

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 2016-022

Being a by-law to establish various boards and committees and their mandates for the Municipality of Neebing and to repeal the predecessor by-laws had historically addressed the committees individually

As amended by: 2017-038 (repealed and replaced original Schedule "C" for Committee of Adjustment)

As amended by: 2018-026 (discharged Committee of Adjustment, added Waste Management Committee, harmonized committee sizes and honoraria)

Recitals:

The Municipal Act, 2001 allows councils of Ontario's municipalities to pass by-laws respecting the governance structure of the municipality and its local boards.

The Municipal Act, 2001 also authorizes a municipality to provide any service or thing that the municipality considers necessary.

(Recital referencing Planning Act deleted by By-law 2018-026)

The Corporation has been blessed over the years by the dedicated service of various individuals, acting as volunteers on various committees and boards, to provide certain services on the Corporation's behalf and/or to advise and make recommendations to Council on a variety of matters and services.

Council considers it necessary to consolidate and standardize the rules for boards and committees in a single by-law, while recognizing that each board and committee has a unique mandate and

This By-law relates to committees created by Council and does not have an impact on external committees or boards to which Council has the right to appoint representatives.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:

Part One: Definitions and Interpretation
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1. **Definitions:** In this By-law, the words defined within this section, when used with their initial letters capitalized, have the meanings set out for them in the lettered paragraphs below. Where a word appears in the text of this By-law without initial letters capitalized, the term is to be read with its generally understood meaning in the English Language.
 - a) **Board:** The term "Board" used within a Schedule to this By-law refers to the board or committee whose mandate is the subject matter of the Schedule. The terms "Board" and "Committee" are interchangeable.
 - b) **By-law:** The term "By-law" relates to this by-law of the Corporation, and includes all of its recitals and Schedules, which are considered to be integral parts of it.
 - c) **Chair:** The term "Chair" refers to the person appointed by the Committee or Board of which he or she is a member as the Chair of that Committee or Board. In the absence of the Chair, the term refers to the Committee's Vice-Chair. Where a

Committee has neither a Chair nor Vice-Chair, authority provided to the Chair by this By-law shall be exercised by the Committee as a whole, by appropriate vote.

- d) Clerk: The term “Clerk” refers to the person who exercises the duties of the clerk of the Corporation as set out in the Municipal Act, 2001.
- e) Code of Conduct: Section 9 of this By-law contains the behavioural rules for all members of Committees, referred to as the “Code of Conduct”. Schedules may provide for additional Code of Conduct provisions applicable to individual Committees.
- f) Committee: The term “Committee” used within a Schedule to this By-law refers to the committee whose mandate is the subject matter of the Schedule. The term “Committee” used within the text of this By-law refers to any Board or Committee which is the subject matter of one of the Schedules to this By-law. The terms “Board” and “Committee” are interchangeable.
- g) Corporation: The term “Corporation” means The Corporation of the Municipality of Neebing.
- h) Council: The term “Council” means the elected municipal council for the Corporation.
- i) Council Liaison Member: A Council Liaison Member of any Committee is a member of Council who is appointed by the Corporation to sit on the Committee in that capacity. Not all Committees may require a Council Liaison Member. Some Boards may have more than one Council Liaison Member.
- j) Neebing: The term “Neebing” means the geographic area under the jurisdiction of the Corporation.
- k) Treasurer: The term “Treasurer” refers to the person who exercises the duties of the treasurer of the Corporation as set out in the Municipal Act, 2001.

2. **Gender and Plurals**: Terms expressed in a masculine gender may be interpreted in the feminine gender, and vice-versa, whenever the context requires it. Terms expressed in plural may be interpreted in the singular, and vice-versa, whenever the context requires it.

3. **Citing Legislation and By-laws**: When provincial legislation is cited in this By-law using a date within the title to the legislation, the reference is to the Statutes of Ontario for that particular year. Where the title does not have a date in it, the reference is to the Revised Statutes of Ontario, 1990. In both cases, the term refers to the legislation as amended from time to time, and includes successor legislation.

Where another by-law is cited by number in this By-law, the reference is to the by-law of the Corporation which has that number. The reference includes that by-law, as amended from time to time, including any successor by-laws.

4. **Text Organization**: The organization of this By-law into sections or paragraphs, and the use of headings, is intended to assist readers, and is not intended to imply any particular interpretation.

