

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 23/2011

*Being a By-law to Establish and Adopt the Terms of Reference for the  
Business Incubator Management Advisory Committee for the  
Corporation of the Municipality of Port Hope*

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c.25, as amended, in part provides that a lower-tier municipality may pass by-laws respecting the governance and structure of the municipality and its local boards;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope deems it advisable to establish a Business Incubator Management Advisory Committee;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS A BY-LAW AS FOLLOWS:

1. Committee Title

That a Committee to be known as the Business Incubator Management Advisory Committee is hereby established.

2. Definitions

That the definitions as outlined in the Corporation of the Municipality of Port Hope Procedural By-law shall apply.

3. Policies/Procedures

3.1 That the rules and regulations of the Corporation of the Municipality of Port Hope Procedural By-law shall govern all proceedings of the Business Incubator Management Advisory Committee.

3.2 That policies, practices and procedures governing the provisions of its goods or services are consistent with the Corporation's Accessibility Standards for Customer Service Policy and Procedures as adopted in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA), Customer Service Standard – Ontario Regulation 429/07,

4. Records

That the records of the Business Incubator Management Advisory Committee shall be retained and preserved in accordance with the provisions of the Corporation of the Municipality of Port Hope Records Retention By-law.

5. Composition

That the Business Incubator Management Advisory Committee shall consist of nine (9) members appointed by Council as follows:

- 1 Member of Council,
- 1 representative from the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA), and
- 1 representative from the Northumberland Community Futures Development Corporation, and
- 1 representative of the Port Hope and District Chamber of Commerce, and
- 1 Port Hope manufacturing representative from the Northumberland Manufacturers Association, and
- 2 representative from Post-Secondary Educational Facility
- 2 members with consideration given to individuals with business background practicing in law, accounting or finance who are residents/or ratepayers of the Municipality, being a minimum of 18 years of age, and not an employee of the Municipality of Port Hope

All being voting members

Ex-officio

The Director of Economic Development and Tourism or designate shall be an ex-officio member of the Committee who shall act in an advisory capacity and shall be a non-voting member.

6. Term of Office

That members at large shall be appointed by Council for staggered terms, consistent with intervals for the term of office of Council, or until their successors are appointed. Council may reappoint any member whose term has expired and otherwise has discretion in filling any vacancy by appointment for the remainder of any applicable term. There shall be no limit on the number of terms a member may be appointed and all appointments shall be at the discretion of Council. In the event a Committee member resigns prior to the completion of their term, a replacement appointed by Council, will assume the duties to the completion of the term.

7. Mandate

That the Terms of Reference of the Business Incubator Management Advisory Committee are set out in Schedule "A" attached hereto forming part of this By-law.

In carrying out the provisions of this By-law, the Committee shall at all times be the agent of the Municipal Corporation and while acting bona fide within the limits of the authority of this By-law neither the Committee nor any member thereof shall incur any liability by reason of anything done or left undone by the Committee; provided however, that nothing in this section contained shall authorize or empower the Committee to incur any debt, liability or obligation for which the Municipal Corporation shall become liable without having previously obtained the consent of the Council of the Municipality of Port Hope.

8. Repeal of By-laws

That By-law 03/2010 pertaining to the establishment of the Business Incubator Management Advisory Committee is hereby repealed.

9. Force and Effect

That this By-law shall come into force and take effect on the date of its passing.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 29<sup>th</sup> day of March, 2011.

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Linda Thompson, Mayor

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S. C. Dawe, Municipal Clerk

SCHEDULE "A" TO BY-LAW 23/2011  
BUSINESS INCUBATOR MANAGEMENT ADVISORY COMMITTEE  
TERMS OF REFERENCE

**OBJECTIVE**

1. The Business Incubator Management Advisory Committee has been established to support the business incubator tenancy selection process and to monitor the landlord tenant agreements to ensure they are adhered to and advise Port Hope Municipal Council with respect to incubator agreement issues.
2. The mandate of the Business Incubator Management Advisory Committee is as follows:
  - 2.1 To review business plans and provide recommendations to the incubator landlord through staff on proposed tenants based on business plans provided and business compatibility to the overall incubator program; and
  - 2.2 To act in an advisory capacity for matters related to the management, contractual obligations and strategic development of the Business Incubator operations, programs and other related initiatives and opportunities brought forward by the staff of the Economic Development & Tourism Department; and
  - 2.3 To advise Council on matters relating to the maintenance and further development of a strong and viable business incubator program within the Municipality of Port Hope.

