



The Corporation of Norfolk County

By-Law 2017-33

Being a By-Law to Establish the Norfolk County Environmental Advisory Committee.


WHEREAS Sections 5 and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that the powers of the Municipal Council shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise and that the municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority;

AND WHEREAS the Council of The Corporation of Norfolk County deems it necessary to prepare a new establishing By-Law for the Norfolk County Environmental Advisory Committee (NEAC) whereby the Terms of Reference are revised to provide clear documentation of procedures for members of the public attending NEAC meetings and clear direction for the Committee and staff members.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That the Norfolk County Environmental Advisory Committee is hereby established as a volunteer Advisory Committee by the Council of The Corporation of Norfolk County to advise and assist Norfolk County in land use planning matters pertaining to the preservation, conservation and enhancement of the County's natural environment.
2. That the Terms of Reference of the Norfolk County Environmental Advisory Committee as set out on Schedule "A" attached to and forming part of this By-Law are hereby approved.
3. That Norfolk County By-Law 2012-210 is hereby repealed in its entirety
4. That the effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this 28th day of March, 2017.



Mayor



Clerk/Manager of Council Services



SCHEDULE "A" TO BY-LAW 2017-33

NORFOLK COUNTY ENVIRONMENTAL ADVISORY COMMITTEE TERMS OF REFERENCE

1. NATURE OF ADVISORY COMMITTEE

- 1.1 The Advisory Committee (hereinafter referred to as "the Committee") is a volunteer committee established by Norfolk County Council to advise and assist Norfolk County in land use planning matters pertaining to the preservation, conservation, restoration and enhancement of the County's natural environment for its valuable ecological functions and features and for the enjoyment of the County's residents.

2. MISSION/MANDATE OF COMMITTEE

- 2.1 The purpose of the Committee is to provide advice and comment to the Development & Cultural Services Department and Norfolk County Council on referred development proposals and applications and environmentally related policy issues. Additionally, NEAC may be proactive and advise Norfolk County on matters identified on its own initiative. Committee members are bound by these terms of reference.

3. COMMITTEE COMPOSITION/TERM

- 3.1 The Committee will be comprised of *eight* members in total. All members will be selected at large and all members are regarded as private citizens and do not represent their respective employers or advocacy group in their capacity as a committee member.
- 3.2 Membership shall be a 3-year term and membership will be staggered to ensure continuity among the Committee. A maximum three consecutive terms will allow for renewal of members. A former member may apply to return to the Committee after a one year absence. At the discretion of the Committee, non-attendance of three consecutive meetings will be sufficient grounds for replacement.
- 3.3 The committee will maintain a high level of technical expertise and competence in environmental issues within its membership.

4. ROLES/RESPONSIBILITIES

4.1 Advisory Committee:

The Committee, as a whole, shall:

- a) advise the County on the application of the environmental policies in Official Plan documents and/or the implication for the County's natural environment and natural resources of Provincial and local legislative or policy initiatives, particularly as these may affect policies in the Official Plans of Norfolk County.

- b) advise the County on the environmental implications of a development proposal pursuant to the Planning Act and infrastructure projects pursuant to the Environmental Assessment Act affecting identified environmental features or watershed issues.
- c) advise the County on environmental aspects of County Forests, natural parks and exceptions to the County's Tree By-law as required.
- d) on its own initiative, advise the County on new alternatives of an ecological nature which may improve the management of the urban and rural landscape and thereby contribute to the well-being of the entire ecosystem.
- e) in co-operation with the Long Point Region Conservation Authority and other interested groups, will advise on the design, maintenance and updating of a County ecological database.
- f) will prepare and periodically update a set of guidelines to assist the County so it can direct proponents and consultants in the preparation of Environmental Impact Statement required by the Official Plans.
- g) will endeavour to increase general public awareness and promotion of environmental issues.
- h) will prepare an annual report. The annual report shall be forwarded to Norfolk County Council. A statement of objectives and any suggested revisions to the terms of reference for the coming year shall also be prepared by the NEAC for consideration and approval by Council.
- i) An annual review of the NEAC by Committee in Council shall be completed to examine the effectiveness of the Committee and to ensure continued improvements.

4.2 Officers:

- A chair and one vice-chair will be elected annually by the membership at the first meeting of each year. The chair must be prepared to devote additional time between meetings for Committee business.

4.3 Staff Support:

- The General Manager of the Development & Cultural Services Department shall designate a staff member to serve on the NEAC as staff liaison. The staff liaison is not a member of the committee and, as such, does not vote. The staff liaison will provide administrative, procedural and technical assistance to the Committee. The liaison may assist in the preparation of reports as required, as a result of NEAC resolutions.
- The liaison will co-ordinate all requests for advice from the NEAC, through meeting agendas. NEAC responses to such requests shall be co-ordinated by the liaison to Development & Cultural Services Department staff.

- Norfolk County will provide secretarial and other support services.

