

# THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

## BY-LAW NO. 42/2011

*Being a By-law to Establish and Adopt the Terms of Reference for a  
Tree 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 its local boards;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope recognizes that trees beautify the landscape, reduce the impact of extremes in weather, provide habitat for wildlife, add value to property and contribute to a healthy environment;

WHEREAS the Council of the Corporation of the Municipality of Port Hope deems it advisable to establish a Tree Advisory Committee to provide advice on the planting, preservation, care and removal of trees within the Municipality of Port Hope;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

1. Committee Title

That a Committee to be known as the Tree 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 Tree Advisory Committee.

3.1 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 Tree 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 Tree Advisory Committee shall consist of five (5) members appointed by Council as follows:

- 5 members who are residents and/or ratepayers of the Municipality, being a minimum of 18 years of age and not an employee of the Municipality.

Ex-officio

The Director of Works and Engineering and the Director of Parks, Recreation and Culture or their designates shall be ex-officio members of the Committee who shall act in an advisory capacity and shall be a non-voting member. Their roles shall also include presenting pertinent issues for discussion on the Committee agenda and to seek/receive advice from the Tree Committee on relevant issues.

6. Term of Office

That members 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 Mission Statement and Goals of the Tree Advisory Committee and the Terms of Reference 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 79/2007 pertaining to the establishment of a Tree Advisory Committee is hereby repealed.

9. Force and Effect

That this By-law comes into force and takes effect upon the final passing thereof.

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 42/2011  
TREE ADVISORY COMMITTEE  
TERMS OF REFERENCE

MISSION STATEMENT

To promote the planting, preservation and care of trees on Municipal property.

GOALS

To provide advice to Municipal Council and Staff regarding policies, programs and when requested to provide advice on assessments recognizing the value of trees on public property in the Municipality.

To promote the value and benefits of trees through public education.

TERMS OF REFERENCE

1. GENERAL

- 1.1 Committee Meetings shall be conducted in accordance with the Municipality's Procedural By-law and records shall be maintained 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 unless otherwise agreed by a majority vote of the members. At any meetings a quorum shall consist of a simple majority of the current membership not including the Director of Works and Engineering Services and the Director of Parks, Recreation and Culture and their designates.
- 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 and such other officers and Committee representatives as may be required. 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 to act in an advisory capacity to the Committee.
- 1.7 The Committee shall provide recommendations to the Committee of the Whole on matters referred by Committee of the Whole/Council to the Committee and shall respond to proposed policies, planning and other matters referred by the Director of Works and Engineering Services and/or the Director of Parks, Recreation and Culture.

- 1.8 The Committee will strive to increase the awareness of the importance of trees to the community of Port Hope, through the use of various methods, such as liaising with other community groups and individuals and is authorized to work jointly with other Municipal Boards, Committees, Municipal Departments, Council and/or services in providing information to community organizations, distributing information to the general public, encouraging special projects or tree planting campaigns.
- 1.9 The Committee will consider any gift/donation or offer of trees if the trees in question meet the needs and objectives of the Committee, in accordance with the Tree Policy adopted by the Municipal Council.
- 1.10 The Committee will assist the Director of Works and Engineering and the Director of Parks, Recreation and Culture when requested in the assessment of trees considered for planting/trimming/removal from Municipal property.
- 1.11 The Committee will receive and review reports as required from time to time from an Arborist, in consultation with the Director of Works and Engineering and/or the Director of Parks, Recreation and Culture.
- 1.12 At the request of the Director of Works and Engineering and/or the Director of Parks Recreation and Culture, the Committee will provide suggestions/recommendations with respect to trees where construction, street upgrades, park development or major landscaping is being planned so that the current tree population is properly and completely assessed.
- 1.13 Fiscal requirements regarding Tree Committee recommendations will be established through the annual municipal budget process under the Department of Public Works, and all purchasing and expenditures shall be the responsibility of the Department of Public Works and/or the Department of Parks, Recreation and Culture.
- 1.14 Approved minutes shall be forwarded through the Municipal Clerk (Director of Corporate Services) for inclusion in the Committee of the Whole agenda.
- 1.15 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. POLICY DEVELOPMENT

- 2.1 The Committee shall participate in the development of the Tree Policy and review annually the policies of the Municipality with respect to the preservation, planting, care and removal of trees on Municipal property, recognizing the value of trees, and to provide recommendations to Council with respect to any amendments or new policies which the Committee deems appropriate.

### 3. ROLES AND RESPONSIBILITIES

#### 3.1 CHAIRPERSON:

- Provide leadership to the Committee
- Chair Committee meetings in accordance with the Municipality's Procedural By-law
- Prepare 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.
- Ensure that all invoices recommended for payment are recorded in the minutes
- Ensure that invoices recommended by the Committee for payment are forwarded to the Municipal Finance Department for processing in a timely manner

#### 3.2 VICE-CHAIRPERSON:

- Act in the position of the Chairperson in the absence of the Chairperson.
- Otherwise, regular Committee member role.

#### 3.3 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 Tree Advisory Committee
- Bring to the attention of the Chairperson inquiries and concerns from the public for consideration and inclusion on the meeting agenda
- Visit sites of public and Municipal concern, to view firsthand, issues relating to trees and report findings to the Committee through the meeting agenda
- Participate in the development and annual review of the Tree Policy and Terms of Reference
- Assist in public education on the value and benefits of trees to the community and encourage good tree management

#### 3.4 RECORDING SECRETARY:

- The duties of the Recording Secretary, approved by the Municipality, are 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.
- When the Recording Secretary is a Member of the Committee, subject to the approval of the Municipal Clerk (Director of Corporate Services), the Member Recording Secretary may retain voting privileges.