



REPORT TO: Mayor and Members of Council

PREPARED BY: Jonathon Graham, Deputy CAO/Director of Operations

DEPARTMENT: Water & Wastewater Committee

DIVISION: Water & Wastewater

MEETING DATE: Wednesday, February-06-19

SUBJECT: Proposed - Terms of Reference Water & Wastewater Committee

RECOMMENDATION

That Council approve the use, “in principle,” of the attached DRAFT Terms of Reference for the Water & Wastewater Committee.

And that Council direct staff to clerically refine and return a finalized version of the Terms of Reference for the Water & Wastewater Committee after the first committee meeting; whereby the terms may be fully endorsed by Council in future.

EXECUTIVE SUMMARY

On Council’s December 5th, 2018 Inaugural Meeting various committees of council were established by the *By-Law #62 of 2018*. Council has deemed such an advisory committee to be warranted in respect to water and wastewater. In order to complete clerical activities associated with this newly proposed committee it is necessary for Council to approve the use of the attached DRAFT terms of reference “in principle” only at this time.

LINK TO STRATEGIC PRIORITIES

Leadership: To Create a Positive, Open Organizational Culture with Open, Respectful and Responsible Leadership

Plans: To Support Robust Industrial, Commercial and Residential Growth by Developing a Safe and Secure Municipality

Sustains: To Cultivate an Active, Healthy and Livable Community by Promoting A Sustainable Way Of Living

BACKGROUND

On Council's December 5th, 2018 Inaugural Meeting various committees of council were established by the *By-Law #62 of 2018*; one such committee is the proposed Water & Wastewater Committee. *Section 11 of the Municipal Act, 2001, S.O. 2001* provides that a lower-tier municipality may pass By-laws respecting the governance structure of the municipality and its local boards.

DISCUSSION

Staff is seeking direction from Council to proceed with the attached DRAFT Terms of Reference for the Water & Wastewater Committee for the review and adoption by the committee members.

Generally, in order to complete clerical activities associated with this newly proposed committee, it is necessary for Council to approve the use of the attached DRAFT terms of reference only "in principle" at this time. At a future council meeting, staff will return to Council with a finalized terms of reference where they may be fully endorsed by Council in future.

The proposed purpose of the Water & Wastewater Committee, being of a Committee of Council shall be to act as an advisory body on matters related to the following:

- To define Water and Wastewater levels of services.
- To assist in predetermining capital investments thereof.
- Investigating and recommending future Water and Wastewater rates.
- Investigating and recommending future Water and Wastewater bylaw(s).

FINANCIAL

Not Applicable

ATTACHMENT

DRAFT Terms of Reference for the Water & Wastewater Committee

Prepared By: Jonathon Graham, Deputy CAO/Director of Operations

Reviewed By: Jonathon Graham, Deputy CAO/Director of Operations

Approved By: Nandini Syed, CAO/Director of Finance (Treasurer)



**THE CORPORATION OF THE
MUNICIPALITY OF NORTH MIDDLESEX
BY-LAW NO. __ OF 2019**

***Being a By-law to Establish the Terms of Reference for the
Water Wastewater Committee***

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

AND WHEREAS By-law Number __ of __ appointed members to serve on various committees including the (insert name of) committee;

AND WHEREAS the Council of the Corporation of the Municipality of North Middlesex deems it advisable to establish by by-law, the (name of) Committee and the Committee's Terms of Reference for the Corporation of the Municipality of North Middlesex;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX ENACTS AS A BY-LAW AS FOLLOWS:

1. Committee Title

That a Committee to be known as the Water Wastewater Committee is hereby established.

2. Definitions

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

3. Policies/Procedures

3.1 That the rules and regulations of the Corporation of the Municipality of North Middlesex Procedural By-law and Code of Conduct for Council and its Local Board and Committee Members shall govern all proceedings of the Water Wastewater Committee.

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

4. Records

That the records of the Water Wastewater Committee shall be retained and preserved in accordance with the provisions of the Corporation of the Municipality of North Middlesex Records Retention By-law.

