



**City of Kingston**  
**Information Report to Arts, Culture and Heritage Advisory Committee.**  
**Report Number ACH-25-001**

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**To:** Chair and Members of the Arts, Culture and Heritage Advisory Committee

**From:** Janet Jaynes, City Clerk

**Resource Staff:** Derek Ochej, Deputy City Clerk

**Date of Meeting:** April 1, 2025

**Subject:** Arts, Culture and Heritage Advisory Committee Orientation

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**Council Strategic Plan Alignment:**

Theme: Corporate business

Goal: See above

**Executive Summary:**

The purpose of this report is to provide members with an overview of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the City of Kingston Member Code of Conduct, the Council Procedural By-Law and the Committee By-Law. Reference will be made to each of these documents and how they affect the procedures of the Arts, Culture and Heritage Advisory Committee and govern the actions of the committee and its members. Information will also be provided regarding meeting procedures for in-person and virtual meeting participation.

**Recommendation:**

This report is for information only.

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**Authorizing Signatures:**

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**Janet Jaynes, City Clerk**

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**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Paige Agnew, Commissioner, Growth & Development Services	Not required
Jennifer Campbell, Commissioner, Community Services	
Neil Carbone, Commissioner, Corporate & Emergency Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Ian Semple, Acting Commissioner, Transportation & Infrastructure Services	Not required

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**Options/Discussion:**

**Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)**

MFIPPA is provincial legislation that governs how the City collects, uses, discloses and disposes of records. A record is any piece of recorded information, however it is recorded; this includes emails, agendas, minutes or reports.

Under MFIPPA the public has the right to access records in the custody and control of the City, subject to specific exceptions. Additionally, the City is obligated to protect the privacy of individuals. A balance needs to be struck between openness and transparency and protecting individual privacy.

Committee members do not have any special right to access City information; they have the same access rights as the general public. Any requests for information should be put through the committee clerk, who can determine if the information can be provided, or if a formal request is required under MFIPPA.

Records created by a committee member that relate to their responsibility as a committee member may be subject to MFIPPA disclosure requirements. This makes it important to use discretion when creating records related to committee business.

**Municipal Conflict of Interest Act and Member Code of Conduct**

The *Municipal Act, 2001* requires municipalities to establish codes of conduct for members of Council and local boards. In Kingston, the [Member Code of Conduct](#) (the “Code”) establishes the ethical standards of behaviour for members of Council and committees.

Within the Code are provisions relating to:

- Rules of decorum;
- Use of City property;
- Gifts and benefits;
- Confidentiality;
- Improper use of influence; and
- Conflicts of interest.

The Code requires committee members to:

- Promote and uphold the purpose of the City;

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- Participate actively and in good faith;
- Uphold the law and act with the highest degree of ethical behaviour and integrity;
- Treat members of staff and the public with respect;
- Ensure the public trust;
- Comply with the City's Respect in the Workplace Policy; and
- Declare actual and perceived conflicts of interest.

It is important to note that committee members are appointed by Council and may be removed by Council.

Under the Code, members must avoid conflicts of interest. This includes real conflicts of interest under the *Municipal Conflict of Interest Act* and perceived or apparent conflicts of interest.

Only a committee member can determine if they have a conflict of interest. Staff cannot provide advice in this regard or determine if there is a real or apparent conflict of interest. There are questions a member can ask when assessing a potential conflict of interest:

- Have I been or am I in any way involved with the matter personally or professionally?
- Are any of my business partners or family members connected with the matter?
- Am I capable of addressing this matter without bias? Is my mind open to following a course of action that may be different from my original position?
- Have I considered public interest as a priority?
- What would a reasonable person, apprised of all the relevant facts, believe about whether I am influenced by my personal and/or business interests if I vote on this matter?

If you have determined that you have a conflict of interest, you must declare it at the start of the meeting under the agenda item Disclosure of Pecuniary Interest. When the matter is being considered by the committee you will be able to participate in the discussion however you may not vote on the matter.

### **Committee Procedure**

The Committee conducts its business in accordance with By-Law Number 2021-41, the [Council Procedural By-Law](#), By-Law Number 2023-204, the [Committee By-Law](#), and Bourinot's Rules of Order.

