1.0 Application

1.1 This Code of Conduct applies to all Members of Council, being the Mayor and each Councillor. It also applies to all members of the public appointed to committees by Council.

1.2 As chief executive officer, the Mayor has additional responsibilities and, accordingly, must:
   a) uphold and promote the purposes of the municipality;
   b) promote public involvement in the municipality’s activities;
   c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
   d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its reside

The principles set out in this Code of Conduct apply to the distinct role of the Mayor as the context requires.

1.3 All Members of Council and members of the public appointed to a city committee are expected to follow this Code, the Council Procedural Bylaw and other sources of applicable procedural law. They are also subject to other sources of law such as:
   ● Municipal Act, 2001
   ● Municipal Conflict of Interest Act
   ● Municipal Elections Act
   ● Municipal Freedom of Information and Protection of Privacy Act
   ● The Criminal Code of Canada

2.0 Responsibilities of Council, the Mayor and Councillors

2.1 Council as a whole has the authority to approve budget, policy or processes, including the structures and procedures for committees. Authority to act on behalf of Council, including through a committee, can only be delegated by Council or through law.

2.2 Council is responsible for and dedicated to providing good and effective government for the public in an open, accountable and transparent manner.

2.3 A fiduciary relationship exists between the Council and inhabitants of the municipality.

2.4 Members of Council:
   a) may not impugn or malign a debate or decision or otherwise erode the authority of Council,
b) when appointed to committees and other bodies as part of their duties must make every effort to participate actively in these bodies with good faith and care,
c) must uphold the law and conduct themselves with the highest degree of ethical behaviour and integrity,
d) must avoid conflict of interest,
e) must seek to advance the public interest with honesty and treat members of the public with dignity, understanding and respect, and
f) may not make statements known to be false or make a statement with the intent to mislead Council or the public.

3.0 Members of Council and the Role of Staff
3.1 Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategies through the work of staff. The role of Council is to lead through setting policy and budget. It is not to manage or administer.

3.2 Staff members serve Council and work for the municipal corporation under the direction of the chief administrative officer. Council directs staff through its decisions as recorded in the minutes and resolutions of Council. Members of Council have no individual capacity to direct members of staff to carry out particular functions.

3.3 Inquiries of staff from Members of Council should be directed to the chief administrative officer or the appropriate senior staff as directed by the chief administrative officer.

3.4 Members of Council must respect that:
   a) staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations. They must not wilfully injure the reputation, impugn the integrity or question the capabilities or performance of staff in a manner that is inappropriate.
   b) certain staff work within the administration of justice. They must not make requests or statements or take actions which may be construed as an attempt to influence the independent administration of justice.
   c) staff undertake their duties based on political neutrality without undue influence. They may not invite or pressure any member of staff to engage in partisan political activities.

4.0 City Assets and Gifts
4.1 Council is the custodian of the assets of the municipality. The community places its trust in Council and those it appoints to make decisions for the public good in relation to these assets

4.2 Members of Council and members of the public appointed to committees must not use municipal assets for personal convenience, for profit or to assist during an election or in relation to a nomination, except where such privileges are granted to the public or provided by law.
4.3 Members of Council and members of the public appointed to committees must not accept gifts and benefits except as provided for under law and in the course of their duties. They may accept gifts of token value only but should be aware that even these may place them in a position where their actions are open to serious question.

5.0 Confidentiality

5.1 Members of Council have a duty to hold information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. They must not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or required by law.

5.2 Members of Council must not disclose, use or release information in contravention of applicable privacy law. They are only entitled to information in the possession of the municipality that is relevant to matters before the Council or a committee. Otherwise, they enjoy the same level of access rights to information as any other member of the community and must follow the same processes as any private citizen.

5.3 Members of Council must not release information subject to solicitor-client privilege, unless expressly authorized by Council or required by law.

6.0 Committees and Members of Committees

6.1 Members of the public appointed to committees are appointed at the pleasure of Council. They do not hold office as elected representatives do nor do they represent either Council or the committee unless mandated to do so. Members of the public appointed to committees must respect both the word and spirit of this Code as it applies to them and also as it applies to Members of Council.