5. Composition

That the Water Wastewater Committee shall consist of not more than five (5) voting members including as appointed by Council subsequent to the following breakdown:

- i. Voting Members
 - Three (3) member of Council (of which one (1) shall be Chair and one (1) shall be appointed Vice-Chair)
 - Two (2) members of the public whom reside in the boundaries of North Middlesex
- ii. The Mayor is an ex-officio member of all Committees. The Mayor may attend only an ex-officio member, the Mayor shall not be counted in determining quorum of the Committee, however, is included in determining if Water Wastewater Committee has quorum, if in attendance and no more than two members of Council are present at the same time.
- iii. Quorum of the committee is set at three (3) voting members including the Chair or Vice Chair, one other Council member and one (1) other voting members

v. Non-Voting Staff Members

a) Staff Liaison

The Director of Operations or designate shall be a staff liaison to the Committee and shall be a non-voting member.

b) Recording Secretary

A Recording Secretary shall be a non-voting member consisting of a staff liaison.

Members will be appointed to the Committee by Council through the public appointments process. In the event of a vacant position, a notice of a vacancy will be made public and applicants that meet the above noted criteria may be selected through the public appointments process.

6. Terms of Office

- I. That members-at-large shall be appointed through a public appointments process by Council for one Council term or if they have to step down, until their successor is appointed. Council has discretion in filling any vacancy by appointment for the remainder of the term. In the event that a Committee member resigns prior to the completion of the term, a replacement appointed by Council, will assume the duties to the completion of the term.
- II. A committee position may become vacant by way of resignation, disqualification or by being absent from meetings of the committee for six successive months without authorization. If a committee member is absent for three months, the secretary will contact the member and notify them of the impending vacancy. After six months' time, the position may be declared vacant and the Committee may make a recommendation to Council to appoint a new member to fill the vacated position through a public appointments process.

7. Mandate

That the Water Wastewater Committee Terms of Reference are set out in Schedule "A" attached hereto and forming part of this By-law.

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

8. Force and Effect

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

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this __th day of ____, 2019.

Mayor

Municipal Clerk

**SCHEDULE “A” TO
BY-LAW ___ OF 2019
WATER WASTEWATER COMMITTEE**

TERMS OF REFERENCE

PURPOSE

The Water Wastewater Committee is a Committee of Council that acts as an advisory body on matters related to the following:

- **To define Water and Wastewater levels of services.**
- **To assist in predetermining capital investments thereof.**
- **Investigating and recommending future Water and Wastewater rates.**
- **Investigating and recommending future Water and Wastewater bylaw(s).**

MANDATE

The Water Wastewater Committee will make recommendations to Council on matters that affect publicly funded water and wastewater infrastructure needs which may impact the Municipality’s sustainability and to foster solutions and opportunities related to these assets. Water Wastewater Committee will provide advice through staff on issues pertaining to the water and wastewater.

DEFINITIONS

“**Advisory**” – having or exercising power to make recommendations but not to take action or to enforce such powers.

“**Council**” – refers to the current elected Council for the Municipality of North Middlesex.

“**Director of Operations**” – is the Director of Operations for the Municipality of North Middlesex.

“**Municipality**” – is the Municipality of North Middlesex.

“**Pecuniary Conflict of Interest (either in direct or indirect)**”

Indirect pecuniary interest

For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
- (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
 - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
 - (iii) is a member of a body,
- that has a pecuniary interest in the matter; or
- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s.2.

Interest of certain persons deemed that of member

For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2);

DUTIES AND RESPONSIBILITIES

To assist and support Council and staff to meet the following objectives:

- The Committee shall elect a Chairperson and Vice Chairperson from among the three council members appointed to the committee, at its first meeting, or as soon as practicable.
- The Committee may liaise with community groups and individuals to maintain an awareness of their goals and mandate in order to gain support for the work of the Committee.
- Individual committee members and the collective group will be fair, impartial, and respectful of the public, staff, and each other.
- Committee members will respect the limitations of their individual and collective authority. The role of the committee is to advise as this relates to the purpose and mandate.
- Members will strive to appreciate differences in approach and point of view.
- Each member will participate in the Committee's discussions and work assignments without dominating the discussion or activity of the committee.
- Each committee member will complete tasks as delegated or volunteered to complete, in a timely manner, and when unable to complete tasks notify the Chair.
- The Committee Chair will ensure that all members have a fair, balanced, and respectful opportunity to share their knowledge and perspectives.
- The Committee will attempt to reach consensus on issues. If consensus is not possible, strong differing opinions, such as "minority" opinions, should be recorded and acknowledged in the committee's report, recommendation(s), and presentations.

- Review and set annual goals and objectives based on the North Middlesex's most current Asset Management Plan(s) and Water and Wastewater rates.
- Assist in the implementation, evaluation and update of the related municipal documents, as directed.
- Undertake other assignments as may be requested by Council.
- Review the Terms of Reference on an annual basis.