5. **Changes over Time:** If a person is referred to in this By-law by virtue of an office held, or an organization is referred to in this By-law by a name, and the title of the office or the name of the organization changes, the By-law text is deemed to continue to refer to the holder of the title (as changed) or the particular organization (as re-named).

Part Two: General Provisions that Apply to All Committees

6. **Appointments:** The Council shall make all appointments of members to Committees. Unless the Schedule for a Committee provides otherwise, the Council shall make the appointments in the December following a municipal election, for positions to be held for the term of that Council. Vacancies on Committees will be advertised and qualified members of the public will be encouraged to apply. Applications will be presented to the Council for consideration. All personal information relevant to the application will be considered by Council in closed session, however, appointments will be made in open session. The Council will make an effort to have representation from all geographic areas of Neebing wherever possible. Subject to resignation or membership termination in accordance with this By-law, each Committee member will hold office until his or her successor is appointed.

Committee Chairs may request, in writing, that the Council appoint a Council Liaison Member to the Committee.

Despite any other provisions in this By-law or any other by-law relating to a Committee member's term of appointment, all appointments are made at the pleasure of Council. Membership on any Committee may be terminated by Council at any time, without cause.

7. **Qualification for Membership:** Generally speaking, only those persons entitled to vote for the Council at a municipal election are eligible for membership on a Committee. This provision may be waived by Council upon application by the Committee Chair. There may be circumstances, for example, where a person not entitled to vote may have specific willingness and/or skills and abilities to assist the Committee in given projects.

An exception to this rule is made for any member of any Board who was a sitting member at the time this By-law was passed, so long as he or she continues to apply for membership on that Board or different Committees.

8. **Status of Members:** Persons appointed to Committees are not employees or officers of the Corporation. They are considered to be volunteers (regardless of whether or not they are paid an honorarium) for the Corporation. Provided that members are acting within the scope of their authority, the Corporation's liability insurance will cover the actions and activities of the members.

Council may determine that a Committee requires a Council Liaison Member. In that case, a member of Council will be appointed as a member of the Committee. A Council Liaison Member has all of the same rights and obligations as other members of the Committee.

The Mayor of the Corporation is an ex officio member of every Committee to which he or she is not otherwise named as a member or Council liaison member. As an ex officio member, the Mayor has the right to attend all meetings of the Committee and to fully

participate in discussion and debate, however, the Mayor may not vote and the Mayor's presence at the meeting is not counted in terms of determining quorum.

The Chair of a Committee may accept assistance from non-member volunteers in the community for Committee projects or work of a sub-committee of the Committee or Board from time to time. Such non-member volunteers may form sub-committees that report on their activities to the Committee. Any non-member Committee volunteers must abide by the Code of Conduct as if they were Committee members.

Every sub-committee of a Committee or Board must have at least one member who is also a member of the main Committee or Board.

8.1 Remuneration of Volunteer members:

Volunteer members of Committees are paid an honorarium fee of twenty-five (\$25.00) dollars for each regular meeting of the Committee that he or she attends. Regular committee meetings cannot exceed 11 per calendar year. *(Added by By-law 2018-026)*

8.2 Committee Complement:

Every Committee shall have a minimum number of 4 members, and a maximum number of 7 members. *(Added by By-law 2018-026)*

9. Code of Conduct for Members (and Non-Member Volunteers):

- a) Members of Committees are representatives of the Corporation and, while acting on Committee business, shall at all times act in a business-like, courteous and respectful manner.
- b) Where any member of a Committee is accused by appropriate authorities of significant unlawful activity, he or she shall request a leave of absence until such time as the matter has been disposed of and he or she is cleared of wrongdoing. Where it is apparent that the matter will take more than one year to become resolved, he or she will resign from the Committee with full ability to re-apply to fill a vacancy at some point in the future when the matter is concluded. The significance of the allegation shall be determined by the Chair and may depend on circumstances. Unlawful activity such as a minor infraction of the Highway Traffic Act is not to be considered "significant" for this purpose. Allegations of infraction of any section of the Canadian Criminal Code, however, must be considered "significant" for this purpose. In the event that the Chair and the member disagree as to the significance of the circumstances, the Committee will make the determination, and the decision of the Committee is final. If the Committee vote on the matter ends in a tie vote, the circumstances shall be considered to be "significant". This section applies whether or not the allegations against the member are related to the work of the Committee.
- c) Members of Committees shall abide by the Municipal Conflict of Interest Act as if they were members of a municipal council.
- d) Members of Committees shall undertake their Committee work in accordance with, and not exceeding, the mandate set out for that Committee.

