

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 05/2021

Being A By-law to Define the Mandate and Meeting Procedures for Local Boards & Committees Established by the Corporation of the Municipality of Port Hope

WHEREAS By-law 49/2015, Council Procedural By-law establishes the rules and procedures under which Council and Committees of Council are to operate;

AND WHEREAS Council has established committees by By-law that are comprised both members of the public and members of Council and values the important role community members play helping to govern the Municipality.

AND WHEREAS the Comprehensive Committee Review recommended a by-law to consolidate and refine the mandates and Terms of Reference for each Committee and is to be known as the "Committee By-law";

NOW THEREFORE BE IT RESOLVED THAT Council of the Municipality of Port Hope enacts the following to ensure Advisory Bodies can act as effectively and efficiently as possible to assist and advise Council:

1. Definitions & Clarifications:

"Advisory Body"

Shall mean any local board, commission, committee, body or local authority established by Council in accordance with the *Municipal Act*.

This definition is intended to guide the application of this Committee By-law generally and does not remove any authority to be exercised by any Act or Provincial Legislation.

"Community Resource Member"

A representative of an organization, other than the Municipality of Port Hope, identified within the Terms of Reference who has not been formally appointed by Council through the recruitment process, who does not count toward quorum and does not vote, but who is providing assistance or expertise to an Advisory Body on an informal basis for a specified period of time.

"Council"

Shall mean the elected Council of the Municipality of Port Hope.

"Ex Officio Member"

A Member of a Board or Committee that holds that position by virtue of his/her office whom shall act in an advisory capacity and shall be a non-voting member.

The Mayor and Chief Administrative Officer are Ex-Officio Members of all Advisory Bodies unless otherwise specified in the membership composition of the relevant Terms of Reference.

"Member"

A person who is appointed to an Advisory Body in accordance with the Appointment Policy adopted by the Council of the Municipality of Port Hope.

"Staff Lead"

Staff leads are assigned to Advisory Bodies and are designates of Directors of municipal departments based on the subject matter expertise and act as a resource to the Advisory Body.

"Standing Committees of Council"

Standing Committees Terms of Reference are established in the Procedural By-law and the six committees which meet in Committee of the Whole, namely Corporate Services Committee, Finance Committee, Community Development, Parks, Recreation and Culture Committee, Works and Engineering Committee, Fire & Emergency Services Committee.

“Sub-Committee”

A sub-committee is a small group of members tasked with a specific objective, usually of an immediate and temporary nature and makes recommendations to the larger Committee relative to the assigned task. Sub-committees can be created with members assigned as long as the number of members appointed is fewer than quorum. Creation of sub-committees require prior approval of Council with a clear mandate and reporting structure to the Advisory Body (Section 2.4).

“Quorum”

A quorum is the minimum number of members of a body required to be present at a meeting in order for a body to exercise its power or authority.

For the purposes of this by-law, Quorum shall mean a **majority** of Members constituted by fifty percent plus one unless otherwise specified within the Terms of Reference for each Advisory Body.

For the purposes of this by-law, where an Advisory Body is composed of three members, two members constitute a quorum.

“Terms of Reference”

Terms of Reference describe the structure, composition, purpose, mandate, scope and role for each Advisory Body and are attached to this By-law as:

Schedule “A” – Advisory Committees

Schedule “B” – Legislated Committees

Schedule “C” – Local Boards with Council Appointees

Schedule “D” –Working Groups

2. Creating, Amending or Dissolving an Advisory Body

Council may create a new Advisory Body, dissolve, or amend its mandate/term of reference in accordance with the following provisions.

2.1 Creating a New Advisory Body

Council may create a new Advisory Body in response to any of the following:

1. Requirements of applicable legislation or regulation (Federal, Provincial or Municipal By-law);
2. Changing priorities;
3. To address significant public issues or trends;
4. Where public input is deemed desirable;
5. Recommendation and report by staff, and
6. Any other reason deemed appropriate by Council

In creating a new Advisory Body, Council shall have regard for the following:

1. Establishing a clearly defined mandate and Terms of Reference;
2. Membership and quorum requirements/qualifications;
3. Composition of the committee, board or working group;
4. Alignment with the Strategic Plan goals and objectives;
5. The reporting relationship and frequency of progress reports;
6. Public interest and financial considerations;
7. Staff resources to be made available and the impacts on the municipal departments;
8. The need for any sub-committees; and
9. Defined timeline for completion of the assigned tasks.

To create a new Advisory Body, Council must by resolution direct staff to assist in establishing the Terms of Reference. The Terms of Reference, once refined, are to be passed by a By-law by amending the schedules attached to this By-law, known as the Committee By-law.

2.2 Amending an Advisory Body and/or its Mandate

Amendments to the mandate/Terms of Reference of an Advisory Body can be initiated by Council or by the Advisory Body through a resolution and in a report completed by the Staff Lead and approved by Council.

The following factors may be considered by Council when amending an Advisory Body's mandate/Terms of Reference:

1. Results of the Advisory Body's annual report which measures progress against fulfilling the mandate;
2. Impact of the change on the mandate/Terms of Reference;
3. Continued relevance of the committee's purpose and/or function;
4. The degree of public interest;
5. Changes to the applicable legislation or regulations;
6. Changing Council priorities or new issues at Council;
7. Cost analysis and required resources.

2.3 Dissolving an Advisory Body

The dissolving of an Advisory Body may be triggered by any one of the following:

1. Expiration of the prescribed term;
2. Completion of the Advisory Body's task or mandate;
3. Effectiveness of the Advisory Body's operation (e.g. frequency of meetings, amount of committee business, number of cancelled meetings);
4. Resolution of the issues that led to the creation of the Advisory Body;
5. The legislative requirement for the Advisory Body no longer exists;
6. Merger with another Advisory Body;
7. Results of the annual report which measures progress against fulfilling the mandate;
8. Changing Council priorities;
9. Report and recommendation by staff and approved by Council.

2.4 Creating a Sub-Committee

Advisory Bodies may create sub-committees. The role of the sub-committee is to perform specific tasks that are within the mandate of the Advisory Body. Sub-committees can be created with members assigned, as long as the number of members is less than the total quorum of the Advisory Body. Creation of sub-committees require approval of Council with a clear mandate and reporting structure to the Advisory Body in order to maintain adherence to transparency and accountability efforts undertaken by the Municipality. If it is the desire of the majority of an Advisory Body to establish a sub-committee, a recommendation shall be approved by a majority of members with an explanation of the rationale and purpose.

Included in the recommendation for the establishment of the sub-committee there shall be information regarding the mandate and purpose of the proposed sub-committee, with the beginning and end date identified as well as the proposed composition of members. The creation of the sub-committee must be approved by Council by resolution through a staff report authored by the Staff Lead.

Subcommittees are responsible for the preparation of their own agendas and meeting notes that are to be submitted as part of the next regular agenda for consideration and approval of the Advisory Body. The sub-committee meeting notes must be adopted by the Advisory Body and recommendations endorsed as required. Sub-committees are subject to the same principles of accountability and transparency as prescribed by the Municipality.

3. General Provisions

3.1 Appointment Terms & Selection

Appointments will be in accordance with the Council approved Appointment Policy, passed by resolution and as updated from time to time, unless specifically provided for within the Advisory Body Terms of Reference as approved by Council on their respective establishing by-law.

Term of Appointment

Appointment terms are set out in the approved Appointment Policy. Appointments will be for a period of four years commencing on January 1 of the second year of the Council Term or until their successors are appointed, unless provided specifically within the Terms of Reference. These four year terms beginning the second year of Council are intended to provide a newly elected Council the opportunity to review and refine Terms of Reference for established Advisory Bodies to ensure alignment with strategic priorities.

3.2 Records

The records of Advisory Committees, Working Groups, Local Boards with Council Appointees and Legislated Committees shall be retained and preserved in accordance with the provisions of the Corporation of the Municipality of Port Hope Records Retention By-law (Records & Information Management Program By-law 30/2017).

3.3 Policies & Procedures

Unless otherwise specified by Provincial Legislation, or specifically identified within the Terms of Reference or establishing by-law, Advisory Bodies are subject to the following:

- i) All advisory bodies must conform to the rules governing the procedures of a meeting of Council as outlined in the Procedural By-law adopted by Council.
- ii) In carrying out the provisions of this By-law, the Advisory Body 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 Advisory Body nor any member thereof shall willfully or through negligence incur any liability by reason of anything done or left undone; provided however, that nothing in this section contained shall authorize or empower the Advisory Body 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.
- iii) 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.
- iv) The Municipal Accountability Framework and associated Code of Conduct for Council, Board and Committee members is applicable in accordance with By-law 12/2019.
- v) An Advisory Body may make recommendations on issues within their mandate for Council's consideration or as requested by Council and must utilize the reporting methods set out in Section 4.1.
- vi) 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 or designate.
- vii) The members and the Council representative on the Committee shall all have voting privileges unless otherwise stated on the Terms of Reference. The Mayor and Chief Administrative Officer are Ex-Officio members of every Advisory Body.
- viii) The number of municipal staff attending meetings of Advisory Bodies, aside from the Staff Lead, should be kept to a minimum and be there at the discretion of their respective Director. Staff serve in an advisory capacity without voting privileges.
- ix) Chairs & Vice Chairs are elected using the following process:

- a) The Recording Secretary announces that the meeting floor is opened for members to nominate fellow members for the position of chair. Nominations should be seconded.
 - b) The person who has been nominated must accept the nomination in order for their name to stand for the position of chair. The floor remains open for nominations until no more nominations are made.
 - c) When nominations have been completed, the nomination process is declared closed and those individuals who have agreed to let their names stand are now candidates for chair.
 - d) The election for chair is a closed ballot system. Members write the name of the candidate they are voting for on a piece of paper. The ballots are collected and tallied by the Recording Secretary. The candidate with the most votes becomes the chair.
 - e) If only one person accepts the nomination for the chair position, they become chair by acclamation and it is not necessary to formally vote on the matter.
- x) Notwithstanding any of the above, for greater clarity, Advisory Bodies will not be responsible for the following:
- a) Undertaking or directing the daily operations of the Municipality.
 - b) Administrative matters including directions to staff.
 - c) Reviewing staff structure, staff compensation, or other staffing related matters.
 - d) Preparing, approving or delivering the annual budget and capital projects.
 - e) Approving expenses.
 - f) Performing project and program implementation, unless assigned by Council.
 - g) Reviewing any matter that may be subject to the Municipality's closed meeting provisions.
 - h) Acting as a forum to debate decided matters of Council, or a forum to organize political advocacy for Council to reconsider decided matters.

3.4 Conflict of Interest

Members shall adhere to the Municipality's Code of Conduct for Council, Board and Committee members. It is the responsibility of Members to identify and disclose any conflict of interest as defined under the *Municipal Conflict of Interest Act*. Members shall disclose pecuniary interest at the opening of a meeting, prior to any discussion on the matter, and if declared, shall not take part in discussion or vote on such matter. Members shall not in any way attempt to influence the voting on a matter before, during or after the meeting. When declaring a conflict of interest, Members are required to fill out the necessary form and submit it to the Recording Secretary. All disclosed conflicts of interest shall be recorded in the meeting minutes and in the Municipality's Conflict of Interest Declaration Registry.