5. APPOINTMENT PROCESS

- 5.1 Vacancies for appointments shall be publicly advertised in the local newspapers and on the Norfolk County website in the month of September of each year or as required.
- 5.2 By mid October of each year, applicants shall be required to complete and submit to the County Clerk an application form, available from County offices and the Norfolk County website. Once the applications have been reviewed by staff, a report recommending selected appointees will be prepared by the County Staff Liaison and presented in November of each year for approval by Council. All applications received shall be forwarded to Council with the staff report.
- 5.3 NEAC will maintain a high level of technical expertise and competence in environmental issues within its membership. In nominating members to the NEAC, regard shall be given to the aim of achieving a high level of technical expertise regarding environmental and land use planning matters. Preference shall be given to residents within Norfolk County and availability to attend meetings. An elaboration of the selection criteria is provided in Appendix 1 of the terms of reference. All residents of Norfolk County are eligible to serve on the NEAC, excluding municipal and agency staff.
- 5.3.1 Upon Council's approval of Committee appointments, the Clerk & Council Services Division will prepare the necessary appointment by-law.
- 5.4 The Clerk & Council Services Division, on behalf of Council, shall send out confirmation letters to new Committee appointees and advise of their staff liaison and any other relevant contacts.

6. RESIGNATION AND DISMISSAL

- 6.1 If any Committee member is absent from three consecutive meetings, without justification, the Chair of the Committee, in consultation with the staff liaison, will ask the member whether or not they wish to attend meetings and remain on the Committee or resign.
- 6.2 Committee members wishing to resign their appointment shall submit a letter of resignation which shall be forwarded as soon as possible to the County Clerk. Upon acceptance of the resignation, the County Clerk in consultation with the County Staff Liaison will initiate the aforementioned appointment process to fill the vacancy.
- 6.3 Council, at its discretion, can dismiss the Committee in its entirety or any member thereof at any time.

7. RULES OF PROCEDURE/ORDER/CONDUCT

- 7.1 Members of the Committee shall observe the Rules of Procedure outlined in Norfolk County Council's Procedural By-law.

8. DISCLOSURES OF PECUNIARY INTEREST

- 8.1 If a Committee Member has any pecuniary interest, direct or indirect, in any matter in which the Committee is concerned and if he/she is present at a Meeting at which the matter is the subject of consideration, he/she shall disclose his/her interest and the general nature thereof and shall not take part in the consideration or the discussion of the matter nor vote on any Motion in regard to the matter. If a Member is not present and has any pecuniary interest, he/she shall disclose his/her interest at the next meeting in attendance.
- 8.2 Notwithstanding the quorum requirements, when a majority of the Committee members have disclosed an interest in accordance with Section 8.1 above and the Municipal Conflict of Interest Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.
- 8.3 Committee Members must avoid any conflict of interest with respect to his/her fiduciary responsibility by adhering to the regulations of the Municipal Conflict of Interest Act,
- There will be no self-dealing or any conduct of private business or personal services between any Committee Member and the organization except as procedurally controlled to assure openness, competitive opportunity and equal access to inside information.
 - The Committee Member will not use his/her position to obtain employment in the organization for him/her, family members or close associates. Should a Committee Member desire employment, he or she must first resign.
 - The Committee Member will annually disclose his/her involvement with other organizations, with vendors or any other associations that might involve a conflict.

9. SCHEDULE/LOCATION OF MEETINGS

- 9.1 NEAC will meet once a month. The NEAC will establish a meeting schedule at its inaugural meeting taking into account the business needs and the schedule of Council and Council in Committee. The NEAC shall provide Council with a schedule of meetings in December for the following year. Special meetings may be held at the call of the Chair. Norfolk County Council shall be kept informed of such meetings.
- 9.2 NEAC meetings will be open to the public and the media. Agendas for the NEAC meetings will be made available at the Simcoe and Langton Planning offices. The NEAC chair is the designated committee member to speak to the media.

10. ACCESS TO MEETINGS

- 10.1 Except as provided in this Section, all meetings shall be open to the public. Members of the public are welcome to attend NEAC meetings as observers and may only provide additional information or ask questions through a deputation. Individuals or groups wishing to appear as a deputation before the Committee shall advise the staff liaison in writing 4 days prior to the Committee meeting.

- 10.2 The Chair or other presiding Officer may expel any person for improper conduct at a Meeting.
- 10.3 A Meeting or a part of a Meeting may be closed to the public (Closed Meeting) if the subject matter being considered is:
- the security of the property of the municipality or local board;
 - personal matters about an identifiable individual, including municipal employees or local board members;
 - a proposed or pending acquisition or disposition of land by the municipality or local board;
 - labour relations or employee negotiations;
 - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - the receiving of advice that is subject to solicitor-client privilege; including communications necessary for that purpose;
- 10.4 A meeting of the Committee may be closed to the public if the following conditions are both satisfied:
- the meeting is held for the purpose of educating or training the members
 - at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Committee.
- 10.5 Before holding a Closed Meeting or part of a Meeting, the Committee shall state by Resolution:
- the fact of the holding of the Closed Meeting;
 - the general nature of the matter to be considered at the Closed Meeting
 - in the case of a meeting under Section 10.4, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that section.
- 10.6 A Meeting shall not be closed to the public during the taking of a vote except where:
- Subsection 10.3 or 10.4 permits or requires a Closed Meeting;
 - the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee or persons retained by or under contract with the municipality or local board.
- 10.7 All deliberations while in Closed Session shall remain confidential unless otherwise approved by the Committee in Open Session.
- 10.8 Minutes of Closed Sessions shall be recorded, without note or comment and remain confidential.