6.2 Committees may only meet and conduct business when proper notice has been given or on a matter duly added to the agenda.

6.3 If a pecuniary interest or an appearance of such arises in relation to any matter, members of the public appointed to committees should follow one of the two following processes:

a) if the role of the committee is only advisory, declare any pecuniary interest on the record so the decision makers who receive the advice as part of the ultimate decision making-process are aware of such interest.

b) if the committee either

- makes decisions under delegated authority or
- makes recommendations that are regularly accepted by Council without debate, declare the pecuniary interest on the record, remove themselves from any presentation or discussion of the subject matter through physically leaving the room and ensuring the minutes of the meeting reflect the steps taken.
6.4 Committee work often depends on the specific expertise of members of the public appointed to committees including their employment or business interests. Interests relating to expertise, knowledge or acquaintance of a topic or an individual does not necessarily constitute a pecuniary interest. Such an interest may still be declared, however, for purposes of openness.

6.5 Committee work is part of the public record. Committees must ensure that their recommendations are sufficiently detailed and clear so that they can be relied upon by Council or the standing committee acting upon them. All declarations of pecuniary interest and actions taken in response must be recorded in Committee minutes.
The City of Kingston’s
Advertising Revenue Generation Policy

Strategy, Environment and Communications
Approved by Council Dec 16, 2008

Amended September 9, 2010.
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Appendix 1:
The Canadian Code of Advertising Standards
(1.0) **INTRODUCTION**

The Advertising Revenue Generation Policy of the Corporation of the City of Kingston sets out appropriate and effective guidelines for managing public advertising media and space while maximizing revenue opportunities and building resources to enhance the advancement of the Corporation of the City of Kingston.

The City of Kingston recognizes the sale of commercial advertising media and space as an appropriate revenue source to offset the costs of municipal business by supplementing user fees and avoiding taxation. The desire for additional sources of revenue must be balanced with the Corporation’s need to ensure that:

- There are no adverse effects on either public safety or on the Corporation’s image;
- The advertising reflects corporate and community values, and;
- It does not conflict with City policies on sponsorship, corporate naming rights, or other existing policies and bylaws.

The City of Kingston permits commercial advertising on City property, at City events and in City publications under the conditions outlined in this policy. This policy applies to all paid advertising by individuals or corporations on City property, at City events and in City publications.

Where the City has a relationship described in a formal agreement with another group/organization, the commercial advertising media and space considerations will be embedded in such agreements, to the satisfaction of the Director of Communications or designate.

(1.1) **Definitions**

a) *Paid Advertising* means the sale to external businesses and organizations of advertising space on City printed materials and City property or events or in conjunction with a City program. Unlike sponsorship, advertising sales involve the simple purchase of advertising space sold at rates determined or agreed to by the City, for a specific period of time. The purchase of advertising space does not imply that the advertiser is entitled to any additional benefits from the City other than those accruing from access to the space purchased.

b) *City Property* means all land, parkland, playfields, boulevards, buildings, vehicles, bus shelters, mobile signage, etc., owned and/or managed under a lease or license by the City.

c) *City Publication* means any publication, including all media produced by or for the City of Kingston.

d) *City Event or City Program* means any activity organized by City staff and supported by a City Department/Division or approved by City Council.

e) *Advertising media and space*, means any advertising opportunity defined as being for sale by the City to advertisers on a City Property, in a City Publication, at a City Program or at a City Event and is meant to encompass all possible advertising mediums in these contexts.

f) *Pouring Rights* means a type of advertising in which a corporation, an organization or an individual purchases the exclusive right to supply and promote their beverages at a City facility in exchange for significant cash and/or other considerations over a long-term agreement.

g) *Director of Communications* refers to the Director of Strategy, Environment and Communications, the senior administrator responsible for overseeing the operation of the Corporate Communications Division.
h) *Heritage requirements* refers to those rules and regulations under which a property or portion of a property has been identified as having cultural heritage value to the community. These properties are identified within the City of Kingston’s Heritage Properties Register.

i) *Environmental Protection Area* refers to municipally-owned lands that are designated as Environmental Protection Areas (EPAs) by the City’s Official Plan and associated zoning bylaws.