- e) Committees operate in a democratic manner. Any individual member may disagree with a decision reached by majority of the Committee members. While he or she may continue to lobby for his or her position on the issue, he or she will not disparage the actions of the Committee in making its decision, and will not speak negatively about the Committee or individual Committee members, in public.
- f) As representatives of the Corporation, members of the Committee, and the Committee as a whole, will not disparage the actions of the Corporation on any manner and will not speak negatively about the Corporation, the Council or individual members of the Council, in public.
- g) The Committee's procedural rules may add to this Code of Conduct as the Committee sees fit.

Schedules to this By-law may add to the Code of Conduct provisions for any individual Committee.

10. **Adherence to Code of Conduct/Consequences:** The Chair of each Committee will address with the member involved any reasonably reliable complaint received that he or she is not abiding by the Code of Conduct. Anonymous and/or verbal complaints are not to be considered "reasonably reliable". Where required, the assistance of the Corporation may be sought for investigatory purposes. Members shall be kept apprised of the status of the investigation as it continues.

Where it is determined that a member of the Committee has violated the Code of Conduct, the Chair shall advise him or her of that fact, in writing, and shall request that he or she rectify the situation.

A further validated violation of any provision of the Code of Conduct will result in the member's automatic expulsion from the Committee.

A member who has been expelled may appeal the expulsion to the Council, who will consider the matter in a Closed Session meeting. All members of the Committee shall be invited to attend the meeting held for this purpose. Council may uphold the expulsion or may re-appoint the person to his or her seat. Council's decision in this regard is final.

A person who is re-appointed by Council to a seat on a Board after in accordance with this Section will again be automatically expelled from the Committee if a further validated violation of any provision of the Code of Conduct occurs. This expulsion cannot be appealed to Council.

Persons who have been expelled from Committees for violation of the Code of Conduct, and not re-appointed by Council in accordance with this Section, are prohibited from re-applying for a position on any Committee for a period of two (2) calendar years.

11. **Vacancies:** The Committee Chair shall advise the Clerk if a member submits his or her resignation or if he or she is relieved of duties for any permitted reason. Unless failure to fill the vacancy will result in a loss of quorum for meetings, Council will determine whether or not to appoint a member to fill the vacancy, and the manner in which applications for the position will be received. Council may decide to fill the position with a single applicant

without running a competition. Council's decision in this regard is final.

12. **Quorum:** The quorum for a meeting of any Committee is the greater of:
- a) a majority of the number of members of the Committee, excluding vacancies; or
 - b) three.

This requirement is subject to the provision in the Municipal Conflict of Interest Act providing that quorum cannot be lost due to declarations of interest unless the number of members who did not declare an interest is less than two.

13. **Rules for Missing Meetings:** Members who cannot attend regular or special meetings of the Committee shall advise the Chair prior to the meeting. The Chair may grant a temporary leave of absence to a member for medical or other reasonable personal circumstances. The Chair shall advise the Clerk if he or she has granted a leave of absence (and its duration). If a member fails to attend more than three (3) consecutive regular meetings without having been granted a leave of absence, that member shall be deemed to have resigned and his or her position shall be considered vacant.
14. **Procedures:** Committees shall establish their own procedural rules to be followed during formal meetings. Each Committee must file a copy of its procedural rules, and any subsequent amendments to them, with the Clerk. The rules must set out how meetings are to be called, and how members of the Committee are to receive notice of the meetings. The rules must be consistent with this By-law and other applicable law, but otherwise may be as formal or informal as the Committee determines.
15. **Officers:** Every Committee shall appoint a Chair and a Vice-Chair from among the membership. Unless otherwise provided in its Schedule, every Committee shall also appoint a Secretary, who need not be a member of the Committee. Unless otherwise provided in its Schedule, the terms of office for all officers shall be determined by the Committee and noted in its procedures.
16. **Minutes of Meetings:** The Committee's Secretary shall take minutes of all regular and special meetings of the Committee. Meeting minutes will be provided to the Council in draft form for the Council's information and acceptance.
17. **Requests To/From Council:** If a Committee needs to make a request of the Council, or if the Council needs to make a request of the Committee, such requests shall be forwarded in writing independently of references in meeting minutes.
18. **Agency:** Committees and their members are representatives of the Corporation, but are not agents of the Corporation. They have no authority to bind the Corporation to contracts or payments of any kind.

