	<u>Replaces:</u> I-005, Code of Conduct for Members of Council, Local Boards and Advisory Committees	
	<u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. POLICY PURPOSE:

A written Code of Conduct reinforces the City of Kitchener’s Accountability and Transparency Policy and other relevant legislation within which all members of Council, local boards and advisory committees must operate. It ensures that those members share a common integrity base and through adherence to its principles, the Code of Conduct serves to enhance public trust.

The key principles that underline the Code of Conduct are as follows:

- all members to whom this Code of Conduct applies shall serve in a conscientious and diligent manner;
- members shall be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;

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- members are responsible for making honest statements and no member shall make a statement when they know that statement is false, or with the intent to mislead other members or the public;
- members are responsible for conducting their duties and responsibilities in a manner that is consistent with the City of Kitchener’s commitment to equity, inclusion and anti-racism, whereby racism and oppression are not permissible at either an individual or systemic level, in accordance with policy GOV-COR-2025 (Equity, Inclusion and Anti-Racism); and;
- members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Kitchener City Council.

2. **DEFINITIONS:**

“Anti-Racism” – shall mean understanding and dismantling racism. It is a change and transformation focused practice and requires action. It’s not anti-racism if a conversation isn’t followed by concrete actions and accountability.

“Code of Conduct” - shall mean the City of Kitchener Code of Conduct for Members of Council, Local Boards and Advisory Committees.

“Complaint” - shall mean a purported contravention of the Code of Conduct.

“Equity” – shall mean the conditions for fair and equal access and opportunity for everyone, by addressing discriminations, exclusions and barriers experienced by distinct groups. Equity is not the same as equality, nor is it the same as inequality.

“Frivolous” - shall mean of little or no weight, worth, or importance; not worthy of serious notice.

“Good faith” - shall mean accordance with standards of honesty, trust, sincerity.

“Inclusion” – shall mean the achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully to the organization’s success.

“Integrity Commissioner” - shall mean the Integrity Commissioner appointed by the Council of the City of Kitchener to provide independent and consistent complaint investigation and resolution, respecting the application of the Code of Conduct.

“Immediate relative” - shall mean a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law as well as step-relationships;

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spouse shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage.

“Lobby” - shall mean to communicate with a member outside of a public process about matters of interest or benefit to the lobbyist and their client / business / organization. Communication may be about a by-law or resolution on any matter that requires a decision by City Council, a local board or delegated decision maker. This includes matters regarding policies or programs, the purchase of goods and services and the awarding of contracts, applications for a service, grant, planning approval or other licence.

“Lobbyist” - shall mean a person who communicates for payment with public office holders, a person who lobbies on a volunteer basis for a business or a not-for-profit professional, business, industry, trade or labour organization or a consultant or voluntary lobbyist who arranges meetings between a member and any other person for the purpose of lobbying.

“Local board” - for the purposes of the Code of Conduct a local board shall mean one of the following boards / quasi-judicial committees established by Kitchener City Council:

- Belmont Village Business Improvement Area
- Kitchener Downtown Business Association (KDBA)
- Animal / Dog Designation Appeal Committee
- Committee of Adjustment
- Property Standards Appeal Committee

“Oppression” – shall mean the social act of placing restrictions on an individual or group by those in positions of power. The oppressed individual or group is devalued, exploited and/or deprived of rights and privileges by the individual or group who has more power.

“Private advantage” - for the purposes of the Code of Conduct private advantage does not include a matter:

- a) that is of general application or considered to be an interest in common generally with the electors within the jurisdiction of an area; or,
- b) that concerns the remuneration or benefits of a member of Council.

“Racism” – shall mean the marginalization and/or oppression of Black, Indigenous and other racialized people based on a socially constructed racial hierarchy that privileges white people. Racism can be openly displayed in racial jokes and slurs or hate crimes, but it can be more deeply rooted in attitudes, values

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and stereotypical beliefs. Racism operates at individual, systemic and societal levels.

“**Vexatious**” - shall mean instituted without sufficient grounds and serving only to cause annoyance to the defendant; troublesome; annoying: a vexatious situation.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

ROLES AND RESPONSIBILITIES

This Code of Conduct operates along with and as a supplement to the existing statutes governing conduct. Five pieces of Federal and Provincial legislation govern the conduct of members of Council, those being:

- the *Criminal Code of Canada*;
- the *Municipal Conflict of Interest Act*, as amended;
- the *Municipal Elections Act, 1996*, as amended;
- the *Municipal Freedom of Information and Protection of Privacy Act*; and,
- the *Municipal Act, 2001*, as amended.

Part VI (Practices & Procedures) of the *Municipal Act, 2001* prescribes the following as the roles of a municipal council, the head of council and the head of council as chief executive officer:

It is the role of council:

- to represent the public and to consider the well-being and interests of the municipality;
- to develop and evaluate the policies and programs of the municipality;
- to determine which services the municipality provides;

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- to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- to maintain the financial integrity of the municipality; and,
- to carry out the duties of council under this or any other Act.

It is the role of the head of council:

- to act as chief executive officer of the municipality;
- to preside over council meetings so that its business can be carried out efficiently and effectively;
- to provide leadership to the council;
- to provide information and recommendations to the council with respect to the role of council described in Sections 224.(d) and (d.1) of the *Municipal Act, 2001*;
- to represent the municipality at official functions; and,
- to carry out the duties of the head of council under this or any other Act.

As chief executive officer of a municipality, the head of council shall,

- uphold and promote the purposes of the municipality;
- promote public involvement in the municipality's activities;
- act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and,
- participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

APPLICATION

Part 2 of the Code of Conduct shall apply to all members of Council and local boards. In recognizing that advisory committees are comprised largely of volunteers from across the City of Kitchener who have been appointed by Council to provide special advice and expertise; some of the provisions outlined in Part 2 may not be applicable to those members. Accordingly, the conduct of advisory committee members shall be governed by the provisions of the Advisory Committee Members' Code of Conduct, attached hereto as Appendix 'A'.

BUSINESS RELATIONS

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No member shall act as a lobbyist before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*. A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

This does not prohibit activities in which a member would normally engage on behalf of constituents in accordance with the duties of their office.

CONDUCT AT MEETINGS

At all meetings members shall conduct themselves with decorum in accordance with the provisions of *Kitchener Municipal Code Chapter 25 (Procedure)* and in a manner that is consistent with the City's commitment to equity, inclusion and anti-racism, in accordance with policy GOV-COR-2025 (Equity, Inclusion and Anti-Racism) Respect for delegations, fellow members and staff requires that all members show courtesy and not distract from the business of the City during presentations and when other members have the floor.

CONDUCT OF A POLITICAL NATURE

No member shall use City facilities, services, or property for their election or re-election campaign. No member shall use the services of City employees for their election or re-election campaign, during hours in which the employees are in the paid employment of the City. *Council Policy ADM-ELE-226 (Elections - Use of Corporate Resources for Political Campaign Purposes)* applies.

MANDATORY AND ONGOING EQUITY & ANTI-RACISM TRAINING

Members of City Council and volunteer members of local boards are expected to complete all mandatory equity and anti-racism training required as per their position as outlined in the corporate-wide Equity and Anti-Racism Training Strategy. Members of Council are required to complete all mandatory training within one Council term (4 years). Once all mandatory training is complete, Council members are expected to take part in ongoing training opportunities throughout subsequent Council terms, as provided by the City. Volunteer members of local boards are required to complete all mandatory training within one appointment term (2 years); once all mandatory training is complete, board members are expected to take part in ongoing training opportunities throughout subsequent appointment terms as provided through the City.

CONDUCT RESPECTING STAFF

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Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members. Members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City of Kitchener.

Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with the decisions adopted by Council. This means that under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. To fulfill this role, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. Council therefore should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

CONDUCT WHILE REPRESENTING THE CITY

Members shall make every effort to participate diligently in the activities of the agencies, boards, committees and commissions to which they are appointed.

CONFIDENTIAL INFORMATION

Pursuant to *Kitchener Municipal Code Chapter 25 (Procedure)* and authorized under Section 239 of the *Municipal Act, 2001*, where a matter discussed at an in-camera (closed) meeting remains confidential, no member shall disclose the content of that matter, or the substance of the deliberations of an in-camera meeting. Members shall not permit any persons, other than those who are entitled thereto, to have access to confidential information. Members shall not disclose or release by any means to any member of the public either in verbal or written form

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any confidential information acquired by virtue of their office, except when required to do so by law.

Particular care should be exercised in ensuring the confidentiality of the following types of information:

- the security of the property of the municipality or local board;
- personnel matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- items under negotiation, or personnel matters;
- information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or Request For Proposal submissions if so specified;
- information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*;
- statistical data required by law not to be released (e.g. certain census or assessment data);
- information supplied in confidence to the municipality by another level of government;
- third-party information supplied in confidence to the municipality (e.g., a trade secret or scientific, technical, commercial, financial or labour relations information);
- information (e.g., a trade secret or scientific, technical, commercial, or financial information) that belongs to the municipality and has monetary value;
- a position, plan, procedure, criteria or instruction to be applied to negotiations; and,
- any and all statements that have been provided in confidence or in-camera.

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The above list is provided as an example and is not exclusive. Requests for information will be referred to appropriate staff to be addressed as either an informal request for access to municipal records, or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

DISCREDITABLE CONDUCT

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, disability, sexual orientation, marital status, or family status and any other grounds identified under the *Ontario Human Rights Code*.

All members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from racism, discrimination and harassment. The *Ontario Human Rights Code* applies, as does HUM-WOR-120 (*Employment - Human Rights*).

EMPLOYMENT OF COUNCIL RELATIVES

Immediate relatives of elected officials shall not be employed by the City; and to this, the provisions of HUM-HR-110 (*Employment of Relatives of Staff Members and Elected Officials*) applies.

FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES

A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by Kitchener City Council. More generally, members are required to observe the terms of all policies and procedures established by Council. However, this provision does not prevent a member from requesting that Council grant an exemption from a policy, other than this Code of Conduct.

GIFTS AND BENEFITS

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of their duties of office, unless permitted by the exceptions listed below. Notwithstanding the exceptions listed, no member shall accept monies or any instrument that can be converted into monies unless authorized by law. For these purposes, a fee or advance paid to, or a gift or benefit provided by a third party with the member's knowledge to a member's spouse, child (who is under the age of 18 years), is deemed to be a gift to that member.

The following are recognized as exceptions:

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- a) compensation authorized by by-law;
- b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution otherwise reported by law;
- d) services provided without compensation by persons volunteering their time;
- e) a suitable memento of a function honouring the member;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them; and, by the Federal government or the government of a foreign country;
- g) food, beverages and / or admission fees provided for banquets, receptions or similar events, if:
 - i. attendance is resultant to protocol or social obligations that accompanies the responsibility of office; and,
 - ii. the person extending the invitation or a representative of the organization is in attendance;
- h) communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories **(b) (e) (f) (g)** and **(h)**, if the value of the gift or benefit exceeds \$100, or if the total value received from any one source over any 12 month period exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Office of the City Clerk.

The disclosure statement must indicate:

- 1. The nature of the gift or benefit;
- 2. Its source and date of receipt;
- 3. The circumstances under which it was given or received;
- 4. Its estimated value;
- 5. What the recipient intends to do with the gift; and,
- 6. Whether any gift will at any point be left with the City.

All disclosure statements shall be a matter of public record.

IMPROPER USE OF INFLUENCE

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No member shall use the influence of their office for any purpose other than for the exercise of their official duties. No member shall seek or obtain by reason of their office any personal privilege or private advantage with respect to City services not otherwise available to the general public and not consequent to their official duties.

Examples of prohibited conduct are the use of one's status to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relative, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence in return for present actions or inaction.

USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES

No member shall use for personal purposes any City property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised. No member shall use information gained in the execution of their duties that is not available to the general public for any purposes other than their official duties. No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Kitchener.

No member shall use City property, services or other city-funded / city-sponsored / city-supported resources (e.g., Councillor columns, social media accounts) for the purposes of election campaigning, as outlined in *Council Policy ADM-ELE-226 (Elections - Use of City Facilities for Political Campaign Purposes)*. This does not include the use of personal social media/networking accounts registered publicly in the member's name.

COMPLAINT PROTOCOL

The complaint protocol shall not retroactively apply to any alleged transgressions occurring prior to the date on which the Code of Conduct was formally adopted by Council.

In accordance with Section 223.4.1 (3) of the *Municipal Act, 2001* no application for an inquiry under this section shall be made to the Commissioner during the period of time starting on nomination day for a regular election, as set out in section

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31 of the *Municipal Elections Act, 1996* (the MEA) and ending on voting day in a regular election, as set out in section 5 of the MEA.

In accordance with Section 223.4.1 (4) of the Municipal Act, an application may only be made within six weeks after the applicant became aware of the alleged contravention.

In accordance with Section 223.4.1 (5) of the Municipal Act, despite subsection (4), an application may be made more than six weeks after the applicant became aware of the alleged contravention if **both** of the following are satisfied:

- (1) The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.
- (2) The applicant applies to the Commissioner under subsection (2) within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*.

INTEGRITY COMMISSIONER

Pursuant to Section 223.3 (1) of the *Municipal Act, 2001*, the City of Kitchener shall appoint an Integrity Commissioner who reports to Council and is responsible for performing the following duties in an independent and consistent manner:

- (i) Advice: providing written advice to members of council, upon request, on their obligations under the Code; procedures, rules or policies of the municipality; and, the *Municipal Conflict of Interest Act*.
- (ii) Complaint Investigation: having the power to assess and investigate formal written complaints respecting alleged contraventions of the Code of Conduct;
- (iii) Complaint Adjudication: determining whether a member of Council or local board has in fact violated a protocol, by-law or policy governing their ethical behaviour; with the final decision making authority resting with Council as to whether the recommendation(s) of the Integrity Commissioner are imposed;
- (iv) Annual Reporting: providing Council, through the City Clerk, with an annual report on findings of complaint cases;

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- (v) Launch Proceedings: having the power to launch its own proceedings to a judge against a member with respect to section 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*; and,
- (vi) Education: providing educational information to members, the municipality and the public about the municipality's code of conduct and the *Municipal Conflict of Interest Act*.

REQUESTS FOR ADVICE/EDUCATIONAL INFORMATION

A request by a member of Council or of a local board for advice from the Commissioner shall be made in writing and emailed to integrity@adr.ca.

If the Commissioner provides advice to a member of Council or of a local board, the advice shall be in writing and emailed to the member.

If the Commissioner provides educational information to the public, the Commissioner may summarize advice they have provided but shall not disclose confidential information that could identify a person concerned. Requests for educational information for the public should be made to the City Clerk.

INFORMAL COMPLAINT PROCEDURE

Individuals (e.g., municipal employees, members of the public, members of Council or local boards) or organizations, who have identified or witnessed behaviour or an activity by a member of Council, local board or advisory committee that they believe is in contravention of the Code of Conduct could address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that their behaviour or activity appears to contravene the Code of Conduct;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the member that you are satisfied with the response you received; or advise the member of your dissatisfaction with the response;
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

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Individuals and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code of Conduct.

Note: A person is not required to undertake the informal complaint procedure prior to pursuing the formal complaint procedure.

FORMAL COMPLAINT PROCEDURE

1. Application

- (1) All the provisions of this Section apply to a request for an inquiry by an individual or an organization other than a local board or Council as a whole.
- (2) Subsection 1(1) does not preclude individual members of Council or individual members of a local board from filing a formal written complaint.
- (3) Sections 5 to 11, except Subsections 6(1) (b) and 7(3), apply to a request for an inquiry made by a local board or Council as a whole.