(2.0) **CORPORATE POLICY**

The City will maintain control over the planning and delivery of advertising activities through the administration of all advertising contracts by the Director of Communications or designate as well as review and approval by the Director of Communications or designate of all terms relating to advertising in other contracts.

Advertisers will be required to ensure that all advertising proposals intended for use on City property or in City publications meet the following criteria as administered and approved by the Director of Communications or designate:

a) Advertising shall meet the standards set out by the Canadian Advertising Standards Council, as attached; the freedoms of expression protected under *The Charter of Rights and Freedoms*; and the City of Kingston’s Visual Identity Guidelines.

b) Advertising shall adhere to any City bylaws or policies, for example, with regard to signage including those relating to heritage and business standards.

c) Advertising must not impact the quality and integrity of the City’s properties, buildings, or streetscape.

d) Advertising on City property must have no adverse affect on public safety and City liability.

e) The costs of all design, production, installation, maintenance and removal costs of advertising devices and remediation of sites will be the responsibility of the advertiser.

f) Any proposal for advertising on City Property must ensure advertising elements do not detract from the integrity of the landscape and is in keeping with the character of the property; do not conflict with existing or proposed objects within the right of way; and do not conflict with existing vehicular, pedestrian or cycling traffic.

(2.1) **Legal Requirements**

The City’s Department of Communications is responsible for soliciting, negotiating and administering advertising agreements in consultation with the City Solicitor. Advertisers will be expected to enter into appropriate legal agreements with the City, as approved by the Director of Communications or designate upon consultation with the City Solicitor, where necessary, and must meet the general requirements in this section and the site-specific requirements in the following section. Agreements shall not in any way invoke future consideration, influence, or be perceived to influence the day-to-day business of the City.

(2.2) **Restrictions on advertising**

The City will not allow advertising, either directly or through third party arrangements, that:

a) implies the endorsement by the City of any one product or service over another.

b) includes the requirement or opportunity for a City employee to receive any product, service or assets for personal gain or use.

c) conveys a negative message that might be deemed prejudicial to any religious group or belief;
d) promotes tobacco, alcohol and other addictive substances at venues geared primarily to children;

e) presents a discriminatory, demeaning or derogatory portrayal of individuals or groups or contain anything which, in light of generally prevailing community standards, is likely to cause deep or widespread offence.

f) has an impact on heritage property, or changes the physical quality and integrity of heritage properties, buildings, or streetscapes.

g) impinges or encroaches on applicable heritage requirements.

h) conflicts with accepted federal and provincial public health policies and practices, such as the Health Protection and Promotion Act of Ontario, the Canada Food Guide, Canadian Children’s Food and Beverage Advertising Initiative.

i) is located on municipally-owned property that is designated or zoned as Environmental Protection Area (EPA) unless:

   a. The municipally-owned lands are an existing marina or golf course facility;

   b. The advertising is temporary and is associated with an event that takes place on the municipally-owned EPA lands and that has been permitted by the municipality, or

   c. The advertising is attached to a municipally-owned vehicle or other mobile asset that may pass by or through EPA lands as part of its normal operation (i.e.: a Kingston Transit bus).

   d. The advertising is within a municipal road right of way and is upon a billboard structure that was in place as of September 1, 2010.

All political and other non-commercial expressive advertising will indicate that it is paid for by a party or candidate, so as to avoid any impression that the City is supporting any particular party, candidate or point of view.

Unsolicited advertising proposals received by the City will be reviewed and evaluated by the Director of Communications or designate as per the provisions of this policy and existing contractual obligations. The City reserves the right to reject any unsolicited advertising opportunities that have been offered to the City and to refuse to enter into agreements for any advertising that originally may have been openly solicited by the City.

All advertising agreements shall be evaluated on an annual basis to determine continued benefit. The term of all agreements shall not exceed three years unless authorized by the Director of Communications or designate.

The City reserves the right to terminate an existing advertising agreement should conditions arise that make the agreement no longer in the best interests of the City.