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The following are tips and advice regarding meeting procedure:

- When voting, members are required to physically raise their hand to indicate their vote, either in-person or on Zoom. You cannot abstain from a vote; any member that does not indicate their vote will be recorded as an 'opposed' vote.
- Under Approval of the Agenda, members have an opportunity to change the order of business or add items to be considered under Other Business.
- Confirmation of Minutes is where members have a chance to correct errors or add omissions to the record. The minutes are the official record of the meeting and are recorded by the clerk without note or comment. Minutes are not a verbatim transcript of the meeting. Once confirmed by the committee, minutes are posted to the City website.
- Delegations are an opportunity for members of the public to speak to the committee. Delegations are provided five minutes to speak, followed by a question & answer period. Each committee member may ask a maximum of two questions per delegation. A maximum of five delegations may appear on the agenda. Delegations may be related to agenda items, or to non-agenda items that are within the mandate of the committee.
- Briefings are presentations from staff regarding an agenda item. There is a 10-minute maximum speaking time, followed by unlimited questions from the committee. The public cannot ask questions during a briefing.
- Motions are requests by committee members to Council to direct staff to provide information to the committee. A motion must be submitted in advance to the committee clerk no later than noon the week prior to the meeting. No committee has authority over a City department and a committee cannot direct staff to spend money or undertake work.
- Notices of Motion are an opportunity for a member to advise the committee of a motion that the member intends to bring forward at a future meeting.
- Other Business is where members may provide a brief update on topics of interest to the committee. A request to speak under Other Business must be added during the Approval of Agenda. No debate or advancing of business is allowed under Other Business.
- Correspondence is where letters and emails received from the public regarding committee business are received. There is no debate or discussion permitted; however correspondence can be referenced during the Business portion of the agenda.

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### **Virtual Meeting Participation**

- Committee members have the option to participate in meetings virtually via Zoom. A member that wishes to participate in a meeting virtually should provide the committee clerk with as much advance notice as possible before the meeting.
- Committee members are asked to have their cameras on during the meeting to ensure that quorum is maintained. Cameras may be turned off as needed during the meeting. A member is considered to be absent during any portion of the meeting when their camera is turned off.
- Committee members control their own microphone and are asked to remain muted unless actively speaking.

### **Subcommittees**

There are four subcommittees of the Arts, Culture and Heritage Advisory Committee. The composition of the below subcommittees includes members of this Committee, residents recommended and confirmed by the Committee membership, and representatives from specific organizations. Subcommittees collaborate with staff on specific projects or subjects, and report their work to the Arts, Culture and Heritage Advisory Committee. Committee members are also expected to help recruit for public members to serve on subcommittees by suggesting potential representatives to staff.

- Art in Public Places Subcommittee (annual, ongoing): support the implementation of the City's Public Art Program that facilitates the creation of contemporary public art by emerging and established artists through commissions and artist collaborations and contributes to developing a vibrant public realm in the City of Kingston.
- Local Music Subcommittee (to be reviewed in 2025): work with City staff in selecting and curating playlists for distribution for the annual YGK Music program. The program is designed to promote local music and musicians through curated playlists to be made available online on the City website and Visit Kingston website, through the City's call waiting system, and through various City-owned properties, where appropriate.
- Mayor's Arts Awards Nominations Subcommittee (annual, ongoing): identify and select recipients for the Mayor's Arts Awards in accordance with the criteria set out in the subcommittee mandate.
- Poet Laureate Subcommittee (every four years): deliberate and identify a candidate for the Poet Laureate in accordance with the eligibility and appointment criteria.

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**Existing Policy/By-Law**

[Municipal Freedom of Information and Protection of Privacy Act](#)

[Municipal Conflict of Interest Act](#)

[Council Procedural By-Law](#)

[Committee By-Law](#)

[Member Code of Conduct](#)

**Financial Considerations**

None

**Contacts:**

Derek Ochej, Deputy City Clerk, 613-546-4291 extension 1252

**Other City of Kingston Staff Consulted:**

Kevin Gibbs, Director, Heritage Services

Danika Lochhead, Director, Arts & Culture Services

Allison Hannah, Committee Clerk, City Clerk's Department

**Exhibits Attached:**

None