**FUNCTIONS AND RESPONSIBILITIES**

1. General
  - 1.1 Committee Meetings shall be conducted in accordance with the Municipality's Procedure By-law, and the records of the Committee shall be retained in accordance with the Municipality's Records Retention By-law.
  - 1.2 Members shall follow Municipal policies and procedures and comply with applicable legislation, and shall act in accordance with the Municipal Conflict of Interest Act.
  - 1.3 Members shall ensure that policies, practices and procedures governing the provisions of its goods or services are consistent with the Corporation's Accessibility Standards for Customer Service Policy and Procedures as adopted in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA), Customer Service Standard – Ontario Regulation 429/07.
  - 1.4 The Committee shall hold regular monthly meetings, as required, unless otherwise agreed by a majority of the voting members.
  - 1.5 The Committee shall elect a chairperson and may elect a vice-chairperson annually, at its first meeting, or as soon as practicable, from among the members. In the absence of the chairperson, and vice-chairperson as the case may be, an acting chairperson may be appointed by a majority vote of the members present to preside at the meeting where the chairperson is absent.
  - 1.6 The Committee may appoint, as it deems necessary sub-committees committees to act in an advisory capacity to the Committee.

- 1.7 The Committee shall respond to proposed policies, planning and other matters as referred by Council or the Director of Economic Development and Tourism.
- 1.8 The Committee will identify areas where policy and advocacy for business incubation are required.
- 1.9 The Committee shall provide recommendations to the Committee of the Whole on matters respecting the incubator program and on relevant matters referred by Committee of the Whole/Council to the Committee.
- 1.10 The Committee may liaise with community groups and individuals to maintain an awareness of their goals and mandate in order to gain support for approved initiatives and is authorized to work jointly with other Municipal Boards, Committees and/or services in encouraging its goals.
- 1.11 Approved minutes for each Committee meeting shall be forwarded through the Municipal Clerk (Director of Corporate Services) for inclusion in the Committee of the Whole agenda.
- 1.12 The Chair shall submit an annual report outlining the committee activities both past and current and proposed work plan for the upcoming year, to be submitted at the end of each year to Council through the Municipal Clerk (Director of Corporate Services).

## 2. Finance

- 2.1 No purchasing is carried out by the Business Incubator Management Advisory Committee, and therefore no Budget submission is applicable to this Committee as all purchasing and all expenditures are solely carried out by the Economic Development & Tourism Department through the approved Budget of the Economic Development & Tourism Department and where expenditures are consistent with the Community Adjustment Funds Agreement for the Incubator program.

## 3. Business Incubator Management and Tenancy Development

- 3.1 The Committee will regularly review potential tenant's business plans as they are submitted to evaluate and recommend potential new business tenants for the landlords' consideration.
- 3.2 The Committee shall review, advise and recommend to Council and Staff the adoption of policies and procedures relating to the management and strategic direction of the business incubator.
- 3.3 The Committee shall review, advise and make recommendations as referred to them by Council or staff on issues related to Community Adjustment Funds Agreement, Landlord agreement and tenant agreements.
- 3.4 The Committee will advocate the benefits of the incubator to potential tenants and new start up businesses who are considering use of the business incubator. This advocacy will be based on the professional mentoring, economic and environmental benefits of the incubator to the potential new business.
- 3.5 The Committee shall assist when possible, the Staff of the Economic Development & Tourism Department to ensure all programs and services is accessible and attains the expected level of qualities to the tenants of the business incubator.
- 3.6 The Committee shall annually review and make recommendations regarding the Committee's mandate.

4. Promotion

- 4.1 The Committee will, as required, advise staff in regards to the promotion and development of the incubator.
- 4.2 The Committee will, as required, assist the promotion and staging of events and activities related to the incubator.

5. Roles and Responsibilities

5.1 CHAIRPERSON:

- Provide leadership to the Committee
- Chair Committee meetings in accordance with the Municipality's Procedural By-law
- Prepare written agendas for meetings
- Report to Council annually and at other times as required
- Ensure that adopted minutes are forwarded to the Municipal Clerk (Director of Corporate Services) in a timely manner
- Act as spokesperson for the Committee
- Express consensus as reached by Committee
- Ensure that the Municipalities By-laws and Policies are adhered to with respect to all matters.

5.2 VICE-CHAIRPERSON:

- Act in the position of Chair-person in the absence of the Chairperson
- Otherwise, regular Committee Member role

5.3 COMMITTEE MEMBERS:

- Attend regular Committee meetings
- Advise the Chairperson if unable to attend a meeting
- Actively participate in Committee meetings
- Actively participate in carrying out the responsibilities of the Business Incubator Management Advisory Committee

5.4 RECORDING SECRETARY:

- The duties of the Recording Secretary, approved by the Municipality, is to record, process and distribute minutes and agendas, and to maintain the files of the Committee, including but not limited to Minutes, Agendas, policies, correspondence and other file information, in accordance with the Records Retention By-law.
- When the Recording Secretary is a Municipal employee or has a service contract with the Municipality, such Recording Secretary is a non-member, with no voting privileges.
- The Recording Secretary may be appointed from Municipal Staff compliment, or recruited by general advertisement in the local newspaper and on the municipal web page in accordance with municipal policy.