2. Complaint

- (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the “complaint”) shall be in writing.
- (2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code of Conduct and includes a supporting affidavit (attached hereto as Appendix ‘B’) that sets out the evidence in support of the complaint.
- (4) Any commissioners for taking affidavits are authorized to take the supporting affidavit.

3. File with Clerk

- (1) The request for an investigation shall be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance of the Code of Conduct; and not covered by other legislation or other Council policies as described in Subsection 3(3).

Deferral

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- (2) If the complaint does not include a supporting affidavit, the Integrity Commissioner may defer the classification until an affidavit is received.
- (3) If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall instruct the City Clerk to advise the complainant in writing as follows:
 - a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if they wish to pursue any such allegation, they must pursue it with the appropriate police force;
 - b) if the complaint on its face is with respect to non-compliance with the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with their own legal counsel;
 - c) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred to the Manager of Corporate Records for review;
 - d) if the complaint on its face is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and,
 - e) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate. For example, a complaint regarding a member of Kitchener City Council relating to their actions while serving on Regional Council would not be within the jurisdiction of the Integrity Commissioner, as the Region of Waterloo is a separate level of government; and the Integrity Commissioner will advise accordingly.

Reports

- (4) The Integrity Commissioner may report to Council or a local board that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- (5) The Integrity Commissioner shall report annually to Council on complaints within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.

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- (6) Should no complaints be received within a calendar year, the Clerk shall report to Council accordingly and no annual report shall be made by the Integrity Commissioner.

4. Refusal to Conduct Investigation

- (1) If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- (2) Complaints referred that are repetitious in nature, not germane to the Code of Conduct, deemed frivolous, vexatious, or without substance in the opinion of the Integrity Commissioner; shall not be advanced to an investigation stage.
- (3) Other than in exceptional circumstances, the Integrity Commissioner will not report to Council or a local board on any complaint described in Subsections 4(1) and 4(2) except as part of an annual or other periodic report.

5. Investigations

- (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under Section 4, the Integrity Commissioner shall investigate and may attempt to settle the complaint.

Public Inquiries Act

- (2) Under Section 223.4(2) of the *Municipal Act, 2001*, the Integrity Commissioner may elect to investigate a complaint by exercising the powers of a commission under Parts I and II of the *Public Inquiries Act*.
- (3) When the *Public Inquiries Act* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this complaint protocol, but, if there is a conflict between a provision of the complaint protocol and a provision of the *Public Inquiries Act*, the provision of the *Public Inquiries Act* prevails.

Complaint - Gifts and Benefits

- (4) Upon receiving a formal written complaint, not deemed to be frivolous or vexatious, that a gift or benefit was received contrary to the conditions set out herein, the Integrity Commissioner shall examine the disclosure statement to

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ascertain whether the receipt of the gift or benefit might, in their opinion, create a conflict between a private interest and the public duty of the member. In the event that the Integrity Commissioner makes that preliminary determination, they shall call upon the member to justify receipt of the gift or benefit.

- (5) Should the Integrity Commissioner determine that receipt of the gift or benefit was inappropriate, he/she may recommend that Council direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, forfeit the gift or remit the value of the gift or benefit already consumed to the City; or such other action as the Integrity Commissioner deems to be appropriate.

6. Opportunity to Comment

- (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act*:
 - a) serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation be filed within ten days; and,
 - b) serve the complainant with a copy of the member's written response with a request that the complainant provide a written reply within ten days.
- (2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in Section 223.4(2) of the *Municipal Act, 2001* and may enter any municipal or local board work location relevant to the complaint for the purposes of investigation and settlement.
- (3) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had 10 days notice of the basis for the proposed finding and any recommended sanction and an opportunity to respond in writing, within the same said 10 days, to the Integrity Commissioner on their findings and any recommended sanction.

Interim Reports

- (4) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of delay, interference, obstruction or retaliation encountered during the investigation; or as otherwise deemed necessary by the Integrity Commissioner.

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7. Final Report

- (1) The Integrity Commissioner shall report the general findings of their investigation to the complainant and the member no later than 90 days after the making of the complaint. That report shall indicate when the Integrity Commissioner anticipates presenting their recommended corrective action(s) for Council's consideration.
- (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council or the local board, or both, outlining the findings, and/or recommended corrective action(s).
- (3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council or the local board except as part of an annual or other periodic report.

Lawful recommendations

- (4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
- (5) Section 223.3 of the *Municipal Act, 2001* authorizes Council to impose either of two penalties on a member of Council or local board following a report by the Integrity Commissioner that, in their opinion, there has been a violation of the Code of Conduct:
 - a) a reprimand; or,
 - b) suspension of the remuneration paid to the member in respect of his or her services as a member of Council or local board, as the case may be, for a period of up to 90 days.

The Integrity Commissioner may also recommend that Council or a local board take the following actions:

- c) removal from membership from an advisory committee or local board;
- d) removal as Chair of a Committee or local board;
- e) repayment or reimbursement of moneys received;
- f) return of property or reimbursement of its value; or,
- g) a request for an apology to Council, the complainant, or both.

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8. Member not Blameworthy

If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

9. Report to Council

The City Clerk shall process the Integrity Commissioner's report for the next meeting of Council or local board, or both. Said report shall remain confidential until the matter has received complete and final disposition by the Integrity Commissioner and has been reported out to the members of Council through the City Clerk.

10. Duty of Council / Local Board

Council or a local board shall consider and respond to the report within 90 days after the day the report is laid before it.

11. Confidentiality

A complaint will be processed in compliance with the confidentiality requirements in Section 223.5 of the *Municipal Act, 2001*, which are summarized in the following subsections:

- a) the Integrity Commissioner and every person acting under their instructions shall preserve secrecy with respect to all matters that come to their knowledge in the course of any investigation except as required by law in a criminal proceeding or in accordance with the provisions of Section 223.5(1) of the *Municipal Act, 2001*.
- b) pursuant to Section 223.5(3) of the *Municipal Act, 2001*, this Section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.
- c) if the Integrity Commissioner reports to the municipality or to a local board their opinion about whether a member of Council, a local board or advisory committee has contravened the applicable Code of Conduct, the Integrity Commissioner may disclose in the report such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

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- d) the municipality and each local board shall ensure that reports received from the Integrity Commissioner by the municipality or by the board, as the case may be, are made available to the public upon the matter being reported out to the members of Council. Neither the Integrity Commissioner nor any person acting under the instructions of the Integrity Commissioner is a competent or compellable witness in a civil proceeding in connection with anything done under this Part.
- e) if the Integrity Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code of Canada*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council through the City Clerk.

12. Integrity Commissioner Vacancy

Should the office of Integrity Commissioner become vacant, the Code of Conduct remains in effect and all members shall abide by the provisions set out therein. When a vacancy occurs, all formal complaints shall be held in abeyance until such time as a new Integrity Commissioner has been appointed; or an interim measure enacted to enable the complaint to be addressed within a reasonable amount of time. For example the City could engage the services of an Integrity Commissioner from another local municipality as a potential interim measure.

REPRISALS AND OBSTRUCTION

Members shall respect the integrity of the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of their responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-005 policy template re-formatted to new numbering system and given number GOV-COU-005.

Formal Amendments

2009-11-02 - As per Council directive.
2019-06-24 - As per Council directive.

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APPENDIX 'A'

Advisory Committee and Local Board Members' Code of Conduct

The purpose of an advisory committee is to provide informed advice and guidance, as well as to facilitate public input to City Council on programs and policies. In recognition of the impartial and objective advice received from advisory committees, as well as the challenges and inherent restrictions placed upon these same individuals in assessing and recommending various options in a conscientious and ethical manner, the following Code of Conduct is provided as a general standard for all advisory committee members to ensure they are acting in a manner that is appropriate with regard to their committee.

The Advisory Committee Members' Code of Conduct shall be applicable to all members of the City of Kitchener's advisory committees, being:

- Arts and Culture Advisory Committee;
- Compass Kitchener;
- Cycling and Trails Advisory Committee;
- Downtown Action and Advisory Committee;
- Economic Development Advisory Committee;
- Environmental Committee;
- Equity and Anti-Racism Advisory Committee;
- Heritage Kitchener; and
- Safe and Healthy Community Advisory Committee.

1. Advisory committee members shall, when conducting committee business, preparing written correspondence, interacting with the media, members of Council, staff or members of the public, act in a manner that accomplishes the following:

- a) fulfils the mandate and mission statement of his or her advisory committee;
- b) respects due process and the authority of the Chair, Vice-Chair or Presiding Officer;
- c) demonstrates respect for all fellow committee members, Council, staff and the public;
- d) respects and gives fair consideration to diverse and opposing viewpoints;
- e) demonstrates due diligence in preparing for meetings, special occasions, or other committee-related events;

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- f) demonstrates professionalism, transparency, accountability and timeliness in completing any tasks or projects undertaken by the committee;
 - g) conducts their duties and responsibilities in a manner that is consistent with the City of Kitchener's commitment to equity, inclusion and anti-racism, whereby racism and oppression are not permissible at either an individual or systemic level, in accordance with policy GOV-COR-XXX (Equity, Inclusion and Anti-Racism)
 - h) conforms with all relevant legislation, by-laws, policies and guidelines; and,
 - i) contributes in a meaningful manner, offering constructive comments to Council, staff and fellow committee members.
2. A member of an advisory committee shall not:
- a) place them self in a position where the member is under obligation to any person who might benefit from special consideration or favour on their part or who might seek in any way preferential treatment;
 - b) accord, in the performance of his or her official duties, preferential treatment to relatives or to organizations in which the member, his or her relatives have an interest, financial or otherwise;
 - c) deal with an application to the City for a grant, award, contract, permit or other benefit involving the member, his or her immediate relative;
 - d) place them self in a position where the member could derive any direct benefit or interest from any matter about which they can influence decisions; and,
 - e) benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public.
3. Advisory committee members shall complete all mandatory equity and anti-racism training required as per their position as outlined in the corporate-wide Equity and Anti-Racism Training Strategy. Volunteer members of advisory committees are required to complete all mandatory training within one appointment term (2 years); once all mandatory training is complete, advisory committee members are expected to take part in ongoing training opportunities throughout subsequent appointment terms as provided through the City.
4. A member of an advisory committee shall disclose immediately to the committee or the Committee Administrator, who would disclose to the committee, that the member could be involved in either a real or perceived conflict of interest as prohibited by the Code; and shall abide by any decision

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made by the committee, with respect to such conflict of interest without recourse.

If a member is perceived or known to have a conflict of interest as prohibited by the Code and has not disclosed this to the committee; then that matter may be brought forward for the committee's consideration. When such a matter has been brought forward, the committee, through a majority vote, would determine if the member is in a conflict position in accordance with the provisions of Section 2 of this Code.

4. Where an advisory committee member believes or has been advised by the committee that they have a conflict of interest in a particular matter, he/she shall:
 - a) prior to any consideration of the matter, disclose his or her interest and the general nature thereof;
 - b) leave the room for the duration of time that the matter is being considered;
 - c) not take part in the discussion of, or vote on any question or recommendation in respect of the matter; and,
 - d) not attempt in any way whether before, during or after the meeting to influence the voting on any such question or recommendation.
5. Where the number of members who, by reason of conflict, are incapable of participating in a meeting such that the remaining members no longer constitute a quorum, as set out in *Kitchener Municipal Code Chapter 25 (Procedure)*; then the remaining members shall be deemed to constitute a quorum provided there are not less than two members present.
6. Notwithstanding Section 2(c), members of Heritage Kitchener who own property designated under Part IV or Part V of the *Ontario Heritage Act* and are seeking consideration of a Heritage Permit Application (HPA) for said property are permitted to address the committee regarding their HPA; but, are prohibited from taking part in the committee's deliberation and / or voting regarding that matter.
7. Should a member of an advisory committee breach any of the clauses set out herein, the City Clerk may refer the matter to Council who will consider whether to take any of the possible corrective actions, as outlined under Part 3 Subsection 7(5) of the Code of Conduct for Members of Council, Local Boards and Advisory Committees.

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APPENDIX 'B'

CODE OF CONDUCT COMPLAINT FORM

Applicant Information:

[Name]

[Address]

[Phone]

[Email]

I, _____, of the _____
[Full name] *[City, Town, etc. of]*

in the _____
[Municipality of Residence]

in the Province of Ontario have personal knowledge of the facts as set out in this complaint form, because

[Insert reasons - e.g. I work for . . . or I attended the meeting at which . . . etc].

I have reasonable and probable grounds to believe that a member of Kitchener City Council or local board, _____
[Specify name of member],

has contravened section(s) _____ of the Code of Conduct.
[Specify section(s)]

The particulars of which are as follows:

[Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please use the attached Schedule 'A' form and check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc. and attach them to this Complaint Form.]

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-COU-005
<u>Policy Title:</u> CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS & ADVISORY COMMITTEES <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Board & Committee <u>Author:</u> City Clerk <u>Dept/Div:</u> Finance & Corporate Services Department, Legislated Services	<u>Approval Date:</u> October 6, 2008	
	<u>Reviewed Date:</u> June 2021 <u>Next Review Date:</u> June 2026	
	<u>Last Amended:</u> August 21, 2021	
	<u>Replaces:</u> I-005, Code of Conduct for Members of Council, Local Boards and Advisory Committees	
	<u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. POLICY PURPOSE:

A written Code of Conduct reinforces the City of Kitchener’s Accountability and Transparency Policy and other relevant legislation within which all members of Council, local boards and advisory committees must operate. It ensures that those members share a common integrity base and through adherence to its principles, the Code of Conduct serves to enhance public trust.

The key principles that underline the Code of Conduct are as follows:

- all members to whom this Code of Conduct applies shall serve in a conscientious and diligent manner;
- members shall be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;

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- members are responsible for making honest statements and no member shall make a statement when they know that statement is false, or with the intent to mislead other members or the public;
- members are responsible for conducting their duties and responsibilities in a manner that is consistent with the City of Kitchener’s commitment to equity, inclusion and anti-racism, whereby racism and oppression are not permissible at either an individual or systemic level, in accordance with policy GOV-COR-~~XXX~~[2025](#) (Equity, Inclusion and Anti-Racism); and;
- members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Kitchener City Council.

2. **DEFINITIONS:**

“Anti-Racism” – shall mean understanding and dismantling racism. It is a change and transformation focused practice and requires action. It’s not anti-racism if a conversation isn’t followed by concrete actions and accountability.

“Code of Conduct” - shall mean the City of Kitchener Code of Conduct for Members of Council, Local Boards and Advisory Committees.

“Complaint” - shall mean a purported contravention of the Code of Conduct.

“Equity” – shall mean the conditions for fair and equal access and opportunity for everyone, by addressing discriminations, exclusions and barriers experienced by distinct groups. Equity is not the same as equality, nor is it the same as inequality.

“Frivolous” - shall mean of little or no weight, worth, or importance; not worthy of serious notice.

“Good faith” - shall mean accordance with standards of honesty, trust, sincerity.

“Inclusion” – shall mean the achievement of a work environment in which all individuals are treated fairly and respectfully, have equal access to opportunities and resources, and can contribute fully to the organization’s success.

“Integrity Commissioner” - shall mean the Integrity Commissioner appointed by the Council of the City of Kitchener to provide independent and consistent complaint investigation and resolution, respecting the application of the Code of Conduct.

“Immediate relative” - shall mean a parent, spouse, child, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law as well as step-relationships;

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spouse shall mean the person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage.

“Lobby” - shall mean to communicate with a member outside of a public process about matters of interest or benefit to the lobbyist and their client / business / organization. Communication may be about a by-law or resolution on any matter that requires a decision by City Council, a local board or delegated decision maker. This includes matters regarding policies or programs, the purchase of goods and services and the awarding of contracts, applications for a service, grant, planning approval or other licence.

