

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2009 -204

A BY-LAW TO ESTABLISH AN ENVIRONMENTAL ADVISORY COMMITTEE
FOR THE CITY OF KAWARTHA LAKES

Recitals

1. Council formed an Environmental Advisory Committee in 2003 to assist Council in developing, implementing and monitoring the City's environmental policies.
2. The Environmental Advisory Committee is to be composed of environmentally knowledgeable residents and local stakeholders to guide stewardship of all areas and systems of natural heritage features and environmental significance.
3. Council wishes to amend the Terms of Reference for the Environmental Advisory Committee.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2009-204.

Article 1.00: Definitions and Interpretation

1.1 **Definitions:** In this by-law,

City", "**City of Kawartha Lakes**" or "**Kawartha Lakes**" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

"Council" or "City Council" means the municipal council for the City.

"Director of Engineering and Public Works" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

"CKLEAC" is an acronym representing the "City of Kawartha Lakes Environmental Advisory Committee" established by this By-law.

1.2 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.3 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.4 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Article 2.00: Establishment & Members

2.01 **Establishment:** An environmental advisory committee, as contemplated by Council is established as a committee of the Council, to be known as the “City of Kawartha Lakes Environmental Advisory Committee” or “CKLEAC”.

2.02 **Mission:** The mission of the CKLEAC is to advise Council and educate the public on issues that impact the environment of the City of Kawartha Lakes.

2.03 The Committee will abide by any terms and conditions and memorandums of understanding, which may be set out by the City’s Council, CAO, Clerk, Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

2.04 **Composition:** CKLEAC shall consist of the following ten (10) to fourteen (14) persons:

- (a) One (1) member of the Council, to be appointed by the Council; and
- (b) One (1) member to be appointed from Sir Sandford Fleming College
- (c) A minimum of eight (8) and a maximum of twelve (12) other members who meet the qualifications for membership and are appointed by the Council.
- (d) All members are regarded as private citizens and do not represent any agency or firm in their capacity as a CKLEAC member.
- (e) A liaison appointed by Council to represent the Conservation Authorities may be on the CKLEAC, but shall not be a voting member or be considered to be part of a quorum.
- (f) Additional liaisons may be appointed by Council to represent the specific local stakeholder groups, but shall not be voting members or be considered to be part of a quorum
- (g) The council member on the CKLEAC shall be a voting member and will be considered to be part of a quorum.
- (h) The member from Sir Sandford Fleming College on the CKLEAC shall be a voting member and will be considered to be part of a quorum
- (i) A quorum will be composed of at least half the currently active members
- (j) The Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include as a minimum, a Chair, Vice-Chair and Secretary.
- (k) It is acknowledged that there are no per diems for any Committee positions and it is acknowledged that none of the above positions shall be paid for their services.

2.05 **Membership Requirements:** Members will be selected on the basis of their demonstrated interest and participation in environmental, community matters and/or the academic qualifications they possess in disciplines that will assist in carrying out the Committee’s mandate, including, but not limited to:

Botany	Hydrology/Hydrogeology	Landscape Architecture
Ecology	Geology	Resource Management
Forestry	Limnology	Environmental Planning
Biology	Engineering	Agriculture

2.06 **Exclusions:** The following persons do not qualify for membership in CKLEAC:

- (a) Full or part-time employees of the City;
- (b) Non-residents of Kawartha Lakes;
- (c) Persons under the age of eighteen (18) years; and

- (d) Persons who do not meet the general requirements for membership on City boards and committees as established by Council through by-law or policy.

2.07 **Terms of Office**: Unless exempted by legislation, members will be appointed to varying terms to a maximum of a three year term. An equal number of appointees will be for a one year term and two year term with the balance appointed to a three year term.

Members shall continue to serve beyond the termination of their appointments until the appointments of their successors have been confirmed by Council.

Council shall appoint one Council member to the serve on the Committee. The Council member shall be appointed for the term of Council.

2.08 **Reappointment**: All members of the CKLEAC are eligible for reappointment, subject to any approved City by-laws or policies governing City boards and committees in general.

2.09 **Officers**: The CKLEAC shall, at its March meeting each year, elect from its membership a chairperson and a vice-chairperson. In the event that there is a staff liaison appointed pursuant to Staff Appointment, that person shall serve as the Secretary. In the event that there is no staff liaison, the Committee shall, at its first meeting in each year, elect from its membership a Secretary.

The Director of Public Works may appoint a City employee as a staff liaison person to the CKLEAC. That person may provide administrative support and assistance to the CKLEAC, but will not constitute a voting member and be counted when quorum is considered.

2.10 **Resources**: The Public Works Department will provide support in the form of advice, day-to-day liaison with the City, updates on program and promotional ideas and initial assistance in their implementation to the degree resources are available. The Department will also assist in the preparation and submission of budget requests/grant submissions if needed.