3.5 Attendance & Quorum

The Recording Secretary will record the attendance of members in the minutes of the meeting.

Absenteeism

- i) If a member is absent for three (3) consecutive meetings without cause acceptable to the Committee, the absences will be brought to the attention of the Municipal Clerk or designate by the Chair.
- ii) The Municipal Clerk or designate will contact the absent member to discuss the reasons for absenteeism and to determine whether the member wishes to provide a letter of resignation.
- iii) Upon confirmation that the member will no longer be serving on the Advisory Body, the Municipal Clerk or designate will notify Council of the vacancy and the need for a replacement.

If a member indicates the desire to continue to serve on the Advisory Body, the member will be advised that attendance is required or the member will be removed and the position will be declared vacant.

- iv) Committee vacancies will be declared and advertised in accordance with the Appointment Policy.

Absence of quorum:

- i) In the event quorum is not present 15 minutes after the time appointed for a meeting, the members present may ask the Secretary to call the roll and record the names of the members present and the meeting will then stand adjourned until the next scheduled meeting, or at the call of the Chair.

Loss of quorum during a meeting:

- i) If quorum is lost during a meeting for a period of 15 minutes, members present may ask the Secretary to record the names of those members present and the meeting will stand adjourned until the next scheduled meeting, or at the call of the Chair.

Absence of Chair:

- i) If neither the Chair nor the Vice-Chair has arrived 15 minutes after the time the meeting is to start and, if a quorum is present, one of the other members may be appointed Acting Chair.
- ii) The Acting Chair will preside and discharge the duties of the Chair during the meeting, or until the arrival of the Chair or Vice-Chair.

3.6 Meetings

- (1) Schedule of meetings

A meeting schedule will be set at the first meeting, or first annual meeting of the Advisory Body which will be provided to the Corporate Services Department. Meeting dates, days of the week and meeting times are to be reviewed annually and confirmed by the Advisory Body for submission to Corporate Services. Corporate Services staff will review the proposed meeting dates and times and provide approval after careful consideration of the other Advisory Body schedules to prevent overlap and to ensure the availability of the council representatives and Staff Leads.

Advisory Bodies are expected to set a meeting schedule that will ensure their responsibilities and objectives can be met.

Generally, meetings will be scheduled monthly, with only one meeting in July or August. If it is determined that there are no agenda items for consideration, a meeting may be cancelled by the Chair in consultation with the Staff Lead.

- (2) Special meetings:

- i) Special meetings may be called by the Chair upon majority agreement of the members for a meeting date outside of the regular schedule for matters that are time sensitive and can not wait until the next regularly scheduled meeting.
- ii) Special meetings must meet the notice procedures within the Procedural By-law.
- iii) It will be the role of the Secretary to attend and prepare the agenda and minutes for the Special Meeting.
- iv) All special meetings are to be open to the public except in accordance with (3) below:

(3) Meeting closed to the public:

All meetings should be open to the public. Members should consult with the Clerk/designate when considering having a meeting that is closed to the public.

If it is determined that an item should be considered in a meeting that is closed to the public, a member may move a motion to have the meeting take place in private if the subject to be discussed relates to the exceptions provided within Section 239 of the *Municipal Act*.

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

When moving the motion to meet in closed session, the exception to the *Municipal Act* Section 239 (above) **and** the general nature thereof must be stated.

Generally, voting in a closed meeting is not permitted by subsection 239(5) of the *Municipal Act, 2001*. However, subsection 239(6) provides two exceptions to the general rule: a vote is permitted in a closed meeting if the following two conditions are met:

1. The meeting is allowed to be closed based on one of the exceptions in the Act and
2. The vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

Therefore, voting in a closed meeting is permitted if the closed meeting is otherwise authorized and the vote is for a procedural matter or for giving direction or instructions to officers, employees, agents of the municipality or persons under contract.

When voting in closed session, the Chair should clearly identify the item being voted on, formally vote on it, and record the outcome in the closed session meeting minutes.

Where a matter has been discussed in private, and where the matter remains confidential, members must not disclose the content of the matter or the substance of deliberations of the private meeting.

3.7 Agenda & Minutes

Advisory Body Chairs are to work with Recording Secretaries to have agendas posted and made available to Committee members and the public in accordance with the Procedural By-law.

The **Agenda** of every committee will be structured as follows:

1. Roll Call/Quorum
2. Delegations
3. Disclosure of Pecuniary Interest and the Nature Thereof
4. Approval of Previous Minutes
5. Business Arising
6. Committee Business
7. New Business (Items to be placed on the next Agenda)
8. Date of Next Meeting
9. Adjournment

Establishing the agenda:

- i) The Chair in consultation with the Recording Secretary, may establish a schedule of agenda deadline dates to meet the notice provisions set out in the Procedural By-law.
- ii) Members may submit items that are set out in the Terms of Reference for inclusion on the agenda by giving them to the Recording Secretary by the agenda deadline date.
- iii) The Chair, in consultation with the Recording Secretary and Staff, set the agenda, based on matters submitted prior to the agenda deadline.
- iv) An Advisory Body as part of its agenda will consider only matters set out in the Advisory Body's Terms of Reference.
- v) The Chair will accommodate member requests for the inclusion of agenda items, whenever possible, but the Chair has the final decision about which items are included on the agenda. Chairs are encouraged to seek assistance from the Clerk or Deputy Clerk for all procedural matters.
- vi) The Recording Secretary will provide copies of the agenda to each member electronically.
- vii) The agenda will be made available to the public by posting it on the municipal website. Agenda items should have attachments included and posted on the municipal website to ensure the public has access to the information.
- viii) The business of the Advisory Body should be considered in the order in which it is listed on the agenda, unless otherwise decided by motion.
- ix) The Advisory Body may alter the order of business by a majority vote of the members present, but the Advisory Body cannot delete any portion of the business that has been set out on the agenda.
- x) When required, confidential material will be distributed to members and circulated under confidential cover.

Additional agenda items:

Any communication or agenda item for an Advisory Body received before the meeting, but not in sufficient time to be included with the agenda, will be reviewed by the Chair and:

- i) in accordance with requirements for public notice, transparency and disclosure, new substantive items should not be introduced on the agenda under New Business. New Business items will be placed on the next agenda in order to facilitate public participation;
- ii) if the item is considered by the Chair to pertain to a matter listed on the agenda, it may be submitted as a supplementary item for that meeting and considered during discussion of the original item.
- iii) if a communication or agenda item is considered by the Chair to be urgent, the Chair may direct that it be submitted as a supplementary item at the meeting for which it was submitted. A motion must be made to accept the item as supplementary to the agenda. This should only occur for exceptional circumstances such as time sensitive or emergency matters.

The **Minutes** will be taken for all meetings in which a quorum is present and will record:

1. The place, date and time of meetings;
2. The name of the presiding officer and notation of the attendance or regrets of the members;
3. All declarations of pecuniary interest (conflict of interest);
4. The receiving or endorsement of the minutes of prior meetings;
5. All other proceedings of the meeting without note or comment; and
6. In the format established by the Corporate Services Department to ensure consistency across all committees.

All minutes are considered public information. Once minutes have been approved by the advisory committee, local board, or working group, they are to be forwarded to the Clerk or designate for inclusion in the Corporate Records as well as on the next possible Committee of the Whole agenda and posted on the municipal website.

3.8 Public Participation at Meetings of Advisory Bodies

All meetings are open to the public.

Following the introduction of an agenda item and receiving comments from staff with questions from committee members and members of the public, as appropriate, the Chair will ask if a motion is forthcoming. Once a motion has been introduced members of the Advisory Body may speak to the motion. Following the members' discussion the Committee then will conclude its deliberations and a vote will be taken on the motion.

The Chair has the discretion to give the opportunity to speak during or after deliberations on an item.

3.9 Delegations to Advisory Bodies

Delegations are always to be listed on the agenda. Delegation requests can be provided to the Chair prior to the posting of the agenda or will be scheduled at the next meeting. Delegations not received in accordance with the Procedural By-law will not be included in the agenda and will be scheduled for the next subsequent meeting.

4. Roles and Responsibilities

Chairperson:

- Chair to be confirmed annually and selected among members through nomination and vote using the process set out in **Section 3.3 ix**).
- All responsibilities and expectations of committee members apply to the Chair.
- May be the Council representative appointed to the Advisory Body.
- Chairs are required to receive additional training on their roles.

Additional responsibilities include:

- Provide leadership and maintain decorum, be open minded to encourage a variety of opinions to be heard while ensuring fairness while facilitating the recommendations of the Advisory Body;
- Chair meetings in accordance with the Municipality's Procedural By-law;
- Provide agenda items to Recording Secretary to prepare agendas for meetings;
- Work with Staff Lead to prepare a report to Council annually and at other times as required;
- Act as spokesperson for the Advisory Body;
- Express consensus as reached by Advisory Body and respect the decisions and finality of Council;
- Ensure that the Municipality's By-laws and Policies are adhered to with respect to all matters.

Vice-Chairperson:

- Vice-Chair to be confirmed annually and selected among members through nomination and vote of the simple majority.
- Act in the position of the Chairperson in the absence of the Chairperson;
- Otherwise, regular Advisory Body member role.

Advisory Body Members:

- Strive to attend all regular meetings;
- Advise the Chairperson if unable to attend a meeting;
- Actively participate in meetings and familiarize yourself with the mandate and Terms of Reference of the Advisory Body;
- Actively participate in carrying out the responsibilities of the Advisory Body and undertake any work assigned, including special projects and research that you have committed to;
- Understand the advisory relationship to Council;
- Respect the role and responsibility of the Chair;
- Respect the decisions and finality of Council;
- Respect that actions taken and recommendations shall reflect the majority view of the Advisory Body;
- Advise in writing (on prescribed form) of any pecuniary interest;
- Comply with the Code of Conduct.

Council Representative:

- Is the Council appointment representative based on the portfolio for their term of Council;
- Shall count towards quorum and **are to be voting members unless specifically provided in the Terms of Reference.**
- Council representatives act as a conduit of information between their respective Advisory Body and Council and are expected to provide updates at Council and Committee of the Whole meetings.

Staff Lead:

- Staff Leads are assigned to Advisory Bodies and are designates of Directors of municipal departments based on the subject matter expertise and act as a resource to the Advisory Body.
- Staff Leads are responsible for providing orientation and training on the subject matter, in collaboration with the Clerk or designate, who will provide training on procedures and the role and reporting relationship of the Advisory Body to new members.
- Provide guidance and direction on Municipal policies and procedures.
- Staff Leads will provide relevant correspondence and resource material to the Advisory Body.
- Staff Leads provide professional expertise and author staff reports on behalf of the Advisory Body when bringing forward recommendations that require action and/or resources for Council consideration.
- Staff Leads will present the Advisory Body's proposed budget to Council for approval, monitor the approved budget and approve expenses.
- Aside from the Staff Lead, the number of staff attending Advisory Body meetings is to be kept at a minimum and participate at the discretion of the Director. Municipal staff are to act as information resources and shall be non-voting members.