“Lobbyist” - shall mean a person who communicates for payment with public office holders, a person who lobbies on a volunteer basis for a business or a not-for-profit professional, business, industry, trade or labour organization or a consultant or voluntary lobbyist who arranges meetings between a member and any other person for the purpose of lobbying.

“Local board” - for the purposes of the Code of Conduct a local board shall mean one of the following boards / quasi-judicial committees established by Kitchener City Council:

- Belmont Village Business Improvement Area
- Kitchener Downtown Business Association (KDBA)
- Animal / Dog Designation Appeal Committee
- Committee of Adjustment
- Property Standards Appeal Committee

“Oppression” – shall mean the social act of placing restrictions on an individual or group by those in positions of power. The oppressed individual or group is devalued, exploited and/or deprived of rights and privileges by the individual or group who has more power.

“Private advantage” - for the purposes of the Code of Conduct private advantage does not include a matter:

- a) that is of general application or considered to be an interest in common generally with the electors within the jurisdiction of an area; or,
- b) that concerns the remuneration or benefits of a member of Council.

“Racism” – shall mean the marginalization and/or oppression of Black, Indigenous and other racialized people based on a socially constructed racial hierarchy that privileges white people. Racism can be openly displayed in racial jokes and slurs or hate crimes, but it can be more deeply rooted in attitudes, values

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and stereotypical beliefs. Racism operates at individual, systemic and societal levels.

“**Vexatious**” - shall mean instituted without sufficient grounds and serving only to cause annoyance to the defendant; troublesome; annoying: a vexatious situation.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

ROLES AND RESPONSIBILITIES

This Code of Conduct operates along with and as a supplement to the existing statutes governing conduct. Five pieces of Federal and Provincial legislation govern the conduct of members of Council, those being:

- the *Criminal Code of Canada*;
- the *Municipal Conflict of Interest Act*, as amended;
- the *Municipal Elections Act, 1996*, as amended;
- the *Municipal Freedom of Information and Protection of Privacy Act*; and,
- the *Municipal Act, 2001*, as amended.

Part VI (Practices & Procedures) of the *Municipal Act, 2001* prescribes the following as the roles of a municipal council, the head of council and the head of council as chief executive officer:

It is the role of council:

- to represent the public and to consider the well-being and interests of the municipality;
- to develop and evaluate the policies and programs of the municipality;
- to determine which services the municipality provides;

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- to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- to maintain the financial integrity of the municipality; and,
- to carry out the duties of council under this or any other Act.

It is the role of the head of council:

- to act as chief executive officer of the municipality;
- to preside over council meetings so that its business can be carried out efficiently and effectively;
- to provide leadership to the council;
- to provide information and recommendations to the council with respect to the role of council described in Sections 224.(d) and (d.1) of the *Municipal Act, 2001*;
- to represent the municipality at official functions; and,
- to carry out the duties of the head of council under this or any other Act.

As chief executive officer of a municipality, the head of council shall,

- uphold and promote the purposes of the municipality;
- promote public involvement in the municipality's activities;
- act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and,
- participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

APPLICATION

Part 2 of the Code of Conduct shall apply to all members of Council and local boards. In recognizing that advisory committees are comprised largely of [citizen](#) volunteers from across the City of Kitchener who have been appointed by Council to provide special advice and expertise; some of the provisions outlined in Part 2 may not be applicable to those members. Accordingly, the conduct of advisory committee members shall be governed by the provisions of the Advisory Committee Members' Code of Conduct, attached hereto as Appendix 'A'.

BUSINESS RELATIONS

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No member shall act as a lobbyist before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*. A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

This does not prohibit activities in which a member would normally engage on behalf of constituents in accordance with the duties of their office.

CONDUCT AT MEETINGS

At all meetings members shall conduct themselves with decorum in accordance with the provisions of *Kitchener Municipal Code Chapter 25 (Procedure)* and in a manner that is consistent with the City's commitment to equity, inclusion and anti-racism, in accordance with policy GOV-COR-~~XXX~~2025 (Equity, Inclusion and Anti-Racism) Respect for delegations, fellow members and staff requires that all members show courtesy and not distract from the business of the City during presentations and when other members have the floor.

CONDUCT OF A POLITICAL NATURE

No member shall use City facilities, services, or property for [his/her/their](#) election or re-election campaign. No member shall use the services of City employees for [his/her/their](#) election or re-election campaign, during hours in which the employees are in the paid employment of the City. *Council Policy ADM-ELE-226 (Elections - Use of Corporate Resources for Political Campaign Purposes)* applies.

MANDATORY AND ONGOING EQUITY & ANTI-RACISM TRAINING

Members of City Council and volunteer members of local boards are expected to complete all mandatory equity and anti-racism training required as per their position as outlined in the corporate-wide Equity and Anti-Racism Training Strategy. Members of Council are required to complete all mandatory training within one Council term (4 years). Once all mandatory training is complete, Council members are expected to take part in ongoing training opportunities throughout subsequent Council terms, as provided by the City. Volunteer members of local boards are required to complete all mandatory training within one appointment term (2 years); once all mandatory training is complete, board members are expected to take part in ongoing training opportunities throughout subsequent appointment terms as provided through the City.

CONDUCT RESPECTING STAFF

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~~Only Council as a whole has the authority to approve budgets, policies, committee processes and other such matters. Therefore, members are not permitted to individually direct the actions of staff, except as authorized by Council.~~ Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members. Members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the municipality, and are required to do so without any undue influence from any individual member or group of members. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City of Kitchener.

~~Council as a whole directs the business of the City and passes by laws, or resolutions as appropriate, for decisions adopted by Council.~~ Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with the decisions adopted by Council. This means that under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. To fulfill this role, staff establishes the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal. Council therefore should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

CONDUCT WHILE REPRESENTING THE CITY

Members shall make every effort to participate diligently in the activities of the agencies, boards, committees and commissions to which they are appointed.

CONFIDENTIAL INFORMATION

Pursuant to *Kitchener Municipal Code Chapter 25 (Procedure)* and authorized under Section 239 of the *Municipal Act, 2001*, where a matter discussed at an in-camera (closed) meeting remains confidential, no member shall disclose the

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content of that matter, or the substance of the deliberations of an in-camera meeting. Members shall not permit any persons, other than those who are entitled thereto, to have access to confidential information. Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required to do so by law.

Particular care should be exercised in ensuring the confidentiality of the following types of information:

- the security of the property of the municipality or local board;
- personnel matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- items under negotiation, or personnel matters;
- information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or Request For Proposal submissions if so specified;
- information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*;
- statistical data required by law not to be released (e.g. certain census or assessment data);
- information supplied in confidence to the municipality by another level of government;
- third-party information supplied in confidence to the municipality (e.g., a trade secret or scientific, technical, commercial, financial or labour relations information);
- information (e.g., a trade secret or scientific, technical, commercial, or financial information) that belongs to the municipality and has monetary value;

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- a position, plan, procedure, criteria or instruction to be applied to negotiations; and,
- any and all statements that have been provided in confidence or in-camera.

The above list is provided as an example and is not exclusive. Requests for information will be referred to appropriate staff to be addressed as either an informal request for access to municipal records, or as a formal request under the *Municipal Freedom of Information and Protection of Privacy Act*.

DISCREDITABLE CONDUCT

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, disability, sexual orientation, marital status, or family status and any other grounds identified under the *Ontario Human Rights Code*.

All members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from racism, discrimination and harassment. The *Ontario Human Rights Code* applies, as does HUM-WOR-120 (*Employment - Human Rights*).

EMPLOYMENT OF COUNCIL RELATIVES

Immediate relatives of elected officials shall not be employed by the City; and to this, the provisions of HUM-HR-110 (*Employment of Relatives of Staff Members and Elected Officials*) applies.

FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES

A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by Kitchener City Council. More generally, members are required to observe the terms of all policies and procedures established by Council. However, this provision does not prevent a member from requesting that Council grant an exemption from a policy, other than this Code of Conduct.

GIFTS AND BENEFITS

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of [his/her/their](#) duties of office, unless permitted by the exceptions listed below. Notwithstanding the exceptions listed, no member shall accept monies or any instrument that can be converted into monies unless authorized by law. For these purposes, a fee or advance paid to, or a gift

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or benefit provided by a third party with the member's knowledge to a member's spouse, child (who is under the age of 18 years), is deemed to be a gift to that member.

The following are recognized as exceptions:

- a) compensation authorized by by-law;
- b) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution otherwise reported by law;
- d) services provided without compensation by persons volunteering their time;
- e) a suitable memento of a function honouring the member;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them; and, by the Federal government or the government of a foreign country;
- g) food, beverages and / or admission fees provided for banquets, receptions or similar events, if:
 - i. attendance is resultant to protocol or social obligations that accompanies the responsibility of office; and,
 - ii. the person extending the invitation or a representative of the organization is in attendance;
- h) communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories **(b) (e) (f) (g)** and **(h)**, if the value of the gift or benefit exceeds \$100, or if the total value received from any one source over any 12 month period exceeds \$300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Office of the City Clerk.

The disclosure statement must indicate:

- 1. The nature of the gift or benefit;
- 2. Its source and date of receipt;
- 3. The circumstances under which it was given or received;
- 4. Its estimated value;
- 5. What the recipient intends to do with the gift; and,

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6. Whether any gift will at any point be left with the City.

All disclosure statements shall be a matter of public record.

IMPROPER USE OF INFLUENCE

No member shall use the influence of [his/her/their](#) office for any purpose other than for the exercise of [his/her/their](#) official duties. No member shall seek or obtain by reason of [his/her/their](#) office any personal privilege or private advantage with respect to City services not otherwise available to the general public and not consequent to [his/her/their](#) official duties.

Examples of prohibited conduct are the use of one's status to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relative, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence in return for present actions or inaction.

USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES

No member shall use for personal purposes any City property, equipment, services, supplies or services of consequence other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised. No member shall use information gained in the execution of [his/her/their](#) duties that is not available to the general public for any purposes other than [his/her/their](#) official duties. No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Kitchener.

No member shall use City property, services or other city-funded / city-sponsored / city-supported resources (e.g., Councillor columns, social media accounts) for the purposes of election campaigning, as outlined in *Council Policy ADM-ELE-226 (Elections - Use of City Facilities for Political Campaign Purposes)*. This does not include the use of personal social media/networking accounts registered publicly in the member's name.

COMPLAINT PROTOCOL

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The complaint protocol shall not retroactively apply to any alleged transgressions occurring prior to the date on which the Code of Conduct was formally adopted by Council.

In accordance with Section 223.4.1 (3) of the *Municipal Act, 2001* no application for an inquiry under this section shall be made to the Commissioner during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996* (the MEA) and ending on voting day in a regular election, as set out in section 5 of the MEA.

In accordance with Section 223.4.1 (4) of the Municipal Act, an application may only be made within six weeks after the applicant became aware of the alleged contravention.

In accordance with Section 223.4.1 (5) of the Municipal Act, despite subsection (4), an application may be made more than six weeks after the applicant became aware of the alleged contravention if **both** of the following are satisfied:

- (1) The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.
- (2) The applicant applies to the Commissioner under subsection (2) within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*.

INTEGRITY COMMISSIONER

Pursuant to Section ~~233~~223.3 (1) of the *Municipal Act, 2001*, the City of Kitchener shall appoint an Integrity Commissioner who reports to Council and is responsible for performing the following duties in an independent and consistent manner:

- (i) Advice: providing written advice to members of council, upon request, on their obligations under the Code; procedures, rules or policies of the municipality; and, the *Municipal Conflict of Interest Act*.
- (ii) Complaint Investigation: having the power to assess and investigate formal written complaints respecting alleged contraventions of the Code of Conduct;
- (iii) Complaint Adjudication: determining whether a member of Council or local board has in fact violated a protocol, by-law or policy governing their ethical behaviour; with the final decision making authority resting with Council as

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to whether the recommendation(s) of the Integrity Commissioner are imposed;

- (iv) Annual Reporting: providing Council, through the City Clerk, with an annual report on findings of complaint cases;
- (v) Launch Proceedings: having the power to launch its own proceedings to a judge against a member with respect to section 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*; and,
- (vi) Education: providing educational information to members, the municipality and the public about the municipality's code of conduct and the *Municipal Conflict of Interest Act*.

REQUESTS FOR ADVICE/EDUCATIONAL INFORMATION

A request by a member of Council or of a local board for advice from the Commissioner shall be made in writing and emailed to integrity@adr.ca.

If the Commissioner provides advice to a member of Council or of a local board, the advice shall be in writing and emailed to the member.

If the Commissioner provides educational information to the public, the Commissioner may summarize advice ~~he or she~~ they has~~ve~~ provided but shall not disclose confidential information that could identify a person concerned. Requests for educational information for the public should be made to the City Clerk.

INFORMAL COMPLAINT PROCEDURE

Individuals (e.g., municipal employees, members of the public, members of Council or local boards) or organizations, who have identified or witnessed behaviour or an activity by a member of Council, local board or advisory committee that they believe is in contravention of the Code of Conduct could address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that their behaviour or activity appears to contravene the Code of Conduct;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;

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- (4) if applicable, confirm to the member that you are satisfied with the response you received; or advise the member of your dissatisfaction with the response;
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

Individuals and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code of Conduct.

Note: A person is not required to undertake the informal complaint procedure prior to pursuing the formal complaint procedure.

FORMAL COMPLAINT PROCEDURE

1. Application

- (1) All the provisions of this Section apply to a request for an inquiry by an individual or an organization other than a local board or Council as a whole.
- (2) Subsection 1(1) does not preclude individual members of Council or individual members of a local board from filing a formal written complaint.
- (3) Sections 5 to 11, except Subsections 6(1) (b) and 7(3), apply to a request for an inquiry made by a local board or Council as a whole.

2. Complaint

- (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the "complaint") shall be in writing.
- (2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code of Conduct and includes a supporting affidavit (attached hereto as Appendix 'B') that sets out the evidence in support of the complaint.
- (4) Any commissioners for taking affidavits are authorized to take the supporting affidavit.

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3. File with Clerk

- (1) The request for an investigation shall be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance of the Code of Conduct; and not covered by other legislation or other Council policies as described in Subsection 3(3).

Deferral

- (2) If the complaint does not include a supporting affidavit, the Integrity Commissioner may defer the classification until an affidavit is received.
- (3) If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall instruct the City Clerk to advise the complainant in writing as follows:
 - a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if they wish to pursue any such allegation, they must pursue it with the appropriate police force;
 - b) if the complaint on its face is with respect to non-compliance with the *Municipal Conflict of Interest Act*, the complainant shall be advised to review the matter with their own legal counsel;
 - c) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred to the Manager of Corporate Records for review;
 - d) if the complaint on its face is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and,
 - e) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate. For example, a complaint regarding a member of Kitchener City Council relating to their actions while serving on Regional Council would not be within the jurisdiction of the Integrity

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Commissioner, as the Region of Waterloo is a separate level of government; and the Integrity Commissioner will advise accordingly.

Reports

- (4) The Integrity Commissioner may report to Council or a local board that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- (5) The Integrity Commissioner shall report annually to Council on complaints within the jurisdiction of the Integrity Commissioner, but shall not disclose information that could identify a person concerned.
- (6) Should no complaints be received within a calendar year, the Clerk shall report to Council accordingly and no annual report shall be made by the Integrity Commissioner.

4. Refusal to Conduct Investigation

- (1) If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- (2) Complaints referred that are repetitious in nature, not germane to the Code of Conduct, deemed frivolous, vexatious, or without substance in the opinion of the Integrity Commissioner; shall not be advanced to an investigation stage.
- (3) Other than in exceptional circumstances, the Integrity Commissioner will not report to Council or a local board on any complaint described in Subsections 4(1) and 4(2) except as part of an annual or other periodic report.