Any requests by outside advertisers or any other party to use the City of Kingston logo, coat of arms, corporate logo or any other symbols representing the City in advertising or any other media must be approved by the Director of Communications or designate. Use of the City’s logo in combination with the advertiser logos will be in keeping with the City of Kingston’s Visual Identity Policy.
The Canadian Code of Advertising Standards

Last amended May 1, 1999

The Canadian Code of Advertising Standards is widely supported by all participating organizations, and is designed to help set and maintain standards of honesty, truth, accuracy, fairness and propriety in advertising.

No advertising shall be prepared or knowingly exhibited by the participating organizations, which contravenes this Code of Standards.

The provisions of the Code should be adhered to both in letter and in spirit. Advertisers and their representatives must substantiate their advertised claims promptly when requested to do so by one or more of the Councils.

1. Accuracy and Clarity
(a) Advertisements must not contain inaccurate or deceptive claims, statements, illustrations, or representations, either direct or implied, with regard to price, availability, or performance of a product or service. In assessing the truthfulness and accuracy of a message, the concern is not with the intent of the sender or precise legality of the presentation. Rather, the focus is on the message as received or perceived, that is, the general impression conveyed by the advertisement.
(b) Advertisements must not omit relevant information in a manner which, in the result, is deceptive.
(c) All pertinent details of an advertised offer must be clearly and understandably stated. (d) Disclaimers and asterisked or footnoted information must not contradict more prominent aspects of the message and should be located and presented in such a manner as to be clearly visible and/or audible.

2. Disguised Advertising Techniques
No advertisement shall be presented in a format or style which conceals its commercial intent.

3. Price Claims
(a) No advertisement shall include deceptive price claims or discounts, unrealistic price comparisons or exaggerated claims as to worth or value.
“Regular Price,” “Suggested Retail Price,” “Manufacturer’s List Price” and “Fair Market Value” are deceptive terms when used by an advertiser to indicate a savings, unless they represent prices at which, in the market place where the advertisement appears, the advertiser actually sold a substantial volume of the advertised product or service within a reasonable period of time (such as six months) immediately before or after making the representation in the advertisement; or offered the product or service for sale in good faith for a substantial period of time (such as six months) immediately before or after making the representation in the advertisement.
(b) Where price discounts are offered, qualifying statements such as “up to,” “XX off,” etc., must be in easily readable type, in close proximity to the prices quoted and, where practical, legitimate regular prices must be included.
(c) Prices quoted in advertisements in Canadian media, other than in Canadian funds, must be so identified.

4. Bait and Switch
Advertisements must not misrepresent the consumer’s opportunity to purchase the goods and services at the terms presented. If supply of the sale item is limited, or the seller can fulfill only limited demand, this must be stated clearly in the advertisement.
5. Guarantees
No advertisement shall offer a guarantee or warranty, unless the guarantee or warranty is fully explained as to conditions and limits and the name of the guarantor or warrantor is provided, or it is indicated where such information may be obtained.

6. Comparative Advertising
Advertisements must not discredit, disparage or attack unfairly other products, services, advertisements, or companies or exaggerate the nature or importance of competitive differences.

7. Testimonials
Testimonials, endorsements, or representations of opinion or preference must reflect the genuine, reasonably current opinion of the individual(s), group or organization making such representations, and must be based upon adequate information about or experience with the product or service being advertised, and must not otherwise be deceptive.

8. Professional or Scientific Claims
Advertisements must not distort the true meaning of statements made by professionals or scientific authorities. Advertising claims must not imply that they have a scientific basis which they do not truly possess. Any scientific, professional or authoritative claims or statements must be applicable to the Canadian context, unless otherwise clearly stated.

9. Imitation
No advertiser shall imitate the copy, slogans, or illustrations of another advertiser in such a manner as to mislead the consumer.

10. Safety
Advertisements must not, without reason, justifiable on educational or social grounds, display a disregard for public safety or depict situations that might encourage unsafe or dangerous practices, or acts.

11. Superstition and Fears
Advertisements must not exploit superstitions or play upon fears to mislead the customer.

12. Advertising to Children
Advertising which is directed to children must not exploit their credulity, lack of experience or their sense of loyalty, and must not present information or illustrations which might result in their physical, emotional, or moral harm.