Recording Secretary:

- Recording Secretaries are managed by the Municipal Clerk or designate and provide administrative services to the Advisory Body, including record, process and distribute minutes and agendas.
- The Recording Secretary prepare agendas in the prescribed format and post online upcoming agendas and attachments are made public.
- The Recording Secretary shall also ensure that all meeting minutes once approved by the Advisory Body are forwarded to the Municipal Clerk or designate as soon as possible following the meeting for inclusion on the Committee of the Whole agenda.
- When taking minutes, the role of the Recording Secretary is to record, without note or comment, all resolutions, decisions and proceedings of the Advisory Body. This is consistent with Section 228(1) of the *Municipal Act 2001, as amended*.
- Recording Secretaries provide Conflict of Interest Declaration forms and collect the forms from the Member during the meeting and record the declaration of conflict of interest in the Meeting Minutes. The forms are provided to Corporate Services where they are recorded in the Conflict of Interest Registry.

4.1 Recommendations & Reporting

- i) All Advisory Bodies are encouraged to follow rules of procedure identified within the Procedural By-law. Chairs and staff are encouraged to seek assistance and direction from the Clerk and or designate for procedural advice.
- ii) Advisory Bodies report to Council. An Advisory Body may make recommendations to Council in response to a request from either Council or staff in the area of the Committee's mandate. Decisions of the Advisory Bodies are considered recommendations and are not final until approved by the Council unless delegated authority is granted by Council.

Recommendations/motions by Committees can get actioned by Council **3 ways**:

i) In the Minutes

All recommendations are to be recorded in the minutes of the meeting and can be identified through removal of the Minutes from the Consent Agenda by the Council representative at the Committee of the Whole for discussion. *Any member of Council can make this request and it opens the matter up for discussion.*

- An example: Updates that are received by the committee for information. Perhaps a Council member has a question about the project and wants more detail or to refer it back to the Advisory Body.

ii) In a Staff Report

If the Advisory Body's recommendation requires resources and approval, the Staff Lead will write a report on behalf of the Advisory Body to Committee of the Whole explaining the rationale and request. *This will result in a formal resolution by Council being adopted.*

- An example: The committee is providing advice or recommendation that requires approval such as adoption of a policy, an initiative or event within their mandate.

iii) In a Memo

When a recommendation from the Advisory Body requires Council attention or approval (with no resources) the Recording Secretary can copy the motion into a simple memo noting the date of the meeting, and request consideration by Council. The memo is to be sent to the Clerk for inclusion on the agenda for the next Committee of the Whole meeting. *This has essentially the same effect as the first method of removing the minutes from the Consent Agenda*

during Committee of the Whole but it is committee driven rather than by a council rep.

- An example: Any recommendation that does not need resources but does need approval by Council, example is creation of a subcommittee.

4.2 Annual Report

Advisory Bodies will report to Council annually respecting the following matters:

- i) A summary of the committee's focus areas for the following year including an estimated monthly time line to assist in resource allocation of volunteers and to set Council expectation
- ii) A concise summary of the activities and accomplishments of the committee for the past year.

5. Advisory Body Composition and Terms of Reference

Advisory Committees– Schedule "A"

Legislated Committees – Schedule "B"

Local Boards with Council Appointees – Schedule "C"

Working Groups – Schedule "D"

6. Exceptions

- i) This By-law does not apply to Standing Committees or Council
- ii) This By-law does not apply to staff committees

7. That the following by-laws are hereby repealed:

57/2015	64/2015	61/2019
58/2015	66/2015	36/2011
63/2015	67/2015	02/2016
68/2015	70/2015	87/2017
59/2015		

8. Severability

If any section, paragraph or phrase of this By-law is for any reason held to be invalid by reason of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the By-law.

Where the provisions of this By-law conflict with any provincial legislation, the provincial statutory provision shall take precedence.

9. Annual Review

The Corporate Services will annually review this by-law and the associated Terms of Reference for each Advisory Body and will work with Staff Leads and Advisory Bodies to bring forth necessary amendments as required from time to time.

10. Effect

This By-law will 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 16th day of February, 2021.

R.J. Sanderson, Mayor

B. Gilmer, Clerk

Schedule “A” to By-law 05/2021 – Advisory Committees

A1 - Accessibility Advisory Committee

Committee Name: Accessibility Advisory Committee

Reporting To: Council

Composition: The Accessibility Advisory Committee shall consist of not more than seven (7) members appointed by Council as follows:

- 6 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.
- In keeping with the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*, a majority the members of the Committee shall be residents with disabilities.
- The Council appointed Chair of Fire & Emergency Services Committee or designate.
- **All shall be voting members.**

Ex-Officio Representatives

The Mayor and Chief Administrative Officer shall be non-voting ex-officio members of all Advisory Bodies.

Staff Lead

Director of Works & Engineering or his/her designate. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

To advise Council on matters that will enhance the ability of people with disabilities to have equal access to opportunities within the municipality. This authority is in accordance with the *Ontarians with Disabilities Act, 2005*.

Mandate:

The mandate of the Accessibility Advisory Committee is to encourage and facilitate accessibility on behalf of all persons with disabilities by promoting public awareness and sensitivity; encouraging co-operation among all service and interest groups to ensure an inclusive community for all persons; identifying and documenting relevant issues and concerns; improving access to housing, transportation, education, recreation, and employment; improving communication among all levels of government and service agencies to make recommendations regarding policy, procedure and legislation; to educate and champion needs that arise based on the *Accessibility for Ontarians with Disabilities Act (2005)*; and recognizing that the needs of all persons, including persons with disabilities, are constantly changing.

Objectives:

1. In accordance with the *Accessibility for Ontarians with Disabilities Act (2005)*, as amended from time to time:

- 1.1 The Committee shall:
 - Advise Council in each year about the preparation, implementation and effectiveness of its accessibility plan.
 - Advise Council on the accessibility for persons with disabilities to a building, structure or premises, or part of a building, structure or premises,
 - a) that the Council purchases, constructs or significantly renovates;
 - b) for which the Council enters into a new lease; or
 - c) that a person provides as municipal capital facilities under an agreement entered into with the Council in accordance with Section 110 of the Municipal Act, 2001.
 - Advise Council on the purchase of goods and services through the procurement process for the use of the municipality, its employees or the public, having regard to the accessibility for persons with disabilities to the goods or services.
 - Review the site plans and drawings described in section 41 of the Planning Act that the Committee selects; and
 - comply with any applicable regulations that may be established from time to time.
2. In consultation with Council and Municipal Staff the Committee shall:
 - review new and existing municipal by-laws and policies
 - recommend the awarding of funds from the Municipality of Port Hope Access Fund for Municipal property improvement repairs or alterations
 - encourage improved services which will allow disabled persons to live a full and productive life
 - promote public awareness and understanding of the needs of disabled persons
3. The Committee shall provide advice to Council on other issues of importance to persons with disabilities.

Role of Council:

Council will consider the recommendations and advice provided by the Committee in accordance with the provisions of the Committee By-law. The role of the Council representative is set out in Section 4.

Role of Staff:

Staff will perform the responsibilities set out in Section 4 of the Committee By-law.

Frequency of Meetings:

Meetings will be held in accordance with the schedule established by the Committee to properly discharge its responsibilities and as set out in Section 3.5 of the Committee By-law.

Schedule “A” to By-law 05/2021 – Advisory Committees

A2 – Audit Committee

Committee Name: Audit Committee

Reporting To: Council

Composition: The Audit Committee shall consist of three (3) members appointed by Council as follows:

- The Mayor or designate
- The Council appointed Chair of the Finance Committee or designate
- One member of the general public, appointed by Council following a suitable application process with consideration given to individuals with business background practicing in accounting or finance.
- **All voting members.**

Ex-Officio Representative

The Chief Administrative Officer shall be non-voting ex-officio member of all Advisory Bodies.

Staff Lead

Director of Finance or his/her designate. As requested by the staff lead, additional staff may be asked to attend for resource information and support on an as needed basis.

Purpose:

The Audit Committee provides a focal point for communication between Council, the external auditor and management and facilitates an impartial, objective and independent review of management practices.

Mandate:

The Audit Committee is responsible for providing advice and recommendations, where necessary, to Council related to the oversight of the administrative systems regarding financial accounting, reporting, internal controls, safeguarding of corporate assets, compliance with legal, ethical and regulatory requirements and the effective and efficient use of resources.

Objectives:

Management is directly responsible for the Municipality’s financial reporting, internal controls and compliance with laws and regulations. The Audit Committee is responsible to oversee and monitor how management carries out these functions. The Audit Committee must also satisfy itself that the responsibilities of the external auditor are effectively discharged.

1.1 The External Audit Function

Oversight of the independent audit process

- 1.1.1 Recommend appointment of the external auditor to Council for approval;
- 1.1.2 Review the terms of engagement, fees and scope of the external audit and any non-audit services provided;

- 1.1.3 Review any reports and correspondence from the external auditor relating to the Municipality, including the annual communication from the external auditor on independence matters;
- 1.1.4 Review the external auditor's findings including evaluation of accounting principles applied, significant accounting estimates, significant audit misstatements, the effectiveness of, or weaknesses in, internal controls, significant related party transactions and any difficulties encountered during completion of the audit;
- 1.1.5 Receive reports from management summarizing progress made in resolving issues raised by the external auditors;
- 1.1.6 Meet privately with the external auditors to discuss any matters that the Audit Committee or the external auditors believe should be discussed.

1.2 Financial and Other Reporting

Oversight of the financial reporting process to ensure the integrity and transparency of financial reports

- 1.2.1 Review the annual financial statements of the Municipality and its local boards and recommend approval of these financial statements to Council;
- 1.2.2 Review financial and fiscal policies, practices and procedures (eg. accrual policies, investment policies, policies for establishing reserves, reserve funds, etc.);
- 1.2.3 Review significant accounting and reporting developments, including recent and contemplated professional and regulatory requirements and understand their impact on financial reports;
- 1.2.4 Review information used for decision making (including management reports, affirmations, etc.), as to integrity, timeliness and comprehensiveness.

1.3 Internal Control Systems

Oversight of the effectiveness of the internal control environment

- 1.3.1 Review and understand the effectiveness of the internal control systems pertaining to the safeguarding of assets and the authorization and recording of transactions;
- 1.3.2 Review and understand the adequacy of internal controls over data processing operations and computer-accessible data;
- 1.3.3 Be satisfied that appropriate monitoring devices are in place to detect dysfunctions, including fraudulent activities;
- 1.3.4 Review the effectiveness of corporate reporting systems regarding administrative and program performance (for example, budget monitoring systems);

1.4 Compliance and Business Risk Management

Oversight of the Municipality's compliance with legal, statutory and regulatory requirements and oversight of the Municipality's risk management environment

- 1.4.1 Review and understand how compliance with laws and regulations is achieved and the adequacy of the systems established to ensure compliance;

- 1.4.2 Review with management all legal claims and other contingencies that could have an effect on the financial position of the Municipality and the adequacy of related insurance coverages;
- 1.4.3 Review with management any significant financial risk exposures and processes in place to identify, monitor and manage these risks, including potential risks such as loss of key staff, loss of revenue sources, erroneous financial reporting, regulatory noncompliance, conflicts of interest, fraudulent activities resulting from weaknesses in internal controls.
- 1.4.4 Review by-laws and policies specifically regulating the conduct of members of council, staff, and suppliers (for example, fraud and theft policies, conflict of interest policy, purchasing by-law, budget control by-law, expense claims policies, etc.);
- 1.4.5 Review and understand procedures that are in place for communication and follow up of complaints regarding ethics, integrity, internal controls and accounting or auditing matters.