5. Investigations

- (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under Section 4, the Integrity Commissioner shall investigate and may attempt to settle the complaint.

Public Inquiries Act

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- (2) Under Section 223.4(2) of the *Municipal Act, 2001*, the Integrity Commissioner may elect to investigate a complaint by exercising the powers of a commission under Parts I and II of the *Public Inquiries Act*.
- (3) When the *Public Inquiries Act* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this complaint protocol, but, if there is a conflict between a provision of the complaint protocol and a provision of the *Public Inquiries Act*, the provision of the *Public Inquiries Act* prevails.

Complaint - Gifts and Benefits

- (4) Upon receiving a formal written complaint, not deemed to be frivolous or vexatious, that a gift or benefit was received contrary to the conditions set out herein, the Integrity Commissioner shall examine the disclosure statement to ascertain whether the receipt of the gift or benefit might, in [his/her/their](#) opinion, create a conflict between a private interest and the public duty of the member. In the event that the Integrity Commissioner makes that preliminary determination, [he/shethey](#) shall call upon the member to justify receipt of the gift or benefit.
- (5) Should the Integrity Commissioner determine that receipt of the gift or benefit was inappropriate, he/she may recommend that Council direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, forfeit the gift or remit the value of the gift or benefit already consumed to the City; or such other action as the Integrity Commissioner deems to be appropriate.

6. Opportunity to Comment

- (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the *Public Inquiries Act*:
 - a) serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation be filed within ten days; and,
 - b) serve the complainant with a copy of the member's written response with a request that the complainant provide a written reply within ten days.
- (2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in Section 223.4(2) of the *Municipal Act, 2001* and

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may enter any municipal or local board work location relevant to the complaint for the purposes of investigation and settlement.

- (3) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had 10 days notice of the basis for the proposed finding and any recommended sanction and an opportunity to respond in writing, within the same said 10 days, to the Integrity Commissioner on [his/her/their](#) findings and any recommended sanction.

Interim Reports

- (4) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of delay, interference, obstruction or retaliation encountered during the investigation; or as otherwise deemed necessary by the Integrity Commissioner.

7. Final Report

- (1) The Integrity Commissioner shall report the general findings of [his/her/their](#) investigation to the complainant and the member no later than 90 days after the making of the complaint. That report shall indicate when the Integrity Commissioner anticipates presenting [his/her/their](#) recommended corrective action(s) for Council's consideration.
- (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council or the local board, or both, outlining the findings, and/or recommended corrective action(s).
- (3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council or the local board except as part of an annual or other periodic report.

Lawful recommendations

- (4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
- (5) Section 223.3 of the *Municipal Act, 2001* authorizes Council to impose either of two penalties on a member of Council or local board following a report by the Integrity Commissioner that, in [his/her/their](#) opinion, there has been a violation of the Code of Conduct:

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- a) a reprimand; or,
- b) suspension of the remuneration paid to the member in respect of his or her services as a member of Council or local board, as the case may be, for a period of up to 90 days.

The Integrity Commissioner may also recommend that Council or a local board take the following actions:

- c) removal from membership from an advisory committee or local board;
- d) removal as Chair of a Committee or local board;
- e) repayment or reimbursement of moneys received;
- f) return of property or reimbursement of its value; or,
- g) a request for an apology to Council, the complainant, or both.

8. Member not Blameworthy

If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.

9. Report to Council

The City Clerk shall process the Integrity Commissioner's report for the next meeting of Council or local board, or both. Said report shall remain confidential until the matter has received complete and final disposition by the Integrity Commissioner and has been reported out to the members of Council through the City Clerk.

10. Duty of Council / Local Board

Council or a local board shall consider and respond to the report within 90 days after the day the report is laid before it.

11. Confidentiality

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A complaint will be processed in compliance with the confidentiality requirements in Section 223.5 of the *Municipal Act, 2001*, which are summarized in the following subsections:

- a) the Integrity Commissioner and every person acting under his/her/their instructions shall preserve secrecy with respect to all matters that come to his/her/their knowledge in the course of any investigation except as required by law in a criminal proceeding or in accordance with the provisions of Section 223.5(1) of the *Municipal Act, 2001*.
- b) pursuant to Section 223.5(3) of the *Municipal Act, 2001*, this Section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.
- c) if the Integrity Commissioner reports to the municipality or to a local board his/her/their opinion about whether a member of Council, a local board or advisory committee has contravened the applicable Code of Conduct, the Integrity Commissioner may disclose in the report such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.
- d) the municipality and each local board shall ensure that reports received from the Integrity Commissioner by the municipality or by the board, as the case may be, are made available to the public upon the matter being reported out to the members of Council. Neither the Integrity Commissioner nor any person acting under the instructions of the Integrity Commissioner is a competent or compellable witness in a civil proceeding in connection with anything done under this Part.
- e) if the Integrity Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code of Canada*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council through the City Clerk.

12. Integrity Commissioner Vacancy

Should the office of Integrity Commissioner become vacant, the Code of Conduct remains in effect and all members shall abide by the provisions set out therein. When a vacancy occurs, all formal complaints shall be held in abeyance until such time as a new Integrity Commissioner has been appointed; or an interim measure enacted to enable the complaint to be addressed within a reasonable amount of

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time. For example the City could engage the services of an Integrity Commissioner from another local municipality as a potential interim measure.

REPRISALS AND OBSTRUCTION

Members shall respect the integrity of the Code of Conduct and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of [his/her/their](#) responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-005 policy template re-formatted to new numbering system and given number GOV-COU-005.

Formal Amendments

2009-11-02 - As per Council directive.

2019-06-24 - As per Council directive.

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APPENDIX 'A'

Advisory Committee and Local Board-Members' Code of Conduct

The purpose of an advisory committee is to provide informed advice and guidance, as well as to facilitate public input to City Council on programs and policies. In recognition of the impartial and objective advice received from advisory committees, as well as the challenges and inherent restrictions placed upon these same individuals in assessing and recommending various options in a conscientious and ethical manner, the following Code of Conduct is provided as a general standard for all advisory committee members to ensure they are acting in a manner that is appropriate with regard to [his/hortheir](#) committee.

The Advisory Committee Members' Code of Conduct shall be applicable to all members of the City of Kitchener's advisory committees, being:

- Arts and Culture Advisory Committee;
- Compass Kitchener;
- Cycling and Trails Advisory Committee;
- Downtown Action and Advisory Committee;
- Economic Development Advisory Committee;
- Environmental Committee;
- Equity and Anti-Racism Advisory Committee;
- Heritage Kitchener; and
- Safe and Healthy Community Advisory Committee.

1. Advisory committee members shall, when conducting committee business, preparing written correspondence, interacting with the media, members of Council, staff or members of the public, act in a manner that accomplishes the following:

- a) fulfils the mandate and mission statement of his or her advisory committee;
- b) respects due process and the authority of the Chair, Vice-Chair or Presiding Officer;
- c) demonstrates respect for all fellow committee members, Council, staff and the public;
- d) respects and gives fair consideration to diverse and opposing viewpoints;
- e) demonstrates due diligence in preparing for meetings, special occasions, or other committee-related events;

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- f) demonstrates professionalism, transparency, accountability and timeliness in completing any tasks or projects undertaken by the committee;
 - g) conducts their duties and responsibilities in a manner that is consistent with the City of Kitchener's commitment to equity, inclusion and anti-racism, whereby racism and oppression are not permissible at either an individual or systemic level, in accordance with policy GOV-COR-XXX (Equity, Inclusion and Anti-Racism)
 - h) conforms with all relevant legislation, by-laws, policies and guidelines; and,
 - i) contributes in a meaningful manner, offering constructive comments to Council, staff and fellow committee members.
2. A member of an advisory committee shall not:
- a) place them self in a position where the member is under obligation to any person who might benefit from special consideration or favour on their part or who might seek in any way preferential treatment;
 - b) accord, in the performance of his or her official duties, preferential treatment to relatives or to organizations in which the member, his or her relatives have an interest, financial or otherwise;
 - c) deal with an application to the City for a grant, award, contract, permit or other benefit involving the member, his or her immediate relative;
 - d) place them self in a position where the member could derive any direct benefit or interest from any matter about which they can influence decisions; and,
 - e) benefit from the use of information acquired during the course of his or her official duties which is not generally available to the public.
3. Advisory committee members shall complete all mandatory equity and anti-racism training required as per their position as outlined in the corporate-wide Equity and Anti-Racism Training Strategy. Volunteer members of advisory committees are required to complete all mandatory training within one appointment term (2 years); once all mandatory training is complete, advisory committee members are expected to take part in ongoing training opportunities throughout subsequent appointment terms as provided through the City.
4. A member of an advisory committee shall disclose immediately to the committee or the Committee Administrator, who would disclose to the committee, that the member could be involved in either a real or perceived conflict of interest as prohibited by the Code; and shall abide by any decision

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made by the committee, with respect to such conflict of interest without recourse.

If a member is perceived or known to have a conflict of interest as prohibited by the Code and has not disclosed this to the committee; then that matter may be brought forward for the committee's consideration. When such a matter has been brought forward, the committee, through a majority vote, would determine if the member is in a conflict position in accordance with the provisions of Section 2 of this Code.

4. Where an advisory committee member believes or has been advised by the committee that they have a conflict of interest in a particular matter, he/she shall:
 - a) prior to any consideration of the matter, disclose his or her interest and the general nature thereof;
 - b) leave the room for the duration of time that the matter is being considered;
 - c) not take part in the discussion of, or vote on any question or recommendation in respect of the matter; and,
 - d) not attempt in any way whether before, during or after the meeting to influence the voting on any such question or recommendation.
5. Where the number of members who, by reason of conflict, are incapable of participating in a meeting such that the remaining members no longer constitute a quorum, as set out in *Kitchener Municipal Code Chapter 25 (Procedure)*; then the remaining members shall be deemed to constitute a quorum provided there are not less than two members present.
6. Notwithstanding Section 2(c), members of Heritage Kitchener who own property designated under Part IV or Part V of the *Ontario Heritage Act* and are seeking consideration of a Heritage Permit Application (HPA) for said property are permitted to address the committee regarding their HPA; but, are prohibited from taking part in the committee's deliberation and / or voting regarding that matter.
7. Should a member of an advisory committee breach any of the clauses set out herein, the City Clerk may refer the matter to Council who will consider whether to take any of the possible corrective actions, as outlined under Part 3 Subsection 7(5) of the Code of Conduct for Members of Council, Local Boards and Advisory Committees.

Policy No: GOV-COU-005

Policy Title: CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS AND ADVISORY COMMITTEES

APPENDIX 'B'

FORMAL CODE OF CONDUCT COMPLAINT PROCEDURE FORM

Applicant Information:

AFFIDAVIT

~~Please note that signing a false affidavit may expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R.S.C. 1985, c. C-46, and also to civil liability for defamation.~~

AFFIDAVIT OF _____

~~[Please print full nameName]~~

~~[Address]~~

~~[Phone]~~

~~[Email]~~

I, _____, of the _____
[Full name] [City, Town, etc. of]

in the _____
[Municipality of ~~residence~~Residence]

in the Province of Ontario ~~MAKE OATH AND SAY~~ ~~[or AFFIRM]:~~

~~1.~~ I have personal knowledge of the facts as set out in this ~~affidavit~~ complaint form, because

~~[Insert reasons - e.g. I work for . . . or I attended the meeting at which . . . etc].~~

~~2.~~ I have reasonable and probable grounds to believe that a member of Kitchener City

Council or local board, _____
[Specify name of member],

has contravened section(s) _____ of the Code of Conduct.
[Specify section(s)]

The particulars of which are as follows:

[Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please use the attached Schedule 'A' form and check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc. and attach them to this ~~affidavit~~ Complaint Form.]

Policy No: GOV-COU-005

Policy Title: CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS AND ADVISORY COMMITTEES

Please see the attached Schedule 'A' ()

Please read the following before signing: If the Integrity Commissioner launches an inquiry into the complaint, the content of this form, including the Applicant's identity, may be shared with the Member who is the subject of the complaint. At the end of the inquiry the Integrity Commissioner may issue a public report that includes information about the complaint, including the identities of the parties involved. Only sign this complaint form if you understand and accept the potential for disclosure of your identity and the information provided. I, the

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Policy Title: CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS AND ADVISORY COMMITTEES

undersigned, request that this matter be reviewed by the Integrity Commissioner for the City of Kitchener.:

~~This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.~~

~~SWORN [or AFFIRMED] before me at the~~

~~[City, Town, etc of] _____)~~

~~)~~

~~_____ in the _____)~~

~~)~~

~~Province of Ontario on this _____ day of _____)~~

~~)~~

~~_____, _____)~~

~~)~~

~~_____)~~

~~[Signature of Complainant]~~

~~[Signature of ~~commissioner~~Complainant] _____)~~

~~_____ [Date]~~

~~A Commissioner for taking affidavits, etc. _____)~~

Policy No: GOV-COU-005

Policy Title: CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS
AND ADVISORY COMMITTEES

_____) *[Signature of Complainant]*

_____)
[Signature of Complainant]

[Signature of commissioner] _____)

A Commissioner for taking affidavits, etc. _____)

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-COU-050
<u>Policy Title:</u> WARD BOUNDARY - CRITERIA <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Council <u>Author:</u> Author Unknown <u>Dept/Div:</u> Office of the Mayor & Council	<u>Approval Date:</u> July 4, 1995	<u>Reviewed Date:</u> July 2024 <u>Next Review Date:</u> July 2027
	<u>Reviewed Date:</u>	<u>Last Amended:</u> June 11, 2007
		<u>Replaces:</u> I-050, Ward Boundary - Criteria
		<u>Repealed:</u> <u>Replaced by:</u>
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. POLICY PURPOSE:

Provides the criteria and guiding principles to be considered when reviewing ward boundaries.

2. DEFINITIONS:

“City” means The Corporation of the City of Kitchener or the geographic area of Kitchener, as the context requires.

“Community of Interest” means a neighborhood or recognized area of the City with distinct or defining attributes, including, but not limited to ethnic, religious, historic, and cultural, wherein the residents share a common interest.

“Effective Representation” means having approximately the same number of residents per Member of Council for each Ward to ensure that residents have equivalent access to and representation by each Ward Councillor.

“Geographic Boundary” means a natural or man-made feature that can serve as a Ward boundary.

“Ward” means a certain specific geographic area of the City that is established.

Policy No: GOV-COU-050

Policy Title: WARD BOUNDARY - CRITERIA

“Ward Boundary Guidelines” means the criteria as set out in this policy by which Effective Representation will be assessed in each Ward and the City as a whole.

“Ward Boundary Review” means a comprehensive process by which Wards are reviewed, resulting in recommendations to either maintain, or to reduce, increase, or adjust the Wards prior to passing a by-law in accordance with Section 222 of the Municipal Act, 2001, S.O. 2001, c. 25.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

- (a) Ward boundaries shall be reviewed after every third regular election. With the current length of a term of Council being four years, that would equate to every 12 years. A review shall be commenced two years prior to the next election, so that it can be finalized in sufficient time to allow for the appeal period and a possible appeal to the Ontario Land Tribunal (OLT).
- (b) Each ward will be represented by one Councillor.
- (c) In reviewing ward boundaries, the following principles shall be considered:
 - (i) Communities of interest and neighbourhoods should be protected. It is desirable to avoid fragmenting traditional neighbourhoods or communities of interest.
 - (ii) Consideration of representation by population: To the extent possible, and bearing in mind the requirements for effective representation, voters should be equally represented and wards should have reasonable equal population totals. Given the

Policy No: GOV-COU-050

Policy Title: WARD BOUNDARY - CRITERIA

geography and varying populations densities and characteristics in the City, a degree of variation is acceptable.