Part Three: General Provisions of this By-law

19. **Schedules:** As at the time of passage of this By-law, the provisions in the following schedules to this By-law apply to the Committees that are named beside them, in addition to the provisions of the body of this By-law. Council may add Committees or Boards to its structure as it determines a need to do so, through amendments to this By-law to add appropriate schedules. Likewise, where a Committee has accomplished a task and/or is no longer

required by Council, an amendment to this By-law can be made to delete the relevant schedule.

- a) Schedule "A": The Neebing Recreation Committee
- b) Schedule "B": The Economic Development Advisory Committee
- c) Schedule "C": The ~~Committee of Adjustment~~ Waste Management Committee; (amended by By-law 2018-026) and
- d) Schedule "D": The Cloud Bay Cemetery Board.

20. **Repeals:** By-law Numbers:

386-1997 (respecting pay for Committee of Adjustment Members);
732-2007 (respecting the Waste Management Committee);
776-2008 (respecting the Economic Development Advisory Committee);
777-2008 (respecting the Environmental Advisory Committee);
780-2008 (respecting the Neebing Recreation Committee);
875-2011 (respecting the Committee of Adjustment); and
Section 18 of By-law 951-2012 (respecting the Cloud Bay Cemetery Board),

are repealed.

21. **Effective Date:** This By-law shall take effect on the date of its passage.

ENACTED AND PASSED IN COUNCIL this 24th day of August, 2016, as witnessed by the Corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf. (By-law 2017-038 passed to amend by replacing Schedule "C" on November 8, 2017.)

**Schedule "A" to By-law 2016-022
The Neebing Recreation Committee**

1. **Title:** This Schedule is referred to as the Committee Mandate for the Neebing Recreation Committee.
2. **Number of Members; Composition:** (*Section deleted by By-law 2018-026 – Section 8.2 of main by-law governs instead*).
3. **Terms of Office; Re-appointment:** The appointment of members and their respective terms shall be determined by Council.
4. **Finances:** The Corporation's annual budget will include a sum for the operations of the Committee. The Committee shall have input into the preparation of the budget for Council's consideration. The Committee may incur expenditures as recommended by its members to the extent provided in its approved budget.

The Treasurer for the Corporation shall maintain all financial records for the Committee and hold all of the Committee's funds.

The Committee may solicit or receive gifts, bequests or grants of money and/or services to be applied in furtherance of the community program of recreation. All money received in this regard shall be provided to the Treasurer of the Corporation.

5. Committee Mandate: The purpose for the Neebing Recreation Committee is to:
- a) administer a community program of recreation which encourages cultural, social and physical activities for the residents of Neebing;
 - b) make recommendations to Council for the establishment of policies, rules and regulations relating to the administration of the program;
 - c) encourage and assist the programs of recreation so as to meet the needs and interests of the residents of Neebing;
 - d) continually evaluate the ability of the various programs in fulfilling these needs and interests;
 - e) encourage the development of programs that will foster the social, cultural and physical aspects of recreation as they relate to the overall interests of the residents;
 - f) keep the inhabitants of Neebing aware of the available recreational opportunities;
 - g) promote organized public recreational activities and as such to work in a co-operative effort with other municipal organizations and departments;
 - h) recommend improvements to property for parks, playgrounds, recreational centres and other similar facilities;
 - i) oversee the operation of Blake Community Hall and make recommendations with respect to its repair and upkeep; and
 - j) plan for, organize and execute special events to celebrate holidays within the community, such as Canada Day, Easter, Christmas, etc., subject to the availability of time and budget.
6. Minimum Number of Meetings: The Committee shall hold at least 10 meetings per year, and additional special meetings as it considers necessary.
7. Expense Reimbursement: *(deleted by By-law 2018-026. Section 8.1 of main by-law governs instead).*