1.5 Other

- 1.5.1 Review and approve the scope, terms of reference and fees of professional services retained for purposes related to the Audit Committee's responsibilities;
- 1.5.2 Provide opportunities for private discussion of sensitive matters raised by the external auditor, management relating to personnel, legal, or other matters which could be prejudicial to the corporate interest if discussed in open committee;
- 1.5.3 Ensure that Audit Committee members receive appropriate orientation regarding the work of the Committee and that training to enhance financial literacy is made available;
- 1.5.4 Complete periodic self-assessments of the effectiveness of the Audit Committee against its mandate;
- 1.5.5 Review the Audit Committee Mandate periodically and recommend modifications to Council, as necessary.
- 1.5.6 The Chair and or designate 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 or designate.

Role of Council:

Council will consider the recommendations and advice provided by the Audit Committee in accordance with the provisions of the Committee By-law.

Role of Staff:

Staff will perform the responsibilities set out in Section 4 of the Committee By-law. In addition, at the request of the Chairperson, Staff ensure that management and the external auditors, when required, attend the Audit Committee meetings.

Frequency of Meetings:

Meetings will be held in accordance with the schedule established by the Committee to properly discharge its responsibilities and as set out in Section 3.5 of the Committee By-law.

Term:

The Term of the Audit Committee will be the term of Council.

Schedule “A” to By-law 05/2021 – Advisory Committees

A3 – Civic Awards Committee Terms of Reference

(For program information, see Civic Awards Program Policy)

Committee Name: Civic Awards Advisory Committee

Reporting To: Council

Composition: The Civic Awards Advisory Committee shall consist of not more than seven (7) members appointed by Council as follows:

- 4 members with consideration given to individuals with the diversity, experience, knowledge and disciplines in culture, waterfront and trails and parks and recreation and who are residents and/or ratepayers of the Municipality, being a minimum of 18 years of age, and not an employee of the Municipality;
- 1 representative from the Heritage Business Improvement Area
- 1 representative from the Chamber of Commerce
- The Council appointed Chair of Parks, Recreation and Culture Committee or designate
- **All being voting members.**

Ex-Officio Representatives

The Mayor and Chief Administrative Officer shall be non-voting ex-officio members of all Advisory Bodies.

Staff Lead

Director of Parks, Recreation & Culture or his/her designate. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

To provide advice to Council relative to the award and administration of the Civic Awards Program and to provide recommendations to Council on the selected nominees to be awarded a Civic Award in accordance with the Civic Awards Program Criteria.

The Committee serves in an advisory capacity to Council on the nominations and administration of the Civic Awards Program with delegated authority under Staff to develop and host the Awards Ceremony as well as selection of inscribed awards.

Mandate:

To administer to provisions of the Civic Awards Program which celebrates nominees worthy of recognition for exceptional contributions and/or achievements bringing honour and/or enrichment to the Municipality of Port Hope.

Objectives:

Promotion & Nomination

- To encourage and reward achievements and volunteerism within the Municipality;

- To Increase awareness about the Civic Awards program and recipient contributions and achievements while promoting and soliciting nominees for civic recognition;
- To ensure nominations and award selection is completed in a fair and consistent manner; in order to help preserve the integrity of the Civic Awards Program over the long term;
- To collaborate with Municipal staff and Council to host a successful program, annually;
- Comply with Municipal branding requirements and review annually as it relates specifically to the function of the Civic Awards program;

Administration of the Civic Awards Program

- Collaborating and assisting municipal staff in the planning and execution of the annual Civic Awards Program and ceremony;
- Managing and tracking of each year's award recipients and their nominations to prevent duplication of awards;
- Ensuring that each recipient receives a duly inscribed award;
- Ensuring that the Outstanding Citizen and Outstanding Youth award recipients' names are displayed for public viewing in Town Hall;
- From time to time creating and updating , a nomination form that is readily available to the public;
- Submit budget requests through the Local Boards and Committees Budget submission for the Civic Awards Night event that reflects the event's operating and capital needs, in keeping with budget directions and timelines;
- Administer the council approved communication plan funded through the Civic Awards Annual Budget Allocation.
- To evaluate the Municipality's recognition program once each Council term, including available input from Civic Awards Advisory Committee volunteers who have contributed over the previous four (4) years. To review and recommend award categories and criteria for Council's consideration and required amendments to the Civic Awards Nomination Criteria Policy

Role of Council:

Roles and responsibilities are outlined in Section 4 of the Committee By-law.

Role of Staff:

In addition to the responsibilities outlined in Section 4, the role of the Staff Lead is, with the assistance of the Committee:

- Organize the annual Civic Awards Event on behalf of Council;
- Oversee administrative functions, including, but not limited to tracking of nominations, updating database, generating correspondence, managing inventory and budget tracking;
- Provide orientation and training on the mandate of the Committee; Corporate Services Staff will be responsible for procedural training.

Term:

The Term of Appointments shall be in accordance with Section 3.1 of the Committee By-law.

Frequency of Meetings:

Meetings will be held in accordance with the schedule established by the Committee to properly discharge its responsibilities and as set out in Section 3.5 of the Committee By-law.

A4 – Heritage Port Hope Advisory Committee

Committee Name: Heritage Port Hope Advisory Committee

Reporting To: Council

Composition: The Heritage Port Hope (HPH) Advisory Committee shall consist of not more than nine (9) members appointed by Council as follows:

- 8 members with consideration given to individuals with the interest, experience, knowledge and disciplines in cultural heritage preservation and who are residents and/or ratepayers of the Municipality, being a minimum of 18 years of age, and not an employee of the Municipality;
- The Council appointed Chair of Community Development Committee or designate.
- **All shall be voting members.**

Ex-Officio Representatives

The Mayor and Chief Administrative Officer shall be non-voting ex-officio members of all Advisory Bodies.

Staff Lead

Director of Community Development or his/her designate. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

The Heritage Port Hope (HPH) Advisory Committee is the Municipal Heritage Committee as described by and pursuant to the *Ontario Heritage Act*. The Committee provides advice and make recommendations related to municipal cultural heritage matters.

Mandate:

Heritage Port Hope is responsible for advising and assisting Council on matters pertaining to Part IV (Conservation of Buildings of Historic or Architectural Value, Designation of Properties by Municipalities) and to Part V (Heritage Conservation Districts) of the Ontario Heritage Act, as amended for time to time.

Objective:

The committee provides advice and makes recommendations regarding:

- New designations under Part IV and V of the Ontario Heritage Act
- New listing of non-designated properties of cultural heritage interest or value under Part IV or V of the Ontario Heritage Act
- Heritage Application Approvals referred to it by Council and/or Municipal Staff
- Promotion and public awareness of Port Hope's cultural heritage
- Annual Nomination of recipients for the Heritage Achievement Award
- Prepare an annual report to Council on the activities of the Heritage Port Hope Advisory Committee
- Other cultural heritage matters as referred to the Committee by Council

- Promotion of the Heritage Plaque Program which recognizes designated properties.

For clarity, to ensure the Committee is able to achieve their mandate, members will not be responsible for the following:

- approval of heritage applications,
- the inspection of work (e.g. construction, renovation and/or rehabilitation activities) performed at individual properties,
- undertaking or directing the daily operations of the Municipality,
- administrative matters including directing staff and budgeting,
- the preparation of grant application, or the administration and approvals for incentive programs.

Authority:

The Committee is to serve as an Advisory Body to Council. The Committee does not have any delegated authority; however the Director of Community Development or their designee may have delegated authority for approval of some heritage applications that in some instances is conditional on a committee recommendation. The members of the Committee shall work together to fulfill the mandate of this Advisory Committee.

The Heritage Port Hope (HPH) Advisory Committee acknowledges that the practice of cultural heritage conservation goes beyond strict regulations and enforcement to include a co-operative approach when working with property owners and all members of the community.

When making recommendations to Council, the Heritage Port Hope (HPH) Advisory Committee will take into consideration a property owner's perspective as part of its ongoing efforts to promote heritage conservation. The Heritage Port Hope (HPH) Advisory Committee recognizes that adaptive reuse is a factor in allowing heritage buildings to survive for future generations.

The Committee serve serves as an advisory body to Council. The Committee does not have any delegated authority. Recommendations requiring implementation, expenditures, reports or staff actions must first be considered by staff and/or Council. Council may cause the Committee to review and report on matters pertaining to the Committee's mandate.

Role of Council:

Roles and responsibilities are outlined in Section 4 of the Committee By-law. In addition, under Part IV of the *Ontario Heritage Act* on Conservation of Cultural Heritage Value or Interest, Council is required to consult with the Heritage Port Hope (HPH) Advisory Committee:

- When updating the list of properties on the register;
- Before giving notice of its intention to designate a property;
- Before amending a by-law affecting a property under the *Ontario Heritage Act*;
- Before repealing a by-law or part thereof designating a property;
- Before considering an application for designated property to repeal the by-law or part thereof designating the property;
- On an application to alter a designated property where the alteration is likely to affect the heritage attributes (listed in the statement of heritage value or interest) as set out in the bylaw designating the property;

- Before delegating power to an employee or official of the municipality to consent to minor alterations of individually designated property;
- On an application to demolish or remove any building or structure on a designated property; and,
- Before passing bylaws providing for the entering into easements or covenants with owners of real property, interests therein, for the conservation of properties of cultural value or interest.

Under Part V of the *Ontario Heritage Act* on Heritage Conservation Districts, Council is required to consult with the Heritage Port Hope (HPH) Advisory Committee:

- Before passing a bylaw to define a study area for future possible designation as a heritage conservation district;
- Before a proposed heritage conservation district plan is passed;
- Before Council delegates by bylaw its power to grant permits for the alteration or property situated in a heritage conservation district; and,
- On an application to demolish or remove any building or structure on property in a heritage conservation district.

Under Part IV and V of the *Ontario Heritage Act*, Council may delegate by by-law its power to grant permits for the alteration of designated properties to an employee or official of the municipality.

Role of Staff:

In addition to the responsibilities set out in Section 4 of the Committee By-law, Staff are responsible for the following:

- The Director of Community Development or designee on behalf of the Municipal Clerk will maintain a register of properties situated in the municipality that are of cultural heritage value in accordance with the *Ontario Heritage Act*.
- Where authority is delegated by by-law, review and approve proposals for alterations to designated properties of cultural heritage value or interest.
- The Municipality’s Chief Building Official or their designee Provide applications for demolition permits to the Heritage Port Hope (HPH) Advisory Committee for review in advance of a demolition permit being issued.
- Coordinate the Heritage Plaque Program.