- (iii) Consideration of physical features as natural boundaries. Wards should be compact, contiguous shape, straightforward and easy to remember.
- (iv) Consideration of present and future population trends. The ward structure should accommodate growth for at least 12 years.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2001-12-01 - Minor updates

2016-06-01 - I-050 policy template re-formatted to new numbering system and given number GOV-COU-050.

2024-07 - Reviewed no changes.

Formal Amendments

2007-06-11 - As per Council/CLT directive.

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-COU-050
<u>Policy Title:</u> WARD BOUNDARY - CRITERIA <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Council <u>Author:</u> Author Unknown <u>Dept/Div:</u> Office of the Mayor & Council	<u>Approval Date:</u> July 4, 1995 <u>Reviewed Date:</u> July 2024 <u>Next Review Date:</u> July 2027 <u>Reviewed Date:</u> <u>Last Amended:</u> June 11, 2007 <u>Replaces:</u> I-050, Ward Boundary - Criteria <u>Repealed:</u> <u>Replaced by:</u>	
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. POLICY PURPOSE:

Provides the criteria and guiding principles to be considered when reviewing ward boundaries.

2. DEFINITIONS:

“
-

~~To be included at next review. City~~” means The Corporation of the City of Kitchener or the geographic area of Kitchener, as the context requires.

“Community of Interest” means a neighborhood or recognized area of the City with distinct or defining attributes, including, but not limited to ethnic, religious, historic, and cultural, wherein the residents share a common interest.

“Effective Representation” means having approximately the same number of residents per Member of Council for each Ward to ensure that residents have equivalent access to and representation by each Ward Councillor.

Policy No: GOV-COU-050

Policy Title: WARD BOUNDARY - CRITERIA

“Geographic Boundary” means a natural or man-made feature that can serve as a Ward boundary.

“Ward” means a certain specific geographic area of the City that is established.

“Ward Boundary Guidelines” means the criteria as set out in this policy by which Effective Representation will be assessed in each Ward and the City as a whole.

“Ward Boundary Review” means a comprehensive process by which Wards are reviewed, resulting in recommendations to either maintain, or to reduce, increase, or adjust the Wards prior to passing a by-law in accordance with Section 222 of the Municipal Act, 2001, S.O. 2001, c. 25.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

- (a) Ward boundaries ~~will~~ shall be reviewed after every ~~second~~ third regular election. With the current length of a term of Council being four years, that would equate to every 12 years. A review shall be commenced two years prior to the next election, so that it can be finalized in sufficient time to allow for the appeal period and a possible appeal to the Ontario Land Tribunal (OLT).
- (b) Each ward will be represented by one Councillor.
- (c) In reviewing ward boundaries, the following principles shall be considered:

Policy No: GOV-COU-050

Policy Title: WARD BOUNDARY - CRITERIA

- (i) Communities of interest and neighbourhoods should be protected. It is desirable to avoid fragmenting traditional neighbourhoods or communities of interest.
- (ii) Consideration of representation by population: To the extent possible, and bearing in mind the requirements for effective representation, voters should be equally represented and wards should have reasonable equal population totals. Given the geography and varying populations densities and characteristics in the City, a degree of variation is acceptable.
- (iii) Consideration of physical features as natural boundaries. Wards should be compact, contiguous shape, straightforward and easy to remember.
- (iv) Consideration of present and future population trends. The ward structure should accommodate growth for at least 12 years.

5. **HISTORY OF POLICY CHANGES**

Administrative Updates

2001-12-01 - Minor updates

2016-06-01 - I-050 policy template re-formatted to new numbering system and given number GOV-COU-050.

2024-07 - Reviewed no changes.

Formal Amendments

2007-06-11 - As per Council/CLT directive.

	POLICY	<u>Policy No:</u> MUN-FAC-442
<u>Policy Title:</u> COMMUNITY FLAG RAISINGS, FLAG PROTOCOL & ILLUMINATION OF CITY HALL <u>Policy Type:</u> COUNCIL <u>Category:</u> Municipal Services <u>Sub-Category:</u> Facility <u>Author:</u> City Clerk <u>Dept/Div:</u> Finance & Corporate Services Department, Legislated Services	<u>Approval Date:</u> May 17, 2004	
	<u>Reviewed Date:</u> July 2016	
	<u>Next Review Date:</u> July 2021 <u>Reviewed Date:</u>	
	<u>Last Amended:</u>	
	<u>Replaces:</u> I-442, Community Flag Raisings & Flag Protocol	
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.	<u>Repealed:</u> June 30, 2014 <u>Replaced by:</u> I-442	

1. POLICY PURPOSE:

The Community Flag Raisings, Flag Protocol & Illumination at City Hall Policy establishes a framework to govern requests for flag raisings and illumination of city facilities received from the community, and to establish a consistent protocol for commemoration activities.

2. DEFINITIONS:

- a) “Clerk” means the Clerk appointed by the Kitchener Council, or their designate.
- b) “Chief Administrative Officer/CAO” means the Chief Administrative Officer appointed by the Kitchener Council, or their designate.
- c) “City Hall” means the administrative office and public space including Carl Zehr Square.
- d) “Civic Square Flag Display” means the large flag poles in Civic Square which fly the national flag of Canada, the provincial flag of Ontario and the City of Kitchener flag.
- e) “Community Flag Pole” means the flagpoles designated at the Kitchener City Hall Duke St. Gardens and at Speaker’s Corner for Community Flag Raisings.

- f) “Flying a Flag at Half-mast” means the action of flying all flags, forming a single display of flags, at a position that is equal distance from the top and bottom of a flagpole, to mark periods of mourning or to commemorate solemn occasions.
- g) “Illumination” means the use of illumination through different colour lights at City Hall facing outwards toward Carl Zehr Square.
- h) “Kitchener Flag” means the flag adopted by Kitchener Council as a symbol of the municipality. The Kitchener Flag may be granted, registered, approved or confirmed by the Canadian Heraldic Authority.
- i) “Mayor” means the elected Mayor of the City of Kitchener, or the Acting Mayor, as approved by by-law, in their absence.
- j) “National Flag of Canada” means the flag approved by the Parliament of Canada as a national symbol of Canada.
- k) “Provincial Flag of Ontario” means the flag approved by the Legislative Assembly of Ontario as a provincial symbol of Ontario.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
X All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other
X Council	<input type="checkbox"/> Local Boards & Advisory Committees

This Policy applies to Community Flag Raisings held at Kitchener City Hall and at Speaker’s Corner (Frederick and King Streets), and to the flying of flags at any municipal building, property, or facilities. The Policy applies to illuminations at the City Hall at 200 King Street West.

4. POLICY CONTENT:

4.1 Flag Protocols

The following rules will be used by the Kitchener in respect to the flying of flags at any municipal building, property, or facility:

4.1.1 General Principles of Flag Raisings

The following general principles will apply in respect to all aspects of this Policy, and be used when interpreting the Policy:

- a) The municipality will use flags to celebrate Kitchener's diversity and inclusivity, and honour those who have contributed to the life of the municipality;
- b) The City will not fly the flag of a group or organization whose undertakings or philosophy could prove detrimental or reflect negatively on the City's public image. In this regard, the City will not fly the flag of any group or organization that;
 - i. Condone any form of personal discrimination, including that based upon race, national origin, religion, sex or age;
 - ii. Appears in a realistic manner to exploit, condone or incite hatred or violence, or appear to condone, encourage or exhibit obvious indifference to unlawful behaviour;
 - iii. Demeans, denigrates or disparages any identifiable person, group or person, organization, profession, product or service or attempt to bring them into any public contempt or ridicule, or;
 - iv. Undermines human dignity, displays obvious indifference to or encourages, gratuitously and without merit, conduct or attitudes that offend the standards of public decency among a significant segment of the population;
 - v. Disparages a City program, service, facility, event or employee.
- c) The flying of flags at any municipal facility will not be contrary to the principles of any other Kitchener policy or bylaw; and,
- d) The municipality will only fly flags that are approved or recognized by federal, provincial or municipal governments of Canada.

4.1.2 Civic Square Flag Display

Only the national flag of Canada, the provincial flag of Ontario and the Kitchener flag shall be raised on the flagpoles located in the City Hall Civic Square.

Notwithstanding the provisions of the clause above, the Mayor or the CAO may approve the raising of any of the following flags on the poles at City Hall Civic Square:

- i. The flag of a member of the Royal family, the Governor-General or the Lieutenant-Governor;
- ii. The flag of the United Nations;

- iii. The flag of a state recognized by the Canadian Department of Foreign Affairs, Trade and Development, when an official representative is visiting the City or an official is representing a municipality officially linked to the City of Kitchener;
- iv. Canadian Armed Forces Flag (on Canadian Armed Forces Day only)

4.1.3 Community Flag Raising Displays

Kitchener has designated two (2) Community Flag Poles to celebrate Kitchener's diversity and heritage. The first Community Flag Pole will be the original flagpole designated as a Community Flag Pole at the time of the opening of Kitchener City Hall (the front, left flagpole at the corner of the Duke Street Gardens) and the second Community Flagpole will be located in Speaker's Corner.

A. Community Flag Raising Criteria

The criteria for approving or denying a request to use the Community Flag Poles will be:

The following types of flags are permitted to be flown on the Community Flag Poles:

- i. of a state recognized by the Canadian Department of Foreign Affairs, Trade and Development being flown in honour of national or independence days important to the residents of Kitchener;
- ii. of a registered charitable organization and/or registered not-for-profit organization in support of fundraising drives important to the residents of Kitchener; and,
- iii. of a registered charitable organization and/or registered not-for-profit organization to celebrate multicultural and civic organizations or events important to the residents of Kitchener or at the direction of the Mayor or the CAO.

The following types of flags are not permitted to be flown on the Community Flag Poles:

- i. of Political Parties;
- ii. of Religious Groups;
- iii. in support of fund-raising drives that are political or religious in nature; and
- iv. that contravene any of the principles outlined in this policy or in any other City of Kitchener bylaw or policy.

The Clerk will be responsible for providing advice, as necessary, on the applicability

of any of the above criteria to any application received for Community Flag Raisings.

B. Applications for use of the Community Flagpoles

All requests for use of the Community Flag Poles will be made in writing via a set application form. Approvals and use of the Community Flagpole(s) will be granted on a first come-first served basis.

Applications for any given calendar year will be accepted until December 1st of the previous year, with a calendar prepared by the Clerk by December 31st of that previous year for the following year. Subsequent approvals will be considered on a first-come, first-served basis, subject to space availability.

Applications during the calendar year are to be submitted at least three (3) weeks prior to the day requested for the raising of the flag. The Clerk will review all applications to determine consistency with this Policy, and will:

- i. approve the flag raising and note it on the next Council Agenda for information purposes, if the flag raising was previously approved by the Mayor and Chief Administrative Officer (CAO) within 5 years of the current request, and is consistent with this Policy;
- ii. make a recommendation to the Mayor and CAO to approve or deny the application prior to the date of the proposed flag raising, and if approved, note it on the next Council Agenda for information purposes, if the flag raising was not previously approved by the Mayor and CAO, or was approved by the Mayor and CAO more than 5 years before the current request;

Decisions made by the Mayor and the CAO, or the City Clerk, in the implementation of this policy, shall be considered final.

C. General Rules for the Community Flagpoles

The general rules for the use of the Community Flagpoles are as follows:

- i. Flags will be flown for up to 1 week at a time, on one (1) of the two available community flag poles;
- ii. A community group will be permitted one (1) use of the community flag pole each calendar year;
- iii. When the community flag raising at any point in time is for the flag of another nation, the flag of that nation will fly on the Community Flag Pole at Kitchener City Hall. If more than one application is received to fly the flag of another nation, the Clerk will work with the applicants to facilitate a solution which allows for each of the group's respective celebrations. The Clerk's decision shall be final in this regard.
- iv. When the community flag raising is for the flag of a community organization,

the first organization to make application shall have first choice as to which Community Flag Pole they would like to use, and the second application will have use of the other Community Flag Pole. If there is already a national flag flying on the Community Flag Pole at Kitchener City Hall, then only the remaining flag pole at Speaker's Corner shall be available for any community flag requests;

- v. When more community flag-raising requests occur on the same day (or during the same period of time) than there is space for on Community Flag Poles, then the Clerk will work with affected groups to facilitate the community flag raising by: (1) moving a flag-raising to a different day; or (2) sharing the time period equally by affected groups;
- vi. Individuals, groups or associations requesting flag raisings are required to provide the flag to be raised.

4.1.4 Flag Protocol

Kitchener's protocol for the flying of flags at all municipal facilities incorporated into this Policy as appendices. Appendix 'A' are the protocols Kitchener will use in honouring contributions to the life of the municipality through the Flying a Flag at Half-mast. Appendix 'B' are the protocols the municipality will use in determining how flags will usually be flown at any municipal facility.

4.2 Illumination Protocols

The following rules will be used by the Kitchener in respect to the consideration of illumination requests to light Carl Zehr Square:

- a) The use of multi-colour capable LED lighting installations at the City Hall at 200 King Street West provides a unique opportunity to display the official colour associated with a charitable or non-profit organization or a City of Kitchener event, in order to create awareness of and/or celebrate and/or memorialize an organization or significant event;
- b) The municipality will use illuminations to celebrate Kitchener's diversity and inclusivity, and honour those who have contributed to the life of the municipality;
- c) The City will not facilitate illumination requests of a group or organization whose undertakings or philosophy could prove detrimental or reflect negatively on the City's public image. In this regard, the City will not facilitate illuminations of any group or organization that;
 - i. Condone any form of personal discrimination, including that based upon race, national origin, religion, sex or age;
 - ii. Appears in a realistic manner to exploit, condone or incite hatred or violence, or appear to condone, encourage or exhibit obvious indifference to unlawful behaviour;

- iii. Demeans, denigrates or disparages any identifiable person, group or person, organization, profession, product or service or attempt to bring them into any public contempt or ridicule, or;
- iv. Undermines human dignity, displays obvious indifference to or encourages, gratuitously and without merit, conduct or attitudes that offend the standards of public decency among a significant segment of the population; or
- v. Disparages a City program, service, facility, event or employee.

4.2.1 General Principles of Illuminations

- a) Organizations making an Illumination request must be charitable or non-profit organizations.
- b) Charitable or non-profit organizations making an Illumination request must be consistent with City of Kitchener's policies and/or by-laws.
- c) The City Hall Building at 200 King Street West shall not be illuminated for political, religious, or for-profit organizations or purposes.

4.3 Special Requests - Illuminations

- a) A special request from an agency or organization located in Kitchener wishing to change the Illumination at 200 King Street West will be reviewed and provided to the CAO and Mayor for approval. If approved, the special request will be noted on the Council Agenda under the Flag Raising/Illumination section for information only.
- b) A special request must be made three weeks prior to the requested date using the set application form.
- c) There will be no presentations or delegations at City Council with respect to Illumination.
- d) Illumination by special request will take place at City Hall at 200 King Street West for the duration that the request is granted, or for an appropriate period specified to mark the event.

5. ROLES AND RESPONSIBILITIES

Council is responsible for approving and amending this Policy.

The Clerk will be responsible for the interpretation of this Policy, as well as the development of procedures for the effective and efficient implementation of the Policy.

The Mayor, Chief Administrative Officer and the Clerk shall have approval responsibilities as outlined in various sections of this policy.

6. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-442 policy template re-formatted to new numbering system and given number MUN-FAC-442.