Schedule "B" to By-law 2016-022
The Economic Development Advisory Committee

1. Title: This Schedule is referred to as the Committee Mandate for the Neebing Economic Development Advisory Committee.
2. ~~Number of Members; Composition~~: *(Section deleted by By-law 2018-026 – Section 8.2 of main by-law governs instead).*
3. Terms of Office; Re-appointment: Committee members are appointed for the terms of the Councils that appoint them. Wherever possible, appointments and re-appointments should be structured in a manner that allows for continuity of membership from year to year. Committee members may be re-appointed without limitation.
4. Committee Mandate: The purpose for the Neebing Economic Development Advisory Committee is to:
 - a) liaise with potential developers to provide information and encouragement;
 - b) look for and identify opportunities for development;
 - c) assist the Corporation with legwork and development work associated with these opportunities;
 - d) assist the Corporation with research associated with development possibilities;
 - e) make recommendations to the Corporation for marketing and developing the community; and
 - f) liaise with, provide information to, and support local business endeavours.
5. Code of Conduct Expansion: Members of the Committee will maintain the confidence of any person or organization which requests confidentiality for the purposes of protecting sensitive commercial information or trade secrets, in accordance with the Municipal Freedom of Information and Protection of Privacy Act.
6. Minimum Number of Meetings: The Committee shall hold a minimum of four (4) meetings each calendar year.
7. Annual Report: The Committee shall formally report to Council at least once per calendar year, on its activities.
8. ~~Expense Reimbursement~~: *(deleted by By-law 2018-026. Section 8.1 of main by-law governs instead).*
9. Corporate Budget: The Corporation's annual budget will include a sum for the operations of the Committee. The Committee shall have input into the preparation of the budget for Council's consideration. The Committee is authorized to undertake expenditures in accordance with its approved budget.

***Original Schedule "C" to By-law 2016-022 was for the
The Committee of Adjustment – Repealed and Replaced by By-law 2018-026, as follows:***

**Schedule "C" to By-law 2016-022
The Waste Management Committee**

1. **Title:** This Schedule is referred to as the Committee Mandate for the Neebing Waste Management Committee.
2. **Committee Mandate:** The purpose for the Neebing Waste Management Committee is:
 - a) To make recommendations to Council with respect to public education relating to waste management;
 - b) To make recommendations to Council with respect to rules associated with the use of the Corporation's landfill sites and associated facilities;
 - c) To advise Council with respect to best waste management practices, including diversion of waste from landfill, landfill management, alternative facilities or processes to landfilling waste, etc.;
 - d) To advise Council with respect to changes being brought forward by other orders of government which impact waste management;
 - e) To provide input to Neebing's Asset Management Committee relating to the assets associated with Neebing's landfill sites, as requested from time to time; and
 - f) To advise Council with respect to long term waste management needs and options.
3. **Minimum Number of Meetings:** The Neebing Waste Management Committee shall hold a minimum of six (6) meetings per year, and shall ad additional meetings, as required, to properly undertake its mandate.
4. **Budget:** The Corporation's annual budget may include a sum for the operations of the Committee. The Committee shall have input into the preparation of these budgets for Council's consideration. The Committee is authorized to undertake expenditures in accordance with its approved budget.

Schedule “D” to By-law 2016-022
The Cloud Bay Cemetery Board

1. Title: This Schedule is referred to as the Committee Mandate for the Cloud Bay Cemetery Board.
2. ~~Number of Members; Composition~~: *(Section deleted by By-law 2018-026 – Section 8.2 of main by-law governs instead).*
3. Committee Mandate: The purpose for the Cloud Bay Cemetery Board is:
 - a) To oversee the implementation and enforcement of all by-laws and policies enacted by the Corporation relating to the management and operation of the Cloud Bay Cemetery; and
 - b) To make recommendations to Council for the appropriate maintenance and care of the Cloud Bay Cemetery.
4. Minimum Number of Meetings: The Board will hold a minimum of six (6) meetings per year, and shall add additional meetings, as required to properly undertake its mandate.
5. Code of Conduct Expansion: Members of the Board will maintain in confidence all personal information relating to cemetery operations that is received from any source.
6. ~~Expense Reimbursement~~: *(deleted by By-law 2018-026. Section 8.1 of main by-law governs instead).*
7. Corporate Budget: The Corporation’s annual budget will include a sum for the operations of the Board as well as the management, operation and care of the Cloud Bay Cemetery. The Board shall have input into the preparation of these budgets for Council’s consideration. The Board is authorized to undertake expenditures in accordance with its approved budget.