Term: Term of Appointment shall be in accordance with Section 3.1 of the Committee By-law.

Frequency of Meetings:

Meetings will be held in accordance with the schedule established by the Committee to properly discharge its responsibilities and as set out in Section 3.5 of the Committee By-law.

Schedule “A” to By-law 05/2021 – Advisory Committees

A5 – Parks Recreation & Culture Advisory Committee

Committee Name: Parks, Recreation and Culture Advisory Committee

Reporting To: Council

Composition: The Parks, Recreation and Culture Advisory Committee shall consist of not more than nine (9) members appointed by Council as follows:

- 6 members with consideration given to individuals with the diversity, experience, knowledge and disciplines in culture, waterfront and trails and parks and recreation and who are residents and/or ratepayers of the Municipality, being a minimum of 18 years of age, and not an employee of the Municipality;
- 1 representative from the Ruth Clarke Activity Centre Membership to represent older adults from the community at large and the RCAC
- 1 member with knowledge and experience in cemetery regulations, improvements and maintenance.
- The Council appointed Chair of Parks, Recreation and Culture Committee or designate .
- **All shall be voting members.**

Ex-Officio Representatives

The Mayor and Chief Administrative Officer shall be non-voting ex-officio members of all Advisory Bodies.

Staff Lead

Director of Parks, Recreation and Culture or his/her designate. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

The purpose of the Parks, Recreation and Culture Committee is to advise Council on matters pertaining to parks, recreation, events and cemeteries within the Municipality.

Mandate:

To provide advice to Council relative to Parks, Recreation & Culture initiatives enhancing the quality of life for Port Hope residents through a wide range of innovative, inclusive, and accessible programming, providing opportunities for physical activity, social interaction and community engagement.

Objectives:

1. Long Term Planning

- The Committee shall assist staff in the development and implementation of long range parks recreation and culture services in accordance with the Leisure Services Master Plan.

- The Committee shall review potential capital projects and long range capital plans for the Department of Parks, Recreation and Culture.
 - The Committee will ensure that the guidelines for the care, maintenance and operations of municipally owned cemeteries, as approved by the Bereavement Authority of Ontario, are followed and updated as required.

2. Program Planning

- The Committee shall assist with the development of new and innovative programs and services that positively affect the operation of the Department of Parks, Recreation and Culture.
- The Committee will advocate the benefits of parks, recreation and culture services to residents of the Municipality. The advocacy will be based on the social, economic, personal and environmental benefits.
- The Committee shall liaise with the broader community to provide input and advice relating to provision of parks, recreation and culture opportunities and services. This assistance may also include developing and nurturing of new partnerships and collaborations.
- The Committee will host public meetings and consult with the community at large on major park , trails and facility developments
- The Committee shall assist with the active promotion of the parks, recreation and culture services of the Municipality
- The Committee shall develop opportunities for volunteerism through supporting of projects and services related to Parks, Recreation and Culture
- The Committee shall encourage a broad variety of services that reflect the dynamic nature of parks, recreation and culture
- The Committee shall proactively research and provide recommendations for present and future program needs in the Municipality
- The Committee shall ensure programs include the principles and philosophies associated with:
 - Healthy child development and the principles of HIGH FIVE®
 - Chronic disease and injury prevention (e.g. obesity, heart disease, etc.)
 - Being a “Youth Friendly Community” & “Age Friendly Community”
- The Committee will consider and provide guidance on the assumption and transfer of cemeteries to the municipality and the use of care and maintenance funds, as requested by the Director of Parks, Recreation & Culture.

Role of Council:

Council will consider the recommendations and advice provided by the Committee in accordance with the provisions of the Committee By-law. The role of the Council representative is set out in Section 4.

Role of Staff:

Staff will perform the responsibilities set out in Section 4 of the Committee By-law.

Frequency of Meetings:

Meetings will be held in accordance with the schedule established by the Committee to properly discharge its responsibilities and as set out in Section 3.5 of the Committee By-law.

Schedule "A" to By-law 05/2021 – Advisory Committees

A6 - Heritage Incentives Advisory Committee

Committee Name: Heritage Incentives Advisory Committee

Reporting To: Council

Composition: The Heritage Incentives Advisory Committee shall consist of not more than seven (7) members appointed by Council as follows:

- 2 member who is a resident and/or ratepayer of the Municipality of Port Hope, being a minimum of 18 years of age, and not an employee of the Municipality;
- 1 representative of the Architectural Conservancy of Ontario (ACO) Port Hope Branch;
- 1 representative of the Heritage Port Hope (HPH) Advisory Committee;
- 1 representative of the Port Hope & District Chamber of Commerce;
- 1 representative of the Heritage Business Improvement Area;
- The Council appointed Chair of the Community Development Committee or designate;
- **All shall be voting members.**

Ex-Officio Representatives

The Mayor and Chief Administrative Officer shall be non-voting ex-officio members of all Advisory Bodies.

Staff Lead

Director of Corporate Services or his/her designate. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

To administer the allocation of Heritage Incentives Programs in accordance with the Municipal By-laws and Policies established by the Corporation of the Municipality of Port Hope and to provide advice to Council on Heritage Incentives matters.

Mandate:

Administer the allocation of grant funding in accordance with the Heritage Incentive Grant Program established by By-law 46/2018, and as amended from time to time.

Objectives:

- Follow the provisions of the Heritage Incentives Grant Program.
- The Committee may liaise with other heritage 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;
- Approved minutes shall be forwarded through the Municipal Clerk or designate for inclusion in the Committee of the Whole agenda.

- Advise Council on recommended allocation and award of grant funding through Heritage Incentive Advisory Committee minutes.
- Be responsible for advertising and arranging events such as an annual open house to promote the Heritage Incentive Grant Program.
- Make recommendations to Council through the Committee of the Whole regarding the HIAC program criteria to increase the uptake and encourage heritage conservation within the Municipality.
- Provide an annual report through the budget process identifying the number of applications, the type of project, and the completed outcome or carry over request as the case may be.

Role of Council:

Council will consider the recommendations provided by the Committee in accordance with the provisions of the Committee By-law. The role of the Council representative is set out in Section 4.

Role of Staff:

Staff will perform the responsibilities set out in Section 4 of the Committee By-law.

Frequency of Meetings:

Meetings will be held in accordance with the schedule established by the Committee to properly discharge its responsibilities and as set out in Section 3.5 of the Committee By-law.

Schedule “A” to By-law 05/2021 – Advisory Committees

A7 – Environmental Advisory Committee

Committee Name: Environmental Advisory Committee

Reporting To: Council

Composition: The Environmental Advisory Committee shall consist of not more than seven (7) members appointed by Council with preference given to those as follows:

- 1 person with expert knowledge of trees, including but not limited to an arborist, horticulturist or forestry technician
- 1 person knowledgeable in aquatic ecology and hydrology
- 1 person from the agricultural community
- 1 person with knowledge in planning, design and infrastructure projects, including but not limited to landscape architect or civil engineer
- 2 members with interest, knowledge and relevant experience in environmental matters
- The Council appointed Chair of Works & Engineering Committee or designate
- **All shall be voting members.**

Ex-Officio Representatives

The Mayor and Chief Administrative Officer shall be non-voting ex-officio members of all Advisory Bodies.

Staff Lead

Director of Works & Engineering or his/her designate. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

To provide perspectives and advice to Council relative to the preservation, growth and sustainability of the overall landscape and natural infrastructure of the Municipality.

Mandate:

The Committee shall provide recommendations to the Committee of the Whole on matters referred by Council and shall respond to proposed policies, planning and other environmental matters.

Objectives:

1. Environmental Planning

- To provide advice to Municipal Council and Staff regarding immediate and long-term environmental and sustainability strategic initiatives, as identified within an annual workplan or as requested by the Director of Works & Engineering or designate.

- The identification and recommended approach to implementation of new or existing programs, approaches or policies relating to the protection, sustainability and enhancement of natural resources and systems and sustainable agricultural practices within the Municipality.
- To raise new, relevant, unexplored environmental issues with direct impact to the natural infrastructure of the Municipality of Port Hope.
- Make recommendations on environmental issues that have significant implications for the rural area.
- Undertake monitoring and make ongoing recommendations regarding climate action upon completion of the Climate Action Plan or as directed by Council.

2. Tree Preservation, Planning & Planting

- The Committee will consider and provide recommended updates to the Forest Master Plan and Tree Policy.
- 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.
- Encourage expansion of annual tree planting programs to meet demand.
- 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 Municipal policies.
- Provide advice on the Municipality's policies, by-laws and guidelines which effect trees with the objective of maximizing the retention of existing trees, woodlands and natural areas.
- 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.

3. Community Outreach

- To promote the value and benefits of environmental sustainability, including preservation of the tree canopy, through public education.
- The identification and recommended approach to implementation of community outreach activities which support the growth of environmental awareness and appreciation in the Municipality. This includes providing assistance with and support for the implementation of education programs and for special events relating to environmental matters.

Role of Council:

Council will consider the recommendations and advice provided by the Committee in accordance with the provisions of the Committee By-law. The role of the Council representative is set out in Section 4.

Role of Staff:

Staff will perform the responsibilities set out in Section 4 of the Committee By-law.

Frequency of Meetings:

Meetings will be held in accordance with the schedule established by the Committee to properly discharge its responsibilities and as set out in Section 3.5 of the Committee By-law.

Schedule “B” to By-law 05/2021 - Legislated Committees

B1 – Committee of Adjustment

Committee Name: Committee of Adjustment

Reporting To: Council

Composition: The Committee of Adjustment shall consist of five (5) members appointed by Council by By-law in accordance with Section 44 of the Planning Act, R.S.O. 1990, as amended.

- **All shall be voting members.**

Council Representative

The Council appointed Chair of Community Development shall be **a non-voting member** of the Committee.

Ex-Officio Representatives

The Mayor and Chief Administrative Officer shall be non-voting ex-officio members of all Advisory Bodies.

Staff Lead

Director of Community Development or his/her designate; Committee of Adjustment Secretary Treasurer. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

The Committee of Adjustment is a Legislated Committee established in accordance with Section 44 of the Planning Act. The Committee is responsible for making decisions on consent applications, minor variance applications, enlargement of existing non-conforming uses, and other technical matters set out by the provisions of the Planning Act.

Mandate:

The Committee of Adjustment hears applications and makes decisions on minor variances, alterations to legal non-conforming uses and consents/severances as well as consents for leases, rights-of-way or easements which extend beyond 21 years and to partially mortgage or partially discharge a mortgage on a parcel of land in accordance with provisions set out in the Planning Act, Municipality of Port Hope Official Plan and/or Zoning By-law.

1.1 The powers of the Committee of Adjustment are:

As set out in Section 45 of the Planning Act, R.S.O. 1990 as amended, together with any supplementary powers contained in the Planning Act, R.S.O. 1990, or any amendment thereto.

The power to give consents under s. 53 of the Planning Act, R.S.O. 1990 or any amendment thereto, provided, and only so long as, the authority to give such consents is delegated to the Council for the Municipality of Port Hope.