Formal Amendments

2014-06-30 - Repeal & Replace resolution passed by Council, see report FCS- 14-127.

Appendix "A"
FLYING FLAGS AT HALF-MAST

The City's protocol for Flying a Flag at Half-mast will be:

A. Periods of Official Mourning

Flags will be flown at half-mast at all City facilities to mark periods of official mourning upon the death of:

- i. The Sovereign;
- ii. A Member of the Canadian Royal Family;
- iii. The Governor General of Canada, or a former Governor General;
- iv. The Prime Minister of Canada, or a former Prime Minister;
- v. The Leader of Her Majesty's Loyal Opposition, Parliament of Canada;
- vi. The Lieutenant Governor of Ontario;
- vii. The Premier of Ontario;
- viii. The Leader of Her Majesty's Loyal Opposition, Legislative Assembly of Ontario;
- ix. A local Member of Parliament, or a local Member of the Legislative Assembly of Ontario;
- x. The Mayor or a former Mayor;
- xi. A Member of Council or a former Member of Council;
- xii. The Regional Chair or a former Regional Chair;
- xiii. A current employee of the City of Kitchener;
- xiv. A retired member of City staff having a minimum of 15 years of service;
- xv. A Waterloo Region Police Officer who dies in the line of duty; and
- xvi. A resident of Kitchener, who is a member of the Canadian Armed Forces, killed while deployed on operations.

Flags will be flown at half-mast, in the case of a national or provincial official, for the duration established by the appropriate federal or provincial protocol offices. In the case of other persons, flags will be flown at half-mast on the date of the funeral or memorial service for that individual.

The Clerk will be responsible for coordinating the Lowering of Flags at City facilities.

Policy No: MUN-FAC-442

Policy Title: **COMMUNITY FLAG RAISINGS, FLAG PROTOCOL & ILLUMINATION OF CITY HALL**

Kitchener Fire & Emergency Services Facilities

The Kitchener Fire Department may mark a period of official mourning for other fire and emergency personnel who have died in the line of duty, or any other traditional commemorations of solemn occasions important to fire and emergency personnel. This applies to Kitchener Fire Stations only.

B. Commemoration of Solemn Occasions

Flags will be flown at half-mast annually, at all municipal facilities, to commemorate the following solemn occasions:

- i. Remembrance Day (November 11); and,

Flags will be flown at half-mast annually, at the civic square flag display, to commemorate the following solemn occasions:

- ii. National Day of Mourning for Persons Killed or Injured in the Workplace (April 28)
- iii. Peacekeeper's Day (August 9);
- iv. National Firefighter Memorial Day (2nd Sunday in September);
- v. National Peace and Police Officer' Memorial Day (Last Sunday in September);
- vi. National Day of Remembrance and Action on Violence Against Women (December 6).

C. Other Solemn Occasions

The commemoration of other periods of official mourning and solemn occasions, in keeping with the General Principles of this Policy, may be approved by the Mayor or CAO. This can include the passing of a person considered to be a prominent citizen of the City of Kitchener or the Region of Waterloo or a person of national or international stature that has had a profound effect on the lives of the community or in response to a tragic or catastrophic event in the world. A notice of any approval issued by the Mayor or CAO will be placed on a future Council Agenda for informational purposes.

Policy No: MUN-FAC-442

Policy Title: **COMMUNITY FLAG RAISINGS, FLAG PROTOCOL & ILLUMINATION OF CITY HALL**

Appendix 'B'

CUSTOMARY FLAG CONFIGURATION

The City's protocol for the usual configuration of flags at City of Kitchener facilities will be:

A. Civic Square Flag Display

The National Flag of Canada will be flown on the centre flagpole. To an observer facing the entrance to the Civic Centre, the Provincial Flag of Ontario will fly to the left of the Canadian flag and the Kitchener Flag will be flown to its right. Other flags will not be flown on any of these flagpoles, except in the circumstances noted under **Section 2 - Civic Square Flag Display** of this policy.

B. Other City Facilities

i. When the facility has only one (1) flagpole

The National Flag of Canada will be flown at facilities with only one flagpole. Another flag will not be flown under the National Flag of Canada. Other flags will not be flown at these facilities, except in the circumstances noted in under the heading "Dignitary Visits."

ii. When the facility has two (2) flagpoles configured to form a single display

The National Flag of Canada and either the Provincial Flag of Ontario or the Flag of the City of Kitchener will be flown. The customary position of honour, the left flagpole to an observer facing the display, will be used to fly the National Flag of Canada. Other flags will not be flown on these flagpoles, except in the circumstances noted under the heading "Dignitary Visits."

iii. When the facility has three (3) flagpoles configured to form a single display

The National Flag of Canada, the Ontario Provincial Flag, and the Flag of the City of Kitchener will be flown. The National Flag of Canada will be flown on the centre flagpole which is the customary position of honour. To an observer facing the display, the Provincial Flag of Ontario will fly to the left of the National Flag of Canada, and the Flag of City of Kitchener will be flown to its right. Other flags will not be flown on these flagpoles, except in the circumstances noted under the heading "Dignitary Visits."

C. Shared Government Facilities

At Shared Government Facilities (e.g. Kitchener & Waterloo Region Joint Fire & EMS Stations) arrangement of flags at facilities shared by the City and another government will be decided by written agreement between the governments and in accordance with applicable protocol.

Policy No: MUN-FAC-442

Policy Title: **COMMUNITY FLAG RAISINGS, FLAG PROTOCOL & ILLUMINATION OF CITY HALL**

The Clerk will be responsible for representing the City and confirming such arrangements.

DIGNITARY VISITS

In the event of a visit by a dignitary to a City of Kitchener facility, the City may fly a flag representing that dignitary. The flying of a flag to mark the dignitary's visit will be made only after consulting with an appropriate protocol officer responsible for coordinating the visit.

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SUBJECT: COMMUNITY FLAG RAISINGS, FLAG
PROTOCOL & ILLUMINATION OF CITY HALL COMMUNITY
FLAG RAISINGS & FLAG PROTOCOL

	POLICY	Policy No: MUN-FAC-442
<u>Policy Title:</u> COMMUNITY FLAG RAISINGS, & FLAG PROTOCOL & ILLUMINATION OF CITY HALL		<u>Approval Date:</u> May 17, 2004
<u>Policy Type:</u> COUNCIL		<u>Reviewed Date:</u> July 2016
<u>Category:</u> Municipal Services		<u>Next Review Date:</u> July 2021
<u>Sub-Category:</u> Facility		<u>Reviewed Date:</u>
<u>Author:</u> City Clerk		<u>Last Amended:</u>
<u>Dept/Div:</u> Finance & Corporate Services Department, Legislated Services		<u>Replaces:</u> I-442, Community Flag Raisings & Flag Protocol
		<u>Repealed:</u> June 30, 2014
		<u>Replaced by:</u> I-442
<u>Related Policies, Procedures and/or Guidelines:</u> To be included at next review.		

1. POLICY PURPOSE:

The Community Flag Raisings ~~& ,~~ Flag Protocol & Illumination at City Hall Policy establishes a framework to govern requests for flag raisings and illumination of city facilities received from the community, and to establish a consistent protocol ~~for the flying of flags at all municipal buildings, properties, and facilities~~ for commemoration activities.

2. DEFINITIONS:

a) “Clerk” means the Clerk appointed by the Kitchener Council, or their his/her designate.

b) “Chief Administrative Officer/CAO” means the Chief Administrative Officer appointed by the Kitchener Council, or his/her/their designate.

a) ~~“Mayor” means the elected Mayor of the City of Kitchener, or the Acting Mayor, as approved by bylaw, in his/her absence.~~

c) “City Hall” means the administrative office and public space including Carl Zehr Square.

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**SUBJECT: COMMUNITY FLAG RAISINGS, FLAG
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- b)d) **“Civic Square Flag Display”** means the ~~three~~ large flag poles in Civic Square which fly the national flag of Canada, the provincial flag of Ontario and the City of Kitchener flag.
- e)e) **“Community Flag Pole”** means the flagpoles designated at the Kitchener City Hall Duke St. Gardens and at Speaker’s Corner for Community Flag Raisings.
- e)f) **“Flying a Flag at Half-mast”** means the action of flying all flags, forming a single display of flags, at a position that is equal distance from the top and bottom of a flagpole, to mark periods of mourning or to commemorate solemn occasions.
- g) **“Illumination”** means the use of illumination through different colour lights at City Hall facing outwards toward Carl Zehr Square.
- e)h) **“Kitchener Flag”** means the flag adopted by Kitchener Council as a symbol of the municipality. The Kitchener Flag may be granted, registered, approved or confirmed by the Canadian Heraldic Authority.
- i) **“Mayor”** means the elected Mayor of the City of Kitchener, or the Acting Mayor, as approved by by-law, in their absence.
- f)j) **“National Flag of Canada”** means the flag approved by the Parliament of Canada as a national symbol of Canada.
- g)k) **“Provincial Flag of Ontario”** means the flag approved by the Legislative Assembly of Ontario as a provincial symbol of Ontario.

3. SCOPE:

POLICY APPLIES TO THE FOLLOWING:	
<input type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

This Policy applies to Community Flag Raisings held at Kitchener City Hall and at Speaker’s Corner (Frederick and King Streets), and to the flying of flags at any municipal building, property, or facilities. The Policy applies to illuminations at the City Hall at 200 King Street West.

4. POLICY CONTENT:

~~POLICY NUMBER: 1-~~

~~SUBJECT: COMMUNITY FLAG RAISINGS, FLAG
PROTOCOL & ILLUMINATION OF CITY HALL COMMUNITY
FLAG RAISINGS & FLAG PROTOCOL~~

4.1 Flag Protocols

The following rules will be used by the Kitchener in respect to the flying of flags at any municipal building, property, or facility:

4.1.1 General Principles of ~~the Policy~~ Flag Raisings

The following general principles will apply in respect to all aspects of this Policy, and be used when interpreting the Policy:

- a) The municipality will use flags to celebrate Kitchener's diversity and inclusivity, and honour those who have contributed to the life of the municipality;
- b) The City will not fly the flag of a group or organization whose undertakings or philosophy could prove detrimental or reflect negatively on the City's public image. In this regard, the City will not fly the flag of any group or organization that;
 - i. Condone any form of personal discrimination, including that based upon race, national origin, religion, sex or age;
 - ii. Appears in a realistic manner to exploit, condone or incite hatred or violence, or appear to condone, encourage or exhibit obvious indifference to unlawful behaviour;
 - iii. Demean, denigrate or disparages any identifiable person, group or person, organization, profession, product or service or attempt to bring them into any public contempt or ridicule, or;
 - iv. Undermines human dignity, displays obvious indifference to or encourages, gratuitously and without merit, conduct or attitudes that offend the standards of public decency among a significant segment of the population;
 - v. Disparages a City program, service, facility, event or employee.
- c) The flying of flags at any municipal facility will not be contrary to the principles of any other Kitchener policy or bylaw; and,
- d) The municipality will only fly flags that are approved or recognized by federal, provincial or municipal governments of Canada.

4.1.2 Civic Square Flag Display ~~CIVIC SQUARE FLAG DISPLAY~~

Only the national flag of Canada, the provincial flag of Ontario and the Kitchener flag shall be raised on the ~~three~~ flagpoles located in the City Hall Civic Square.

Notwithstanding the provisions of the clause above, the Mayor or the CAO may approve the raising of any of the following flags on the poles at City Hall Civic Square:

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- i. The flag of a member of the Royal family, the Governor-General or the Lieutenant-Governor;
- ii. The flag of the United Nations;
- iii. The flag of a state recognized by the Canadian Department of Foreign Affairs, Trade and Development, when an official representative is visiting the City or an official is representing a municipality officially linked to the City of Kitchener;
- iv. Canadian Armed Forces Flag (on Canadian Armed Forces Day only)

4.1.3 Community Flag Raising Displays COMMUNITY FLAG RAISING DISPLAYS

Kitchener has designated two (2) Community Flag Poles to celebrate Kitchener's diversity and heritage. The first Community Flag Pole will be the original flagpole designated as a Community Flag Pole at the time of the opening of Kitchener City Hall (the front, left flagpole at the corner of the Duke Street Gardens) and the second Community Flagpole will be located in Speaker's Corner.

A. Community Flag Raising Criteria

The criteria for approving or denying a request to use the Community Flag Poles will be:

The following types of flags are permitted to be flown on the Community Flag Poles:

- i. of a state recognized by the Canadian Department of Foreign Affairs, Trade and Development being flown in honour of national or independence days important to the residents of Kitchener;
- ii. of a registered charitable organization and/or registered not-for-profit organization in support of fundraising drives important to the residents of Kitchener; and,
- iii. of a registered charitable organization and/or registered not-for-profit organization to celebrate multicultural and civic organizations or events important to the residents of Kitchener or at the direction of the Mayor or the CAO.

The following types of flags are not permitted to be flown on the Community Flag Poles:

- i. of Political Parties;
- ii. of Religious Groups;
- iii. in support of fund-raising drives that are political or religious in nature;

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and

- iv. that contravene any of the principles outlined in this policy or in any other City of Kitchener bylaw or policy.

The Clerk will be responsible for providing advice, as necessary, on the applicability of any of the above criteria to any application received for Community Flag Raisings.

B. Applications for use of the Community Flagpoles

All requests for use of the Community Flag Poles will be made in writing via a set application form. Approvals and use of the Community Flagpole(s) will be granted on a first come-first served basis.

Applications for any given calendar year will be accepted until December 1st of the previous year, with a calendar prepared by the Clerk by December 31st of that previous year for the following year. Subsequent approvals will be considered on a first-come, first-served basis, subject to space availability.

Applications during the calendar year are to be submitted at least three (3) weeks prior to the day requested for the raising of the flag. The Clerk will review all applications to determine consistency with this Policy, and will:

- i. approve the flag raising and note it on the next Council Agenda for information purposes, if the flag raising was previously approved by the Mayor and Chief Administrative Officer (CAO) within 5 years of the current request, and is consistent with this Policy;
- ii. make a recommendation to the Mayor and CAO to approve or deny the application prior to the date of the proposed flag raising, and if approved, note it on the next Council Agenda for information purposes, if the flag raising was not previously approved by the Mayor and CAO, or was approved by the Mayor and CAO more than 5 years before the current request;

Decisions made by the Mayor and the CAO, or the City Clerk, in the implementation of this policy, shall be considered final.

C. General Rules for the Community Flagpoles

The general rules for the use of the Community Flagpoles are as follows:

- i. Flags will be flown for up to 1 week at a time, on one (1) of the two available community flag poles;
- ii. A community group will be permitted one (1) use of the community flag pole each calendar year;
- iii. When the community flag raising at any point in time is for the flag of another nation, the flag of that nation will fly on the Community Flag Pole

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at Kitchener City Hall. If more than one application is received to fly the flag of another nation, the Clerk will work with the applicants to facilitate a solution which allows for each of the group's respective celebrations. The Clerk's decision shall be final in this regard.

- iv. When the community flag raising is for the flag of a community organization, the first organization to make application shall have first choice as to which Community Flag Pole they would like to use, and the second application will have use of the other Community Flag Pole. If there is already a national flag flying on the Community Flag Pole at Kitchener City Hall, then only the remaining flag pole at Speaker's Corner shall be available for any community flag requests;
- v. When more community flag-raising requests occur on the same day (or during the same period of time) than there is space for on Community Flag Poles, then the Clerk will work with affected groups to facilitate the community flag raising by: (1) moving a flag-raising to a different day; or (2) sharing the time period equally by affected groups;
- vi. Individuals, groups or associations requesting flag raisings are required to provide the flag to be raised.