AUTHORITY

As the Water Wastewater Committee, the Committee is an advisory Committee to Council; the Committee does not have any delegated authority in accordance with the *Municipal Act, 2001*, as amended.

Water Wastewater Committee or any member of the Committee does not have the authority to communicate with other levels of government on behalf of the Municipality of North Middlesex, to take a position on behalf of the Municipality or to authorize any expenditures against the Municipality.

Water Wastewater Committee or any member of the Committee does not have the authority to direct staff or any recommendations requiring implementation, reports or staff actions as such activities must first be considered and approved by Council before any action by staff may be taken.

Members do not have the authority to speak publicly (e.g. to the media) on behalf of the Committee unless so directed by Council.

COMMITTEE ANNUAL REVIEW

The goals, mandate and responsibilities of Water Wastewater Committee, are to be reviewed yearly for the purpose of improving the functioning and effectiveness of the committee.

ROLES AND RESPONSIBILITIES

The Committee shall have the following four roles:

1. Chairperson:

- Provide leadership to the Committee;
- Chair Committee meetings in accordance with the Municipality's Procedural By-law;
- Ensure agendas are prepared for meetings and distributed;
- Report to Council at year end and at other times as may be required;
- Act as spokesperson for the Committee;

- Express consensus as reached by Committee;
- Ensure that the Municipalities By-laws and Policies are adhered to with respect to all matters.

2. Vice-Chairperson:

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

3. Committee Members:

- Attend regular Committee meetings;
- Advise the Chairperson and Recording Secretary if unable to attend a meeting;
- Actively participate in Committee meetings;
- Actively participate in carrying out the responsibilities of the Water Wastewater Committee.

4. Recording Secretary

- Orientate Committee members with regards to the Terms of Reference and roles of the Water Wastewater Committee members and staff.
- Ensure there is a quorum present in order to proceed with a meeting.
- Record, process and distribute minutes and agendas, and to maintain the files of the Committee, including but not limited to Minutes, Agendas, policies, correspondence and other file information, in accordance with the Records Retention By-law.
- Ensure that the draft meeting minutes are prepared and approved by the Chair and/or Vice Chair prior to the next Committee agenda, if possible.
- Ensure that adopted minutes are forwarded to the Municipal Clerk or designate in a timely manner.

DECISION MAKING AND VOTING

Where possible, decisions will be made by way of consensus. When a vote is necessary, a motion must be moved and seconded prior to voting. A recommendation is deemed to be carried if the majority of members present vote in the affirmative. All recommendations must be approved by Council before any action is taken by staff. Committee meetings are open to the public and subject to the provisions of Section 239 of the Municipal Act, 2001 as amended.

REPORTING TO COUNCIL

The Chair or designate shall report to Council on behalf of the Committee at the Council meeting where Water Wastewater Committee minutes, with or without recommendations, are brought forward for approval.

Recommendations of the Committee must be adopted by the Committee prior to presentation to Council.

Directions from Council must only be acted upon by Water Wastewater Committee or staff upon Council's approval.

TERM

The voting appointed Committee members shall be appointed for a 4 year term concurrent with the term of Council. The appointments will be reviewed annually and where applicable new appointments may be made at the discretion of the Mayor, to the appointment by-law. The Community members are voluntary.

REMUNERATION

None

MEETINGS

Meetings are held in the Shared Services Centre on the second Tuesday of every other month at 7:00 pm. The date and location shall be provided through the Municipality of North Middlesex website www.northmiddlesex.on.ca through the Community Events Calendar.

Staff members are non-members of the Committee and as such do not vote on any matter. Staff act as a resource or liaison to the Committee through direction from Council. Other staff and delegates may be invited to provide input at times, however, they are not to be counted towards quorum and do not have voting privileges.

AGENDAS

Agendas are developed by the Chair and Secretary and may have input from other applicable municipal staff.

CONFLICT OF INTEREST

Committee members will adhere to all applicable legislation, by-laws, policies and procedures regarding conflict of interest under the *Municipal Conflict of Interest Act*.

TERMS OF REFERENCE

These Terms of Reference are established by by-law and can only be altered by Council. The Committee will review the Terms of Reference a minimum of once every year and shall make recommendations for change through a motion to Council.

CODE OF CONDUCT

As a Committee of Council, Water Wastewater Committee, members are subject to the Code of Conduct for Members of Council, Advisory Committees and Local Boards and the Procedural By-law