- 1.2 The Committee of Adjustment shall function in accordance with the relevant provisions of the Planning Act, R.S.O. 1990, as amended, having regard to pertinent by-laws of the Municipality, and the Secretary-Treasurer shall file all documents as required by Section 44(10) of the said Act, and all minutes and records of all applications pursuant to Section 53 and the decisions thereon, in the office of the Municipal Clerk of the Municipality of Port Hope.

Term:

Members shall be appointed by Council in accordance with Section 44 of the Planning Act, R.S.O. 1990, as amended, for the term of Council that appointed them, or until their successors are appointed. .

Role of Council:

The Committee is legislated to make decisions on behalf of Council in accordance with the *Planning Act*. The role of the Council representative is set out in Section 4.

Role of Staff:

Staff will perform the responsibilities set out in Section 4 of the Committee By-law. In addition, the Secretary Treasurer will perform all statutory responsibilities of the role.

Frequency of Meetings:

Meetings will be held in accordance with the schedule established by the Committee to properly discharge its responsibilities and as set out in Section 3.5 of the Committee By-law.

Schedule “B” to By-law 05/2021 - Legislated Committees

B2 – Property Standards Committee

Committee Name: Property Standards Committee

Reporting To: Council

Composition: The Property Standards Committee shall consist of three (3) members, appointed by Council by By-law in accordance with Section 15.6 of the Building Code Act, 1992, S.O. 1992, c.23, as amended, and in accordance with By-law 69/2006 as amended, as follows:

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

Ex-Officio Representatives

The Mayor and Chief Administrative Officer shall be non-voting ex-officio members of all Advisory Bodies.

Staff Lead

Chief Building Official. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

The Property Standards Committee is a legislated committee appointed by Council established under the provisions of the Ontario Building Code Act to conduct appeal hearings to property standards orders that have been issued under the building code and the Municipal Property Standards By-law.

Mandate:

To deal with appeals pertaining to Orders to Comply issued by Property Standards Officers where property does not conform to prescribed standards in accordance with the Municipality of Port Hope By-law 69/2006, as amended.

The duties and obligations of the Property Standards Committee shall be in accordance with Section 15.6 of the Building Code Act, 1992, S.O. 1992, c.23, as amended, and in accordance with By-law 69/2006, as amended.

Term:

Members shall be appointed by Council in accordance with Section 15.6 of the Building Code Act, 1992, S.O. 1992, c.23, as amended, for the term of Council that appointed them, or until their successors are appointed.

Role of Council:

Council is responsible for appointing members to the Property Standards Committee.

Role of Staff:

Staff will perform the responsibilities set out in Section 4 of the Committee By-law.

Frequency of Meetings:

Meetings will be held as needed to facilitate the hearing process in accordance with By-law 69/2006.

Schedule “B” to By-law 05/2021 - Legislated Committees

B3 – Joint Election Compliance Audit Committee

Committee Name: Joint Municipal Election Compliance Audit Committee

Reporting To: Council

Composition: The Joint Municipal Election Compliance Audit Committee shall consist of five (5) members, with membership drawn from the following stakeholder groups appointed to represent each of the seven Northumberland county municipalities:

- accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
- academic – college or university professors with expertise in political science or local government administration;
- legal; and
- other individuals with knowledge of the campaign financing rules of the Municipal Elections Act, 1996.

Composition shall not include:

- a) employees or officers of the municipality or local board;
- b) members of the council or local board; or
- c) any person who are candidates in the election for which the committee is established pursuant to clause 88.37 of the *Municipal Elections Act, 1996*.
- d) Any persons who are registered third parties in their participating Municipality in the election for which the Committee is established.

Procedures:

The Joint Municipal Election Compliance Audit Committee shall carry out its mandate and duties in accordance with By-law 28/2019 ‘Schedule B - Joint Municipal Election Compliance Audit Committee Rules of Procedure’

Purpose:

The Municipal Elections Act, 1996 requires all municipalities to appoint a Compliance Audit Committee. The Compliance Audit Committee is responsible for considering compliance audit requests related to election campaign finances.

Mandate:

The functions and powers of the Joint Municipal Election Compliance Audit Committee are set out in *Municipal Elections Act, 1996*.

Term:

The Committee shall be established before October 1 of an election year and the term of office shall be at the discretion of the Clerk. The Committee will meet as needed with meetings to be scheduled when a compliance audit application is received and required disposition.

Schedule “C” to By-law 05/2021 – Local Boards with Council Appointees

C1 – Police Services Board

Board Name: Police Services Board

Reporting To: Council

Composition: The Port Hope Police Services Board as established in accordance with the Transition Board Resolution TR129/00 and the Police Services Act, shall consist of five (5) members, as follows:

- The Head of Council or if the Head chooses not to be a member of the Port Hope Police Services Board, another Member of Council appointed by Resolution of Council
- 1 member of Council appointed by Resolution of Council
- 1 other person appointed by Council who is neither a Member of the Council nor an employee of the Municipality and is a minimum of 18 years of age
- 2 persons appointed by the Lieutenant Governor in Council.

Definitions:

That the definitions as outlined by the Port Hope Police Services Board in accordance with the Police Services Act or other applicable legislation shall apply.

Policies/Procedures:

That the rules, regulations, policies, practices and procedures governing the Police Services Board shall apply in accordance with the Port Hope Police Services Procedural Policies and other applicable legislation.

Records:

That the records of the Port Hope Police Services Board shall be retained and preserved in accordance with the provisions of the Port Hope Police Services Board Records Retention Policies and other applicable legislation.

Mandate:

That the powers, duties and obligations of the Port Hope Police Services Board are in accordance with the relevant provisions of the Police Services Act, R.S.O. 1990, c.P.15, as amended.

Term:

That the term of office shall be consistent with the provisions of the Police Services Act.

Frequency of Meetings:

The Police Services Board shall meet in accordance with the schedule established by the Board.

Schedule “C” to By-law 05/2021 – Local Boards with Council Appointees

C2 – Port Hope Public Library Board

Board Name: Port Hope Public Library Board

Reporting To: Council

Composition: The Port Hope Library Board shall consist of not more than nine (9) members appointed by Council by By-law for the term of the appointing Council as follows:

- Eight (8) residents of the Municipality of Port Hope appointed in accordance with the qualifications set out in Section 10 of the Public Libraries Act, R.S.O. 1990, c.P.44, as amended from time to time, and
- One (1) member of Council
- **All being voting members.**

Board Title:

That a Board to be known as the Port Hope Public Library Board is hereby established.

That the establishment, existence and continuance of the Port Hope Public Library, hereinafter referred to as the “Library” is hereby confirmed in accordance with the Public Libraries Act, R.S.O. 1990, c.P.44, as amended from time to time.

That the Municipality of Port Hope Public Library, both the Mary J. Benson Branch and the Community Hub Branch, shall be under the management, regulation and control of the “Port Hope Public Library Board”.

Policies/Procedures:

That the rules and regulations of the Corporation of the Municipality of Port Hope Procedural By-law and the Public Libraries Act shall govern all proceedings of the Port Hope Public Library Board.

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.

Records:

That the records of the Port Hope Library Board shall be retained and preserved in accordance with the provisions of the Corporation of the Municipality of Port Hope Records Retention By-law.

Mandate:

That the rights, duties, powers and responsibilities of the Port Hope Library Board shall be in accordance with the relevant provisions of the Public Libraries Act, R.S.O. 1990, c.P.44, as amended, having regard to pertinent by-laws of the Municipality.

That in carrying out the provisions of this By-law, the Port Hope Library Board 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 Board nor any member thereof shall incur any liability by reason of anything done or left undone by the Port Hope Public Library Board; provided however, that nothing in this section contained shall authorize or empower the Port Hope Library Board 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.

That the Chief Executive Officer for the Board shall call the first meeting of the Board in a new term.

That at the first meeting in a new term of the Board the members of the Board shall elect one of its members as Chairperson.

That the Board shall submit to Council annually on or before the date and in the form specified by the Council, estimates of all sums required during the year for the purposes of the Board.

That the amount of the Board's estimates that is approved or amended and approved by the Council shall be adopted by the Board and shall be paid to the Board out of money appropriated for it in accordance with the estimates as submitted and approved and shall not be used in any other manner or for any other purpose, without the prior approval of Council declared by Resolution.

Term:

That the members of the Board shall be appointed by Council for the term of Council, in accordance with the *Public Libraries Act*, or until their successors are appointed. When a member's seat on the Board is declared vacant, that vacancy shall be determined and filled in accordance with the *Public Libraries Act, R.S.O. 1990, c.P.44*, as amended from time to time.

Role of Council:

Council will consider the recommendations and advice provided by the Board in accordance with the provisions of the *Public Libraries Act, R.S.O. 1990, c.P.44*.

Role of Staff:

The role of the Chief Executive Officer for the Board is in accordance with the *Public Libraries Act, R.S.O. 1990, c.P.44*.

Frequency of Meetings:

Meetings will be held in accordance with the established schedule and as set out in Section 3.5 of the Committee By-law.

Schedule “C” to By-law 05/2021 – Local Boards with Council Appointees

C3 – Joint Animal Control Municipal Services Board

Board Title: Joint Animal Control Municipal Services Board

Reporting To: Council

Composition: The Joint Animal Control Municipal Services Board is to consist of council representatives of member municipalities. Member municipalities mean collectively the Corporation of the Municipality of Port Hope, the Corporation of the Town of Cobourg, the Corporation of the Township of Hamilton and the Corporation of the Township of Alnwick/Haldimand.

Council Representative

The council for each member municipality will appoint one representative to serve for the term of Council.

Staff Lead

Director of Corporate Services/Clerk or his/her designate. Municipal Staff Advisory Group as identified in the Agreement are municipal staff representing Human Resources, Clerks and Treasurers having expertise in these areas and who shall provide advice as required and requested by the Board from time to time.

Purpose:

The Member Municipalities established a joint municipal service board for the purpose of overseeing the operation, management, and control of the Joint Animal Control Program.

Mandate:

The Joint Animal Control Municipal Services Board provides oversight of the Animal Control Program subject to the limits and conditions set out in the Agreement executed by By-law 22/2013.

Term:

That the members of the Board shall be appointed by Council for the term of Council, in accordance with the Agreement, or until their successors are appointed.

Role of Council:

Council will consider the recommendations of the Board as set out in the Agreement executed by By-law 22/2013.

Role of Staff:

The role of Staff is in accordance with the provisions of the Agreement as set out in By-law 22/2013.

Frequency of Meetings:

Meetings will be held in accordance with the Procedural By-law for the Joint Animal Control Municipal Services Board.

Schedule “C” to By-law 05/2021 – Local Boards with Council Appointees

C4 - Commissioners of the Port Hope Harbour

Board Title: Commissioners of the Port Hope Harbour

Reporting To: Council

Composition: The Commissioners of the Port Hope Harbour shall be appointed as follows:

- Mayor is automatically a Commissioner by virtue of the Port Hope Harbor Vesting Act;
- all six remaining members of Council;
- two members of the public as set out in Section IV of the Port Hope Vesting Act, 1853, 16 Vict. C140 being Schedule “A” to By-law 116/2011

Council Representative

All members

Staff Lead

Director of Finance or his/her designate is Treasurer for the Harbour Commission; Chief Administrative Officer or designate provides administration. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

The *Port Hope Harbour Vesting Act 1853* requires the establishment of the Commissioners of the Port Hope Harbour (CPHH). The CPHH was created as a body corporate and as such is separate and autonomous from Council.