4.1.4 Flag Protocol

Kitchener's protocol for the flying of flags at all municipal facilities incorporated into this Policy as appendices. Appendix 'A' are the protocols Kitchener will use in honouring contributions to the life of the municipality through the Flying a Flag at Half-mast. Appendix 'B' are the protocols the municipality will use in determining how flags will usually be flown at any municipal facility.

4.2 Illumination Protocols

The following rules will be used by the Kitchener in respect to the consideration of illumination requests to light Carl Zehr Square:

- a) The use of multi-colour capable LED lighting installations at the City Hall at 200 King Street West provides a unique opportunity to display the official colour associated with a charitable or non-profit organization or a City of Kitchener event, in order to create awareness of and/or celebrate and/or memorialize an organization or significant event;
- b) The municipality will use illuminations to celebrate Kitchener's diversity and inclusivity, and honour those who have contributed to the life of the municipality;
- c) The City will not facilitate illumination requests of a group or organization whose undertakings or philosophy could prove detrimental or reflect negatively on the City's public image. In this regard, the City will not facilitate illuminations of any group or organization that:
 - i. Condone any form of personal discrimination, including that based upon race, national origin, religion, sex or age;

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- ii. Appears in a realistic manner to exploit, condone or incite hatred or violence, or appear to condone, encourage or exhibit obvious indifference to unlawful behaviour;
- iii. Demears, denigrates or disparages any identifiable person, group or person, organization, profession, product or service or attempt to bring them into any public contempt or ridicule, or;
- iv. Undermines human dignity, displays obvious indifference to or encourages, gratuitously and without merit, conduct or attitudes that offend the standards of public decency among a significant segment of the population; or
- v. Disparages a City program, service, facility, event or employee.

4.2.1 General Principles of Illuminations

- a) Organizations making an Illumination request must be charitable or non-profit organizations.
- b) Charitable or non-profit organizations making an Illumination request must be consistent with City of Kitchener's policies and/or by-laws.
- c) The City Hall Building at 200 King Street West shall not be illuminated for political, religious, or for-profit organizations or purposes.

4.3 Special Requests - Illuminations

- a) A special request from an agency or organization located in Kitchener wishing to change the Illumination at 200 King Steet West will be reviewed and provided to the CAO and Mayor for approval. If approved, the special request will be noted on the Council Agenda under the Flag Raising/Illumination section for information only.
- b) A special request must be made three weeks prior to the requested date using the set application form.
- c) There will be no presentations or delegations at City Council with respect to Illumination.
- d) Illumination by special request will take place at City Hall at 200 King Street West for the duration that the request is granted, or for an appropriate period specified to mark the event.

5. ROLES AND RESPONSIBILITIES Roles and Responsibilities

Council is responsible for approving and amending this Policy.

The Clerk will be responsible for the interpretation of this Policy, as well as the

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development of procedures for the effective and efficient implementation of the Policy.

The Mayor, Chief Administrative Officer and the Clerk shall have approval responsibilities as outlined in various sections of this policy.

6. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06-01 - I-442 policy template re-formatted to new numbering system and given number MUN-FAC-442.

Formal Amendments

2014-06-30 - Repeal & Replace resolution passed by Council, see report FCS- 14-127.

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Appendix "A"

FLYING FLAGS AT HALF-MAST

The City's protocol for Flying a Flag at Half-mast will be:

A. Periods of Official Mourning

Flags will be flown at half-mast at all City facilities to mark periods of official mourning upon the death of:

- i. The Sovereign;
- ii. A Member of the Canadian Royal Family;
- iii. The Governor General of Canada, or a former Governor General;
- iv. The Prime Minister of Canada, or a former Prime Minister;
- v. The Leader of Her Majesty's Loyal Opposition, Parliament of Canada;
- vi. The Lieutenant Governor of Ontario;
- vii. The Premier of Ontario;
- viii. The Leader of Her Majesty's Loyal Opposition, Legislative Assembly of Ontario;
- ix. A local Member of Parliament, or a local Member of the Legislative Assembly of Ontario;
- x. The Mayor or a former Mayor;
- xi. A Member of Council or a former Member of Council;
- xii. The Regional Chair or a former Regional Chair;
- xiii. A current employee of the City of Kitchener;
- xiv. A retired member of City staff having a minimum of 15 years of service;
- xv. A Waterloo Region Police Officer who dies in the line of duty; and
- xvi. A resident of Kitchener, who is a member of the Canadian Armed Forces, killed while deployed on operations.

Flags will be flown at half-mast, in the case of a national or provincial official, for the duration established by the appropriate federal or provincial protocol offices. In the case of other persons, flags will be flown at half-mast on the date of the funeral or memorial service for that individual.

The Clerk will be responsible for coordinating the Lowering of Flags at City facilities.

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Kitchener Fire & Emergency Services Facilities

The Kitchener Fire Department may mark a period of official mourning for other fire and emergency personnel who have died in the line of duty, or any other traditional commemorations of solemn occasions important to fire and emergency personnel. This applies to Kitchener Fire Stations only.

B. Commemoration of Solemn Occasions

Flags will be flown at half-mast annually, at all municipal facilities, to commemorate the following solemn occasions:

- i. Remembrance Day (November 11); and,

Flags will be flown at half-mast annually, at the civic square flag display, to commemorate the following solemn occasions:

- ii. National Day of Mourning for Persons Killed or Injured in the Workplace (April 28)
- iii. Peacekeeper's Day (August 9);
- iv. National Firefighter Memorial Day (2nd Sunday in September);
- v. National Peace and Police Officer' Memorial Day (Last Sunday in September);
- vi. National Day of Remembrance and Action on Violence Against Women (December 6).

C. Other Solemn Occasions

The commemoration of other periods of official mourning and solemn occasions, in keeping with the General Principles of this Policy, may be approved by the Mayor or CAO. This can include the passing of a person considered to be a prominent citizen of the City of Kitchener or the Region of Waterloo or a person of national or international stature that has had a profound effect on the lives of the community or in response to a tragic or catastrophic event in the world. A notice of any approval issued by the Mayor or CAO will be placed on a future Council Agenda for informational purposes.

Policy No: MUN-FAC-442

Policy Title: **COMMUNITY FLAG RAISINGS, FLAG PROTOCOL & ILLUMINATION OF CITY HALL** ~~COMMUNITY FLAG RAISINGS & FLAG PROTOCOL~~

Appendix 'B'

CUSTOMARY FLAG CONFIGURATION

The City's protocol for the usual configuration of flags at City of Kitchener facilities will be:

A. Civic Square Flag Display

The National Flag of Canada will be flown on the centre flagpole. To an observer facing the entrance to the Civic Centre, the Provincial Flag of Ontario will fly to the left of the Canadian flag and the Kitchener Flag will be flown to its right. Other flags will not be flown on any of these flagpoles, except in the circumstances noted under **Section 2 - Civic Square Flag Display** of this policy.

B. Other City Facilities

i. When the facility has only one (1) flagpole

The National Flag of Canada will be flown at facilities with only one flagpole. Another flag will not be flown under the National Flag of Canada. Other flags will not be flown at these facilities, except in the circumstances noted in under the heading "Dignitary Visits."

ii. When the facility has two (2) flagpoles configured to form a single display

The National Flag of Canada and either the Provincial Flag of Ontario or the Flag of the City of Kitchener will be flown. The customary position of honour, the left flagpole to an observer facing the display, will be used to fly the National Flag of Canada. Other flags will not be flown on these flagpoles, except in the circumstances noted under the heading "Dignitary Visits."

iii. When the facility has three (3) flagpoles configured to form a single display

The National Flag of Canada, the Ontario Provincial Flag, and the Flag of the City of Kitchener will be flown. The National Flag of Canada will be flown on the centre flagpole which is the customary position of honour. To an observer facing the display, the Provincial Flag of Ontario will fly to the left of the National Flag of Canada, and the Flag of City of Kitchener will be flown to its right. Other flags will not be flown on these flagpoles, except in the circumstances noted under the heading "Dignitary Visits."

C. Shared Government Facilities

At Shared Government Facilities (e.g. Kitchener & Waterloo Region Joint Fire & EMS Stations) arrangement of flags at facilities shared by the City and another government will be decided by written agreement between the governments and in accordance with applicable protocol.

Policy No: MUN-FAC-442

Policy Title: **COMMUNITY FLAG RAISINGS, FLAG PROTOCOL & ILLUMINATION OF CITY HALL** ~~COMMUNITY FLAG RAISINGS & FLAG PROTOCOL~~

The Clerk will be responsible for representing the City and confirming such arrangements.

DIGNITARY VISITS

In the event of a visit by a dignitary to a City of Kitchener facility, the City may fly a flag representing that dignitary. The flying of a flag to mark the dignitary's visit will be made only after consulting with an appropriate protocol officer responsible for coordinating the visit.

	<h1>POLICY</h1>	<u>Policy No:</u> MUN-FAC-495
<u>Policy Title:</u> BEHAVIOUR – UNACCEPTABLE CONDUCT ON CITY PREMISES AND AUTHORITY TO ISSUE TRESPASS NOTICES <u>Policy Type:</u> COUNCIL <u>Category:</u> Municipal Services <u>Sub-Category:</u> Authority & Delegations of Staff <u>Author:</u> Director, Facilities Management <u>Dept/Div:</u> INS Facilities Management	<u>Approval Date:</u> March 23, 2009 <u>Next Review Date:</u> Click here to enter text. <u>Reviewed Date:</u> Click here to enter text. <u>Amended:</u> Click here to enter a date. <u>Replaces:</u> I – 345; I - 495 <u>Repealed:</u> Click here to enter a date. <u>Replaced by:</u> Click here to enter text.	
<u>Related Policies, Procedures and/or Guidelines:</u> ; HUM-WOR-140; HUM-WOR-250		

1. POLICY PURPOSE:

This is a policy respecting:

- (a) expectations of appropriate behaviour and activities on City Premises and when accessing City services (including by phone or email).
- (b) defining inappropriate behaviour at City Premises and when accessing City services (including by phone or email);
- (c) the authority of employees of the City to protect City Premises and the rights of employees and others to use and enjoy City Premises; and
- (d) remedies available to employees of the City in addressing inappropriate behaviour at City Premises including the right to issue Trespass Notices.

Policy No: MUN-FAC-495

Policy Title: Behaviour – Unacceptable Conduct on City Premises And Authority To Issue Trespass Notices

The City endeavours to allow all people to enjoy public City Premises for their intended purposes. Each visitor to City Premises is expected to behave and act in a manner that respects the rights of others to use and enjoy City Premises for their intended purposes. It is the goal of the City to encourage appropriate behaviour at all City Premises and to provide residents with opportunities to participate in recreational, leisure, and civic activities in a safe and positive atmosphere.

Renters and users of City Premises must take primary responsibility for the behavior and actions of all persons associated with their program or event.

2. DEFINITIONS:

In this policy:

“City” shall mean The Corporation of the City of Kitchener;

“City Premises” shall mean Premises for which the City is an Occupier;

“City Security Staff” shall mean any City staff that report to the Supervisor, Corporate Security;

“City Security Management” shall mean the City’s Director of Facilities Management and the City’s Supervisor and Manager of Corporate Security;

“Communication” shall include but not limited to any words spoken, written, or recorded electronically or electro-magnetically or otherwise as well as gestures, signs or other visible representations;

“Hearing Officer” shall mean any person appointed by the City from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a hearing officer;

“highway” shall have the meaning given to that term by the Municipal Act, 2001, S.O. 2001, c. 25;

“Occupier” shall have the meaning given to that term by the TPA;

“Police” shall have the meaning of Waterloo Regional Police Services, and Ontario Provincial Police (OPP) and Royal Canadian Mounted Police (RCMP);

“Premises” shall have the meaning given to that term by the TPA;

Policy No: MUN-FAC-495
Policy Title: Behaviour – Unacceptable Conduct on City Premises And Authority To Issue Trespass Notices

“TPA” shall mean the *Trespass to Property Act*, R.S.O., 1990, c. T.21.;

“Waterloo Regional Police Services (WRPS)” shall have the meaning of the agency responsible for police services in the region.

3. SCOPE:



POLICY APPLIES TO THE FOLLOWING:	
<input checked="" type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

4. POLICY CONTENT:

4.1 The City is committed to providing and maintaining an environment that is based on respect for the dignity and the rights of everyone in a healthy and safe work environment, free of any forms of bullying, uncivil or disrespectful behaviour, and from discrimination, harassment, including sexual harassment and violence.

In keeping with the principles of a respectful environment at City premises the following behaviours or activities are deemed to be prohibited behaviours or activities.

4.2 Prohibited Activities

- (a) Behaviours and activities including without limitation:
 - i) creating a disturbance or a nuisance;
 - ii) harassing communication– including but not limited to, that based on race, ethnic origin, gender identity or sexual orientation and other protected grounds under the Ontario Human Rights Code
 - iii) using profanity, obscene or abusive communication, racial or ethnic slurs, directed at or disturbing others;

Policy No: MUN-FAC-495

Policy Title: Behaviour – Unacceptable Conduct on City Premises And Authority To Issue Trespass Notices

- iv) vandalizing property;
 - v) fighting, molesting, intimidating or threatening others;
 - vi) disrupting a program or event;
 - vii) engaging in horseplay or causing unsafe conditions;
 - viii) wearing attire or displaying material that is intolerant of human rights;
 - ix) in-line skating, skateboarding, scootering, or bicycling, except where permitted;
 - x) littering;
 - xi) blocking corridors, thoroughfares, stairways, or exits;
 - xii) spitting or causing unsanitary conditions;
 - xiii) urinating or defecating other than in appropriate areas of bathrooms;
 - xiv) preventing others from lawful use and enjoyment of property;
 - xv) unreasonably monopolizing space or facilities to the exclusion of others;
 - xvi) using City Premises for other than the intended purpose;
 - xvii) drinking alcohol in areas where not permitted;
 - xviii) smoking or vaping including without limitation the smoking of e-cigarettes in areas not permitted including inside of or within 9 metres of the entrance to any building under the jurisdiction of the City;
 - xix) behaviour contrary to rules, regulations, or prohibitions posted on property of the City;
 - xx) behaviour and activities that would obstruct or hinder the rights of others to use and enjoy City Premises
 - xxi) unscheduled gatherings or events which may interfere with regular or scheduled events or bookings in accordance with MUN-FAC-2030 City Facility Usage by Groups or Events
- (b) behaviour contrary to the *Criminal Code*, R.S.C. 1985, c. C-46, other federal statutes, provincial statutes, municipal by-laws, or municipal policies;
- (c) the use of any cell phone, camera, personal digital assistant (PDA), or electronic equipment with photographic abilities in change rooms or washrooms of City Premises; and
- (d) other behaviour as may be prohibited from time to time by resolution of City Council.

4.3 Employee Enforcement Options

All City employees including but not limited to City Security Staff are authorized to take the following enforcement actions at any City Premises if inappropriate behaviour or activity (“prohibited behaviour”) is observed or reported:

- (a) make or receive reports on prohibited behaviour;

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- (b) assess situations;
- (c) make verbal requests to refrain from a prohibited behaviour;
- (d) give verbal warnings to refrain from a prohibited behaviour;
- (e) when prohibited behaviour is included in a written communication, make written requests and/or give written warnings to refrain from prohibited behaviour;
- (f) give verbal directions to leave City Premises other than the travelled portion of a highway for the remainder of an event or the remainder of a day, citing the prohibited behaviour as the reason;
- (g) upon refusal of person to follow a verbal direction, disengage from communication, or at any time where there is a safety concern, to call City security staff or police and request assistance;
- (h) prepare reports of any incident requiring enforcement actions including the prohibited behaviour, action taken, and, if known, the identification of the offender including name, phone number, and address; and
- (i) recommend to the appropriate supervisor or manager (if that position is filled by someone other than the employee) that the individual who engaged in prohibited behaviour be prohibited from returning to a program or certain City Premises for a period of time.