Child-directed advertising in the broadcast media is separately regulated by the Broadcast Code for Advertising to Children, also administered by the Advertising Standards Canada.

Advertising to children in Quebec is prohibited by the Quebec Consumer Protection Act.

13. Advertising to Minors
Products prohibited from sale to minors must not be advertised in such a way as to appeal particularly to persons under legal age and people featured in advertisements for such products must be, and clearly seen to be, adults under the law.
14. Unacceptable Depictions and Portrayals

It is recognized that advertisements may be distasteful without necessarily conflicting with the provisions of this clause 14; and the fact that a particular product or service may be offensive to some people is not sufficient grounds for objecting to an advertisement for that product or service.

Advertisements shall not:

(a) condone any form of personal discrimination, including that based upon race, national origin, religion, sex or age;

(b) appear to exploit, condone or incite violence; nor directly encourage or exhibit indifference to, unlawful or reprehensible behaviour;

(c) demean, denigrate or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service or attempt to bring them into public contempt or ridicule;

(d) undermine human dignity, or appear to encourage or be indifferent to conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.

Appendix A -- List of media not covered by the Code

The following, as at the date noted below, are excluded from the definition of "medium" and the application of the Code:

i) foreign media (namely media that originate outside Canada and contain the advertising in question) unless the advertiser is a Canadian person or entity); and

ii) packaging, wrapper and labels.
CODE OF CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS  
[September 9th, 2010]

1.0 Application

1.1 This Code of Conduct applies to all Members of Council, being the Mayor and each Councillor. It also applies to all members of the public appointed to committees by Council.

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3.4 Members of Council must respect that:

a) staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations. They must not wilfully injure the reputation, impugn the integrity or question the capabilities or performance of staff in a manner that is inappropriate.

b) certain staff work within the administration of justice. They must not make requests or statements or take actions which may be construed as an attempt to influence the independent administration of justice.

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6.2 Committees operate only within meetings for which proper notice has been given or as a matter duly added to an agenda.

6.3 Committee work often depends on the specific expertise of members of the public appointed to committees, including their employment or business interests. Interests relating to expertise, knowledge or acquaintance of a topic or an individual does not necessarily constitute a pecuniary interest. Such an interest should still be declared, however, for the purposes of openness.

6.4 Committees of Council are either advisory or quasi-judicial in nature, or have a management function.

(i) An advisory Committee provides Council with information or recommendations on matters related to their mandate for a Council decision.

(ii) Quasi-judicial committees, such as the Appeals Committee and the Committee of Adjustment, make decisions that are not subject to Council approval but may be the subject of an appeal to another body, such as the Ontario Municipal Board.
A management committee has responsibility for the management of an entity such as a cemetery.

6.5 If a pecuniary interest or an appearance of such arises in relation to any matter, members of the public appointed to a Committee with an advisory role must declare the pecuniary interest in a matter being discussed. The member may participate in the discussion but may not vote on the matter.

6.6 If a pecuniary interest or an appearance of such arises in relation to any matter, members of the public appointed to a Committee with a quasi-judicial role or with a management function must declare the pecuniary interest in a matter being discussed, must physically leave the room during the discussion of the matter, and must not communicate with Committee members about the matter before, during, or after the meeting at which the matter is discussed.

6.7 Committee work is part of the public record. Committees must ensure that their recommendations are sufficiently detailed and recorded clearly so that they can be relied upon by Council or the standing committee acting upon them.

6.8 The minutes of a committee meeting must record when any member has declared an interest (section 6.3) or a pecuniary interest (sections 6.5 and 6.6) as well as the circumstances in which the member left the room, the times at which the person left and returned to the meeting.

6.9 In addition to the recording of minutes as required by section 6.8, where:

(i) a member of an advisory committee has declared a pecuniary interest (section 6.5); or
(ii) a member of a management committee has declared a pecuniary interest (section 6.6)

The declaration as well as the nature of the pecuniary interest must be recorded as part of the recommendation to Council so that Council may be aware of the declaration when making its decision.