Mandate:

The CPHH holds the lands vested by the *Port Hope Harbour Vesting Act* in trust for the sole and only use and benefit of the Municipality.

Objectives:

To fulfill the mandate as identified within the *Port Hope Harbour Vesting Act* as trustees for the lands vested to the CPHH.

The eighth recital of the *Port Hope Harbour Vesting Act* states that the harbour lands are to be vested in the Commissioners for the purpose of rendering the Harbor as “*safe, commodious, and convenient as possible for the purposes of the trade* and attracting thither vessels navigating Lake Ontario.”

Term:

The term shall be in accordance with By-law 116/2011 being a By-law to establish a protocol for the appointment of Members of the Board for the Commissioners of the Port Hope.

Role of Council:

The CPHH is separate and autonomous from Council.

Role of Staff:

Staff will perform administrative functions as required by By-law 116/2011.

Frequency of Meetings:

Meetings will be held in accordance with the provisions of By-law 116/2011.

Schedule “C” to By-law 05/2021 – Local Boards with Council Appointees

C5 – Heritage Business Improvement Area (HBIA) Board of Management

Board Title: HBIA Board of Management

Reporting To: Council

Composition: Minimum of 6 and Maximum of 11 Directors as set out in Section 5 below

1. For the purposes of the HBIA Board of Management establishing By-law:
 - 1.1 “Act” shall mean the Municipal Act, S.O. 2001, c. 25, as amended.
 - 1.2 “Board” shall mean the Board of Management for the Heritage Business Improvement Area.
 - 1.3 “Director” shall mean Director of the Board of Management for the Heritage Business Improvement Area.
 - 1.4 “HBIA” shall mean the Port Hope Heritage Business Improvement Area.
 - 1.5 “Municipal Clerk” shall mean the Clerk for the Corporation of the Municipality of Port Hope.
 - 1.6 “Council” shall mean the Council of the Corporation of the Municipality of Port Hope.
 - 1.7 “Member” shall mean member of an improvement area consisting of the persons who are assessed, on the last returned assessment roll, with respect to rateable property in the area that is in a prescribed business property class and tenants of such property.
 - 1.8 “Municipal Treasurer” shall mean the Treasurer for the Corporation of the Municipality of Port Hope.

2. All properties fronting on the following streets are hereby collectively designated as an improvement area and shall be known as the “Port Hope Heritage Business Improvement Area”:

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Walton Street	Both	Pine Street	Mill Street
Ontario Street	East	Walton Street	South Limit of Barrett Street
Ontario Street	West	Walton Street	Ganaraska River
Mill Street	Both	CNR tracks	South Limit of Barrett Street
Queen Street	Both	Walton Street	Hayward Street
John Street	Both	Walton Street	Hayward Street
Robertson Street	Both	John Street	Mill Street
Augusta Street	Both	John Street	Queen Street
Brogden’s Lane	Both	Ontario Street	End
Maitland Street	South	Cavan Street	Ontario Street
Cavan Street	West	Maitland Street	Walton Street
Elias Street	Both	Augusta Street	End
Thompson Drive	Both	Ontario Street	Mill Street

3. A Board of Management for the Port Hope Heritage Business Improvement Area is hereby established.
4. The Board is entrusted, subject to such limitations hereinafter set out, with the improvement, beautification and maintenance of municipally owned lands, buildings, and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area.
5. **Composition:**
The Board shall consist of a minimum of six (6) and a maximum of eleven (11) Directors to be approved by Resolution of Council as follows:
 - One (1) member of Council to be appointed by Council;
 - A minimum of five (5) and a maximum of ten (10) members appointed by Municipality of Port Hope selected by a vote of the HBIA membership at a General Meeting of which not more than 2 shall be owners assessed for business assessment in respect of land in the HBIA who do not operate a commercial business from their assessed property in the HBIA or nominees of a corporate member of the HBIA, to be appointed by Council; and
 - An ex-officio representative as a non-voting member to be a Designate of the Director of Community Development;
 - In addition, the Board may appoint ex-officio/non voting members to the Board at its own discretion.
6. Each Director has one vote regardless of the number of properties that the Director may own, lease, or represent as an officer of a corporation which owns or leases properties, in the Port Hope Heritage Business Improvement Area.
7. The term of the Directors shall be the same as the term of the Council that appointed them, however in an election year, the Directors shall continue to hold office until their successors have been appointed.
- 7.1 A Director must continue to be qualified in accordance with Section 5 of this By-law throughout the Director's term of appointment.
8. A Director may not serve more than eight consecutive years without an absence from the Board for at least one year.
9. Where a vacancy on the Board occurs from any cause, Council shall, by Resolution, appoint a Director qualified as set out in Section 5 of this By-law to be a member, who shall hold office for the remainder of the term for which his or her predecessor was appointed.
10. The Board shall from amongst its Directors, as soon as possible in each year, elect a chairman and vice-chairman and appoint a secretary and treasurer, and such other officers as it may deem necessary to properly conduct the business of the Board during the said year. The Board shall forthwith advise the Municipal Clerk of names of Directors elected and appointed to such positions. The Board shall provide the Municipal Clerk with any changes on the Board as they occur.

11. The Board shall, by November 1st of each year, provide a list to the Municipal Clerk under Section 204(5) of the Municipal Act, 2001, as amended, which, if satisfactory the Municipal Clerk, shall be accepted by the Municipal Clerk in determining tenancy.
12. A Procedural Manual shall be adopted by the Board, satisfactory to the Municipality, which shall provide procedures with respect to Notice, Schedule of Meetings, Agendas, Minutes and the responsibility for minute taking and circulation, records retention, proceedings at meetings, Chairs and Alternates, Committees and Subcommittees, voting, quorum, open meetings, procedure for In Camera matters, and any other procedural matter appropriate for the proper and orderly administration of the Port Hope Heritage Business Improvement Area, responsibilities and conduct of its Board and Members. Any amendments to the Procedural Manual shall be to the satisfaction of the Municipality.
13. All Board banking and accounting records shall be processed by the Municipal Treasurer and all invoicing and budget items approved by the HBIA Board's Treasurer before processed by the Municipal Treasurer. The Municipal Treasurer will supply monthly budget printout reports to the Board's Treasurer or Chair for reporting to the Board.
14. The auditors of the Municipality shall be the auditors of the Board and all books, documents, transactions, minutes and accounts of the Board shall at all times be open to their inspection.
15. On or before the 1st of March in each year, the Board shall submit its annual report for the preceding year to Council, including a complete financial statement of its affairs with balance sheet and revenue and expenditure statement as supplied by the Municipal Treasurer.
16. The Board shall prepare a proposed budget for each fiscal year in a form required by the Municipality and in accordance with Section 17 of this By-law, and shall hold one or more meetings of the Members of the HBIA in accordance with the provisions of the HBIA procedural manual, for discussion of the proposed budget, prior to submission to Council.
17. The Board shall submit to the Council its estimates for the following year no later than October 31st each year in the form prescribed by the General Government and Finance Committee of Council, but nothing herein divests the Council of its authority with reference to rejecting such estimates in whole or in part.
18. The Board may make requisitions upon the Municipal Clerk for all sums of money, including penalties and interest, required to carryout its powers and duties in accordance with the estimates approved by Council. The Municipal Treasurer shall, upon receipt of valid requisitions signed by the Chair of the Board, pay out such money.
19. The Board shall not expend any moneys not included in the budget approved by Council or in a reserve fund established under Section 417 of the Municipal Act.
20. The Municipality shall annually raise the amount required for the purposes of the Board, including any interest payable by the Municipality on money borrowed by it for the purposes of the Board in accordance with Section 208 of the Municipal Act, 2001, as amended. The Municipality shall establish a special charge to raise the amount

required for the purposes of the Board by levy on rateable property in the Port Hope Heritage Business Improvement Area, in accordance with Section 208 of the Municipal Act 2001, as amended.

- 20.1 The Council shall in each year, commencing with 2007, levy a special charge upon rateable property in the Heritage Port Hope Business Improvement Area that is in a prescribed business property class defined in the Assessment Act, R.S.O. 1990, Chapter A31, Section 7 (2), as amended, in accordance with the Municipal Act, 2001, as amended, provided that the total levy in the first year shall not exceed \$37,000.00 and the levy in any subsequent year shall not be increased by more than five percent of the levy for the preceding year unless the increase is approved by two-thirds of the total number of persons entitled to notice under Section 210, subsection (1) and under clause 2(a) of the Municipal Act, 2001, as amended representing at least two-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the Port Hope Improvement Area. The special charge shall be levied in accordance with Section 208 of the Municipal Act, provided that in 2007 the minimum such portion of the special charge levied on any such taxpayer shall be \$75.00 and the maximum portion shall be \$1,385.00. Each of the said minimum portions and maximum portions shall increase annually by the amount of increase, if any, in the annual amount to be levied, provided that no such portion shall increase by more than 5% per year.
- 20.2 The payment of the special charges or rates levied in accordance with Section 208 of the Municipal Act, 2001, shall be the responsibility of the assessed property owners. It shall be the responsibility of the assessed property owners to apportion and collect the share of the taxes or special charges that each tenant may be required to reimburse the owner.
- 20.3 The Board shall not borrow money and, without the prior approval of the Council, it shall not incur any indebtedness extending beyond the current year.
- 20.4 The Board shall not request the approval of Council to incur indebtedness or request municipal borrowing on its account unless and until:
 - 20.4.1 any requests are in accordance with Section 65 of the Ontario Municipal Board Act and Section 401 of the Municipal Act, 2001, in the same manner as if a debt incurred was that of the Municipality, and
 - 20.4.2 The Municipal Clerk has sent out by prepaid mail to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located within the HBIA, and to each tenant of the property who is required to pay all or part of the taxes on the property, and who is listed on the list being reported to the Municipal Clerk by the Board under Section 210 (2) of the Municipal Act and accepted by the Municipal Clerk under Section 204(5) of the Act, and
 - 20.4.3 only if the Municipal Clerk certifies that he or she has not received a sufficient petition within 60 days next following the latest day of the mailing of such notices provided in Section 20.1 of this By-law, which petition objects to incurring indebtedness and is signed by at least one-third of the persons who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located within the HBIA, and to each tenant of the property who is required to pay all or part of the taxes on the property, and

who is listed on the list being reported to the Municipal Clerk by the Board under Section 210 (2) of the Municipal Act and accepted by the Municipal Clerk under Section 204(5) of the Act. The sufficiency of any such petition shall be determined by the Municipal Clerk and his or her determination shall be evidenced by a certificate by the Municipal Clerk and when so evidenced is final and conclusive.

- 20.4.4 In the event that there is compliance with Section 20.4.1, 20.4.2 and 20.4.3 above, then an appropriate draft By-law shall be presented to Council for its consideration.
21. This By-law shall be reviewed every three years to ensure compliance with the purpose of the Port Hope Heritage Business Improvement Area mandate.
22. If any section, clause or provision of this by-law, including anything contained in the schedule attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid; and it is hereby declared to be the intention of Council that all remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

Frequency of Meetings:

Meetings will be held in accordance with the Procedural Manual for the HBIA.