4.4 Enforcement Options for City Security Staff

City Security Staff and City Security Management are authorized to take all lawful enforcement options necessary to perform their duties, including:

- (a) verbally directing a person to leave City Premises for a period not exceeding 72 hours from the time of eviction, citing the prohibited behaviour as the reason;
- (b) issuing a written Trespass Notice as authorized in section 4.5;
- (c) issuing a Provincial Offence Notice where applicable and as authorized to do so;
- (d) to request assistance from police at any time; and
- (e) lawfully arresting, handcuffing, searching, and holding an offender until the police take the person into custody.

Policy No: MUN-FAC-495

Policy Title: Behaviour – Unacceptable Conduct on City Premises And Authority To Issue Trespass Notices

4.5 Issuance of Trespass Notice

The City of Kitchener may issue a Trespass Notice to persons, or group of persons, after continued breaching of the prohibited behaviours/criminal offence in Section 4.2 that put the safety of individuals and/or activities on City Premises in jeopardy, including but not limited to; threatening or preventing others from lawful and safe use of City Premises. In the event of a significant or serious incident the City may elect to provide a Trespass Notice immediately.

A trespass notice may be served in person; or by registered or regular mail or courier or hand delivery addressed to the recipient's last known address.; or by e-mail to the recipient's last known e-mail address.

4.6 Appeal Process

Any individual receiving a written Trespass Notice in excess of 72 hours may appeal the Trespass Notice by giving written notice of the appeal to the Clerk within 14 days of receiving the Notice.

The Clerk shall ensure the Appeal is filed within the prescribed timeframe, and if so, forward the Appeal notice to the City's Hearing Officer appointed in accordance with the Recruitment and Selection of Screening and Hearing Officers Policy (GOV-COU-2017).

The Appeal shall be heard by a Hearing Officer with delegated authority by Council, whose decision shall be final and binding and no further appeal in respect of such decision shall be available in accordance with By-law No. 2019-040 - Appointment of Screening & Hearing Officers.

The Hearing Officer shall provide notice of date, time and manner of the hearing of the appeal no fewer than seven days prior to the hearing to the person who received the Trespass Notice and to the senior staff person who gave the Trespass Notice under appeal.

On an appeal pursuant to subsection (1), subject to subsection (5), an Appeal Officer may:

- (a) revoke the Trespass Notice;
- (b) shorten the term of the Trespass Notice;
- (c) remove prohibited locations from the Trespass Notice; or
- (d) affirm the Trespass Notice.

Policy No: MUN-FAC-495

Policy Title: Behaviour – Unacceptable Conduct on City Premises And Authority To Issue Trespass Notices

A Trespass Notice is in effect other than during the the period while the hearing is taking place and only to the extent that the Trespass Notice prevents a person from entering or remaining in a meeting room provided the person complies with the following conditions:

- (a) the person notifies the City Clerk of their intention to attend the meeting no later than 24 hours prior to the scheduled start of the meeting;
- (b) the person enters the meeting room no earlier than 15 minutes prior to the scheduled start of the meeting;
- (c) the person remains in the meeting room no longer than 15 minutes after the meeting is adjourned; and
- (d) the person complies with any directions given at the meeting respecting conduct at the meeting.

If a person who appeals a Trespass Notice fails to participate in or attend the hearing of the appeal as notified, the Trespass Notice is deemed to be affirmed.

4.7 Police as Agents

Any officer of the Waterloo Regional Police Services, the Ontario Provincial Police, or the Royal Canadian Mounted Police is authorized to act as agent for the City in enforcing the TPA and this policy at City Premises. Additionally, any officer of the Waterloo Regional Police Services, the Ontario Provincial Police, or the Royal Canadian Mounted Police may act as agent for the City in enforcing the TPA and this policy at City.

4.8 Signage

Signage may be erected in relation to this Policy. Any reference to former Council Policy Number 1-345 or 1-495 or to a previous version of this Council Policy on signage shall be deemed to be a reference to this Policy as amended.

5. HISTORY OF POLICY CHANGES

Administrative Updates

No administrative history to date

Formal Amendments

No amendment history to date

	<h2>POLICY</h2>	<u>Policy No:</u> MUN-FAC-495
<u>Policy Title:</u> BEHAVIOUR – UNACCEPTABLE CONDUCT ON CITY PREMISES AND AUTHORITY TO ISSUE TRESPASS NOTICES <u>Policy Type:</u> ADMINISTRATIVE COUNCIL <u>Category:</u> Administration Municipal Services <u>Sub-Category:</u> Authority & Delegations of Staff <u>Author:</u> Director, Facilities Management <u>Dept/Div:</u> INS Facilities Management	<u>Approval Date:</u> March 23, 2009 <u>Next Review Date:</u> Click here to enter text. <u>Reviewed Date:</u> Click here to enter text. <u>Amended:</u> Click here to enter a date. <u>Replaces:</u> I – 345; I - 495 <u>Repealed:</u> Click here to enter a date. <u>Replaced by:</u> Click here to enter text.	
<u>Related Policies, Procedures and/or Guidelines:</u> I-345 ; HUM-WOR-140 ; HUM-WOR-250		

1. POLICY PURPOSE:

This is a policy respecting:

- (a) expectations of appropriate behaviour and activities on City Premises and when accessing City services (including by phone or email).
- (b) defining inappropriate behaviour at City Premises and when accessing City services (including by phone or email);
- (c) the authority of employees of the City to protect City Premises and the rights of employees and others to use and enjoy City Premises; and
- (d) remedies available to employees of the City in addressing inappropriate behaviour at City Premises including the right to issue Trespass Notices.

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Policy Title: Behaviour – Unacceptable Conduct on City Premises And Authority To Issue Trespass Notices

The City endeavours to allow all people to enjoy public City Premises for their intended purposes. Each visitor to City Premises is expected to behave and act in a manner that respects the rights of others to use and enjoy City Premises for their intended purposes. It is the goal of the City to encourage appropriate behaviour at all City Premises and to provide residents with opportunities to participate in recreational, leisure, and civic activities in a safe and positive atmosphere.

Renters and users of City Premises must take primary responsibility for the behavior and actions of all persons associated with their program or event.

2. DEFINITIONS:

In this policy:

“City” shall mean The Corporation of the City of Kitchener;

“City Premises” shall mean Premises for which the City is an Occupier;

“City Security Staff” shall mean any City staff that report to the Supervisor, Corporate Security;

“City Security Management” shall mean the City’s Director of Facilities Management and the City’s Supervisor and Manager of Corporate Security;

“Communication” shall include but not limited to any words spoken, written, or recorded electronically or electro-magnetically or otherwise as well as gestures, signs or other visible representations;

“Hearing Officer” shall mean any person appointed by the City from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a hearing officer;

“highway” shall have the meaning given to that term by the Municipal Act, 2001, S.O. 2001, c. 25;

“Occupier” shall have the meaning given to that term by the TPA;

“Police” shall have the meaning of Waterloo Regional Police Services, and Ontario Provincial Police (OPP) and Royal Canadian Mounted Police (RCMP);

“Premises” shall have the meaning given to that term by the TPA;

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“TPA” shall mean the *Trespass to Property Act*, R.S.O., 1990, c. T.21.;

“Waterloo Regional Police Services (WRPS)” shall have the meaning of the agency responsible for police services in the region.

3. **SCOPE:**

POLICY APPLIES TO THE FOLLOWING:	
<input checked="" type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

4. **POLICY CONTENT:**

4.1 The City is committed to providing and maintaining an environment that is based on respect for the dignity and the rights of everyone in a healthy and safe work environment, free of any forms of bullying, uncivil or disrespectful behaviour, and from discrimination, harassment, including sexual harassment and violence.

In keeping with the principles of a respectful environment at City premises the following behaviours or activities are deemed to be prohibited behaviours or activities.

4.14.2 Prohibited Activities

(a) Behaviours and activities including without limitation:

- i) creating a disturbance or a nuisance;
- ii) harassing communication– including but not limited to, that based on race, ethnic origin, gender identity or sexual orientation and other protected grounds under the Ontario Human Rights Code

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- iii) using profanity, obscene or abusive communication, racial or ethnic slurs, directed at or disturbing others;
 - iv) vandalizing property;
 - v) fighting, molesting, intimidating or threatening others;
 - vi) disrupting a program or event;
 - vii) engaging in horseplay or causing unsafe conditions;
 - viii) wearing attire or displaying material that is intolerant of human rights;
 - ix) in-line skating, skateboarding, scootering, or bicycling, except where permitted;
 - x) littering;
 - xi) blocking corridors, thoroughfares, stairways, or exits;
 - xii) spitting or causing unsanitary conditions;
 - xiii) urinating or defecating other than in appropriate areas of bathrooms;
 - xiv) preventing others from lawful use and enjoyment of property;
 - xv) unreasonably monopolizing space or facilities to the exclusion of others;
 - xvi) using City Premises for other than the intended purpose;
 - xvii) drinking alcohol in areas where not permitted;
 - xviii) smoking or vaping including without limitation the smoking of e-cigarettes in areas not permitted including inside of or within 9 metres of the entrance to any building under the jurisdiction of the City;
 - xix) behaviour contrary to rules, regulations, or prohibitions posted on property of the City;
 - xx) behaviour and activities that would obstruct or hinder the rights of others to use and enjoy City Premises
 - xxi) unscheduled gatherings or events which may interfere with regular or scheduled events or bookings in accordance with MUN-FAC-2030 City Facility Usage by Groups or Events
- (b) behaviour contrary to the *Criminal Code*, R.S.C. 1985, c. C-46, other federal statutes, provincial statutes, municipal by-laws, or municipal policies;
- (c) the use of any cell phone, camera, personal digital assistant (PDA), or electronic equipment with photographic abilities in change rooms or washrooms of City Premises; and
- (d) other behaviour as may be prohibited from time to time by resolution of City Council.

4.24.3 Employee Enforcement Options

All City employees including but not limited to City Security Staff are authorized to take the following enforcement actions at any City Premises if inappropriate behaviour or activity (“prohibited behaviour”) is observed or reported:

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Policy Title: Behaviour – Unacceptable Conduct on City Premises And Authority To Issue Trespass Notices

- (a) make or receive reports on prohibited behaviour;
- (b) assess situations;
- (c) make verbal requests to refrain from a prohibited behaviour;
- (d) give verbal warnings to refrain from a prohibited behaviour;
- (e) when prohibited behaviour is included in a written communication, make written requests and/or give written warnings to refrain from prohibited behaviour;
- (f) give verbal directions to leave City Premises other than the travelled portion of a highway for the remainder of an event or the remainder of a day, citing the prohibited behaviour as the reason;
- (g) upon refusal of person to follow a verbal direction, disengage from communication, or at any time where there is a safety concern, to call City security staff or police and request assistance;
- (h) prepare reports of any incident requiring enforcement actions including the prohibited behaviour, action taken, and, if known, the identification of the offender including name, phone number, and address; and
- (i) recommend to the appropriate supervisor or manager (if that position is filled by someone other than the employee) that the individual who engaged in prohibited behaviour be prohibited from returning to a program or certain City Premises for a period of time.

4.34.4 Enforcement Options for City Security Staff

City Security Staff and City Security Management are authorized to take all lawful enforcement options necessary to perform their duties, including:

- (a) verbally directing a person to leave City Premises for a period not exceeding 72 hours from the time of eviction, citing the prohibited behaviour as the reason;
- (b) issuing a written Trespass Notice as authorized in section 4.5;
- (c) issuing a Provincial Offence Notice where applicable and as authorized to do so;
- (d) to request assistance from police at any time; and

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- (e) lawfully arresting, handcuffing, searching, and holding an offender until the police take the person into custody.

4.44.5 ~~Issuance of Trespass Notice~~

The City of Kitchener may issue a Trespass Notice to persons, or group of persons, after continued breaching of the prohibited behaviours/criminal offence in Section 4.2 that put the safety of individuals and/or activities on City Premises in jeopardy, including but not limited to; threatening or preventing others from lawful and safe use of City Premises. In the event of a significant or serious incident the City may elect to provide a Trespass Notice immediately.

A trespass notice may be served in person personally; or by registered or regular mail or courier or hand delivery addressed to the recipient's last known address. ~~by registered or ordinary letter mail;~~ or by e-mail to the recipient's last known e-mail address.

4.54.6 Appeal Process

Any individual receiving a written trespass-Trespass notice-Notice in excess of 72 hours may appeal the ~~trespass-Trespass notice~~ Notice by giving written notice of the appeal to the Clerk. A request for appeal can be made through the Office of the City Clerk at 519-741-2345 or in writing within 14 days of receiving ~~the Notice~~ the Notice.

The Clerk shall ensure the Appeal is filed within the prescribed timeframe, and if so, forward the Appeal notice to the City's Hearing Officer appointed in accordance with the Recruitment and Selection of Screening and Hearing Officers Policy (GOV-COU-2017).

The Appeal shall be heard by a Hearing Officer with delegated authority by Council, whose decision shall be final and binding and no further appeal in respect of such decision shall be available in accordance with By-law No. 2019-040 - Appointment of Screening & Hearing Officers.

The Hearing Officer shall provide notice of date, time and manner of the hearing of the appeal no fewer than seven days prior to the hearing to the person who received the Trespass Notice and to the senior staff person who gave the Trespass Notice under appeal.

On an appeal pursuant to subsection (1), subject to subsection (5), an Appeal Officer may:

Policy No: MUN-FAC-495

Policy Title: Behaviour – Unacceptable Conduct on City Premises And Authority To Issue Trespass Notices

- (a) revoke the Trespass Notice;
- (b) shorten the term of the Trespass Notice;
- (c) remove prohibited locations from the Trespass Notice; or
- (d) affirm the Trespass Notice.

A Trespass Notice is in effect other than not effective during the the period while the hearing period is taking place and only to the extent that the Trespass Notice prevents a person from entering or remaining in a meeting room provided the person complies with the following conditions:

- (a) the person notifies the City Clerk of their intention to attend the meeting no later than 24 hours prior to the scheduled start of the meeting;
- (b) the person enters the meeting room no earlier than 15 minutes prior to the scheduled start of the meeting;
- (c) the person remains in the meeting room no longer than 15 minutes after the meeting is adjourned; and
- (d) the person complies with any directions given at the meeting respecting conduct at the meeting.

If a person who appeals a Trespass Notice fails to participate in or attend the hearing of the appeal as notified, the Trespass Notice is deemed to be affirmed.

~~The Supervisor/Manager of Corporate Security may be contacted if legitimate business matters require attendance at a City of Kitchener premises. Permission to attend the premises may or may not be granted.~~

4.7 Police as Agents

Any officer of the Waterloo Regional Police Services, the Ontario Provincial Police, or the Royal Canadian Mounted Police is authorized to act as agent for the City in enforcing the TPA and this policy at City Premises. Additionally, any officer of the Waterloo Regional Police Services, the Ontario Provincial Police, or the Royal Canadian Mounted Police may act as agent for the City in enforcing the TPA and this policy at City.

4.8 Signage

Signage may be erected in relation to this Policy. Any reference to former Council Policy Number 1-345 or 1-495 or to a previous version of this Council Policy on signage shall be deemed to be a reference to this Policy as amended.

Policy No: MUN-FAC-495

Policy Title: Behaviour – Unacceptable Conduct on City Premises And Authority
To Issue Trespass Notices

5. HISTORY OF POLICY CHANGES

Administrative Updates

No administrative history to date

Formal Amendments

No amendment history to date