2.11 **Staff Resources and Access to Records and Information**: The employee appointed by the Director as the staff liaison is to assist the Committee. The employee shall be the person responsible for obtaining information for the Committee from the Public Works Department and other Departments.

It should be recognized that the employee has other responsibilities for which they are employed with the City. Before requesting information, the Committee should determine in consultation with the staff person if there are sufficient staff resources to undertake the work. If there are not, then the Director shall be consulted on the availability of staff resources.

Committee members shall not contact staff in other Departments for records, information, data or for clarification of policies.

It should be recognized that certain records and information that the City holds must be kept confidential because of the Municipal Freedom of Information and Protection of Privacy Act and will not be available to Committee members

2.12 **Purchasing Policy**: All Committees that have purchasing responsibilities shall follow the Procurement Policy of the City unless another purchasing policy has been endorsed by Council.

2.13 **Budget**: Committees will not be responsible for a budget unless Council approves their budget and delegation of responsibility to the Committee through the Committee's Terms of Reference.

- 2.14 **Volunteer Positions:** Unless approved by Council, as part of the Terms of Reference or establishing by-law, all committee members are considered volunteer positions. Mileage costs and other minor expenses related to committee activities may be eligible for reimbursement subject to budget approvals by Council.
- 2.15 **Representing CKLEAC:** Members of CKLEAC shall represent the official policies and/or position of the City Council and CKLEAC to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent CKLEAC or the City, nor will they allow the inference that they do.

Further that if any member of CKLEAC does not adhere to the above, then they will be asked by CKLEAC to resign from the Committee. If the member fails to submit a resignation, CKLEAC will ask City Council for the expulsion of the member.

Article 3.00: Meetings; Procedures

- 3.01 **Meetings:** The CKLEAC shall hold a minimum of ten (10) meetings in each calendar year. The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the CKLEAC a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of CKLEAC.
- Meetings will be held on the third Monday of each month at 7:00 pm or at the call of the Chair.
- 3.02 **Procedures:** Meetings of the Committee shall be governed by Robert's Rules of Order, the Procedural By-law and relevant legislation. The Committee may adopt additional rules of procedure, provided that they do not create a conflict with any of the above or any other City By-law.
- 3.03 **Closed Meetings:** The Committee may, upon affirmative vote of a simple majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive personal issues or legal matters. If the Committee elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison, if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meetings can only be held in accordance with Section 239 of the Municipal Act.
- 3.04 **Agendas and Minutes:** A copy of the Agenda shall be provided prior to each meeting, to the Clerk's office at the same time it is provided to Committee Members. Minutes of all meetings of the Committee shall be forwarded from the Public Works Department to the Clerk's office not later than two weeks after the meeting. The Clerk's office will electronically circulate the minutes to all member of Council for their information. The Clerk's office will maintain a set of printed minutes on file for public review.
- 3.05 **Reports:** All formal recommendations of the CKLEAC are to be forwarded to Council in a formal written report on the City's report template and at the discretion of the Public Works Department. It will be the responsibility of the Committee to identify those recommendations to the Public Works Department for final preparation of the report.
- 3.06 **Conflicts of Interest:** Members shall abide by the rules outlined within the Municipal Conflict of Interest Act. Members shall disclose any pecuniary interest to the Secretary and remove himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

- 3.07 **Errors/Omissions:** The accidental omission to give notice of any meeting of the CKLEAC to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the CKLEAC may at any time waive notice of any meeting.
- 3.08 **Meeting Attendance:** Any member of CKLEAC who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, through a written report to Council for the removal of any member.
- 3.09 **Location of Meetings:** The location of the meetings will be in the Victoria Room at City Hall or another appropriate location as set by the Committee.
- 3.10 **Expulsion of a Member:** The Committee may recommend to Council the expulsion of a member for reasons as listed. These include, but are not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act; relevant City policies, disrupting the work of the Committee or other legal issues.

Article 4.00: Scope of Activities and Responsibilities
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4.01 **Enumerated Activities and Responsibilities:**

The objectives of the CKLEAC are to assist Council in meeting the Strategic Objectives it has set to protect the environment being:

- To improve water quality and quantity for the entire community
- To incorporate environmental-sustainability into City policies, planning and operations
- To reduce the impact of waste on the environment
- To take a leadership role in protecting and conserving our natural resources
- Any additional items as identified and endorsed by council
- The Committee will abide by any terms and conditions, which may be set out by the City's Council, CAO, Clerk, Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

4.02 **Relationship to Other Appointed Committees:**

The CKLEAC reports directly to Council through the Public Works Department. It does not oversee or monitor other appointed Committees.

Article 5.00: Dissolution and Effective Date
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5.01 **Dissolution:** At the discretion of Council or upon the mandate of the Committee being fulfilled, the Committee may be dissolved by resolution of Council.

5.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 13th day of October, 2009.

Mayor

Clerk