Schedule “D” to By-law 05/2021 – Working Groups

D1 – Waterfront & Riverwalk Working Group

Working Group Name: Waterfront and Riverwalk Working Group

Reporting To: Council

Composition: The Waterfront and Riverwalk Working Group shall consist of not more than nine (9) members appointed by Council as follows:

- 6 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 with preference to persons with a high level of expertise or experience with respect to environmental matters including landscape and open space planning, public education or community outreach, terrestrial and aquatic ecology and hydrology
- 1 member of the Parks, Recreation and Culture Advisory Committee
- 2 Councillors including the Mayor and Council appointed Chair of the Community Development Committee.
- **All being voting members.**

Community Resource Member

- Representative from the Ganaraska River Conservation Authority shall serve as a non-voting Committee Resource

Ex-Officio Representatives

The Chief Administrative Officer shall be a non-voting ex-officio member of all Advisory Bodies.

Staff Lead

Director of Parks, Recreation and Culture or his/her designate. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

The purpose of the Waterfront and Riverwalk Working Group is to provide recommendations to Council relative to future waterfront and river development, including adjacent lands, within the Municipality of Port Hope.

Mandate:

The Waterfront and Riverwalk Working Group (WRWG) will provide recommendations to Council on the strengths, attributes and opportunities to enhance the assets of the Ganaraska River and Waterfront pertaining to economic development and recreational opportunities.

Objectives:

The matters that shall be dealt with by the WRWG are:

1. Complete a review of the Consolidated Waterfront Master Plan and develop a revised plan inclusive of an implementation strategy.
2. Identify and recommend improvements to trails and recreational access to the Ganaraska River and Waterfront.
3. Identify potential investment opportunities and partnerships to encourage economic development initiatives along the Ganaraska River and Waterfront.

For specific implementation of projects, a sub-committee may be created in addition to other community and agency stakeholders.

Parks, Recreation & Culture and Community Development Staff will be the primary staff resource to the committee with staff liaisons from other Municipal service areas to be available on an as needed basis.

The scope of the project area for review includes the following:

- West Beach
- Inner harbor
- Centre Pier
- East Beach to Gages Creek
- The Ganaraska River from Lake Ontario to highway 401

The area includes municipally owned lands and GRCA lands. For the Ganaraska River, these lands include; lands east of Queen Street to west of Mill Street, east of Walton Street to west of Mill Street, east of Cavan Street to west of private lands heading north to the 401 (see attached map)

The Working Group will be cognizant of any existing agreements related to the waterfront as previously approved by Council and work within the parameters of these previously approved agreements. The scope of work will not apply to projects on private property. In addition, the Port Hope Area Initiative is currently underway and the Working Group will work within the parameters of the project and recommendations will not impede the progress of the project.

Term:

The term of the Working Group shall be completed when its mandate is fulfilled. Monitoring and ongoing recommendations will be undertaken by the Parks, Recreation and Culture Advisory Committee.

Role of Council:

Council will consider the recommendations and advice provided by the Working Group in accordance with the provisions of the Committee By-law. The role of the Council representative is set out in Section 4.

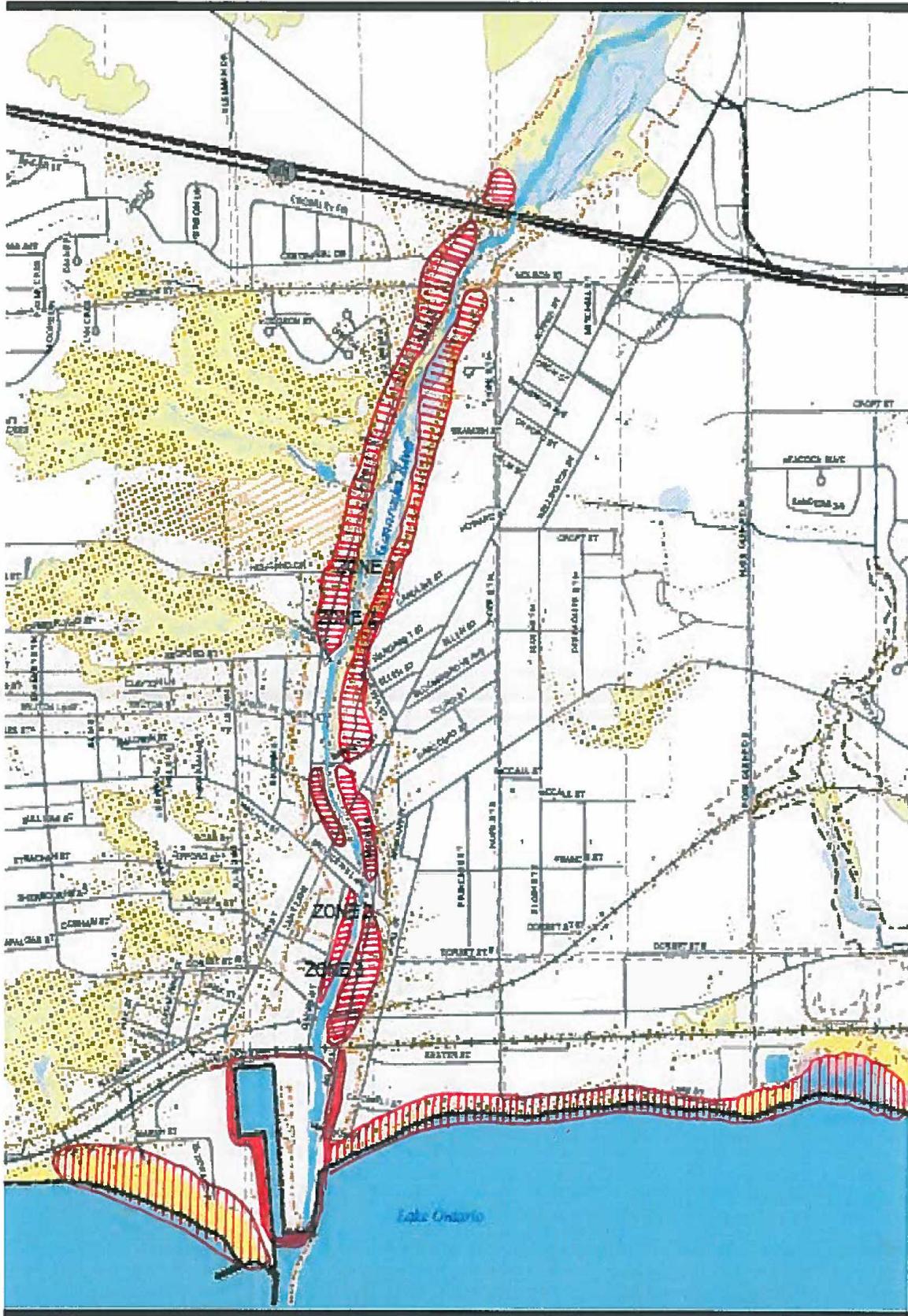
Role of Staff:

Staff will perform the responsibilities set out in Section 4 of the Committee By-law.

Frequency of Meetings:

Meetings will be held in accordance with the schedule established by the Working Group to properly discharge its responsibilities and as set out in Section 3.5 of the Committee By-law.

Waterfront & Riverwalk Working Group - Project Map



Schedule “D” to By-law 05/2021 – Working Groups

D2 – Climate Change Working Group

Working Group Name: Climate Change Working Group

Reporting To: Council

Composition: The Climate Change Working Group shall consist of not more than nine (9) members appointed by Council as follows:

- 8 members with consideration given to individuals with the diversity, experience, knowledge and interest in environmental issues and preservation/enhancement of the tree canopy and who are residents and/or ratepayers of the Municipality, being a minimum of 18 years of age, and not an employee of the Municipality.
- The Council appointed Chair of Works & Engineering Committee or designate
- **All being voting members**

Community Resource Members

- Representative from the Ganaraska River Conservation Authority shall serve as a non-voting Committee Resource.
- Northumberland County Environmental Officer shall serve as a non-voting Committee Resource.

Ex-Officio Representatives

- The Mayor and Chief Administrative Officer shall be non-voting ex-officio members of all Advisory Bodies.

Staff Lead

Director of Works & Engineering or his/her designate. As requested by the staff lead, additional staff may be requested to attend to provide resource information and support.

Purpose:

The Climate Change Working Group (CCWG) is a citizen advisory group established by and responsible to Council. The CCWG will provide recommendations to Council on climate change mitigation and adaptation strategies within the Municipality of Port Hope.

Mandate:

The Climate Change Working Group will be responsible for providing advice and recommendations to support the completion of the Climate Action Plan in collaboration with the Environmental Officer as funded through the Federation of Canadian Municipalities Climate Innovation Program and completion of the four-step plan for climate change mitigation with McMaster University School of Engineering as approved by Council Resolution 86/2019.

Objectives:

The matters that shall be dealt with by the CCWG are:

- To review current GHG reduction plans and implementation strategies such as the energy conservation and demand management plan.

- Provide input on the mitigation and adaptation plan developed by the Environmental Officer
- Support the completion of the McMaster climate change mitigation project including the following four steps:
 - **Step 1:** A promoted panel discussion chaired by a panel of internationally and locally recognized experts in global warming including Dr. Gail Krantzberg, McMaster University.
 - **Step 2:** McMaster students would host a community workshop designed to create additional awareness of climate change, promote steps and tools an individual can undertake to mitigate climate change and to compile these outcomes and develop a hierarchy of local concerns. This second stage would be supported by Municipal staff awareness of the climate change realities gleaned in Step 1 of this plan. Step 2 was a request of the former Centre of Excellence Working Group to McMaster and this has been “approved” by McMaster and has been assigned a faculty lead.
 - **Step 3:** Building on Step 2 McMaster faculty leads would host a workshop in Port Hope to identify how individual Municipal departments can develop a strategy, develop measurements, goals, etc. to mitigate climate change on a department by department basis. This is similar to the undertaking McMaster lead with the City of Hamilton. This would allow each department to identify specific objectives and measurable outcomes for the community and to understand those goals and objectives that are within the scope of individual departments and those that are outside the scope of the individual departments. This information would also be of key importance to the Waterfront & Riverwalk Working Group.
 - **Step 4:** McMaster University will prepare a summary report to detail observations, conclusions and suggested next steps. This report to be prepared for the Working Group and Council and is intended to be a public document.

Term:

The term of the Working Group shall be completed when its mandate is fulfilled. Monitoring and ongoing recommendations will be undertaken by the Environmental Advisory Committee.

Role of Council:

Council will consider the recommendations and advice provided by the Working Group in accordance with the provisions of the Committee By-law. The role of the Council representative is set out in Section 4.

Role of Staff:

Staff will perform the responsibilities set out in Section 4 of the Committee By-law.

Frequency of Meetings:

Meetings will be held in accordance with the schedule established by the Working Group to properly discharge its responsibilities and as set out in Section 3.5 of the Committee By-law.