11. MEETING STRUCTURE, AGENDA AND MINUTE FORMATS

- 11.1 An orientation session will be held at the first meeting of the Committee each year.

- 11.2 Attendance at all meetings shall be recorded. Members shall notify the staff liaison if they are unable to attend.
- 11.3 Agendas and Minutes for Committee meetings may include any or all of the following components:
- a) Date, time, location of meeting
 - b) Members present (include office, i.e. Chair, Recording Secretary)
 - c) Members absent/regrets
 - d) Disclosure of Pecuniary Interest
 - e) Approval of previous minutes
 - f) Presentations/Deputations
 - g) General Business and Reports
 - h) Correspondence
 - i) Other Business
 - j) Closed Session
 - k) Next Meeting
 - l) Adjournment
- 11.4 Minutes will briefly outline the substance of each of the agenda items discussed during the meeting, including actions taken and recommendations by motion. Motions shall not be required to be seconded.
- 11.5 Committee Agendas and Minutes are public information and are to be retained on file by the staff liaison for reference.
- 11.6 Minutes of the Committee shall be forwarded to the Clerk in order to present them to Council for their information at the earliest opportunity following their approval. Staff will be required to prepare a Staff Report if any follow-up action is requested of Council.
- 11.7 At all Committee meetings a majority must be present to establish a quorum for regular business.
- 11.8 Notification of the meetings shall be in the form of an Agenda with supporting documents and Minutes from the previous meeting. Committee Members wishing to place items on the agenda must make a request through the staff liaison at least ten (10) days prior to the meetings. This package shall be delivered by e-mail or regular mail, six days prior to the meeting.
- 11.9 At the beginning of any regular meeting the Chair may announce additional items to be added to the agenda.
- 11.10 Voting shall be carried out by a show of hands, unless otherwise indicated by the Chair. NEAC will seek to achieve consensus on decisions. Recommendations are "carried" if supported by a simple majority. Only resolutions as they appear in the adopted Minutes may be considered as officially representing the position of the Committee.

12. BUDGET & FINANCIAL REPORTING

- 12.1 The Committee may make requests for budget allocations through the General Manager of Development & Cultural Services Department in advance of the County's annual budget process. All related revenue and expenditure transactions will follow Council approved policy. Requests must relate to specific activities approved in the Committee's mandate and work plan.

13. REMUNERATION & EXPENSES

- 13.1 Members of the Committee are not remunerated. If approved by the County Staff Liaison prior to the expenditure being incurred by a member, a member may submit a receipt for reimbursement of specific expenses related to Committee activities within the approved budget of the Committee.
- 13.1 Members of the Committee shall be reimbursed for such expenses as follows:
- Conferences, conventions, meetings, training courses and workshops attended as per policy of Norfolk County within approved budget.
 - Mileage incurred while on NEAC business at a rate determined as per policy of Norfolk County within approved budget.

14. COMMITTEES OF THE ADVISORY COMMITTEE

14.1 Ad Hoc Committees

- Ad Hoc Committees may be established by the Committee from time to time to deal with a specific issue before the Committee. They will be provided with a specific mandate and a timeline for completion by the Committee and operate within the Terms of Reference of the Committee and the policies and procedures of Norfolk County.
- Ad Hoc Committees may be established by a motion of the Committee. Each committee will report its recommendations directly to the Committee. Upon completion of its assignment, the Ad Hoc Committee shall be disbanded by a motion of the Committee.
- The Chair of an Ad Hoc Committee shall be elected by the Committee members and recommended to The Committee for approval at the next regular meeting.
- Meetings of Ad Hoc Committees shall be called by the Chair of the Committee.
- The Chair of the Committee or in the absence of the Chair, another member, shall report to the Committee as required.

14.2 Standing Committees

- Sub-Committees may be established by the Committee to deal with some of the different areas of responsibility of the Committee and make recommendations to the Committee. They will be provided with a specific mandate and will operate within the Terms of Reference of the Committee and the policies and procedures of Norfolk County.

15. NORFOLK COUNTY POLICIES AND PROCEDURES

- 15.1 The Committee and any Ad Hoc or Standing Committee members shall adhere to the policies and procedures of Norfolk County.

APPENDIX 1

Membership Eligibility Criteria

To facilitate the nomination and appointment of new members to the NEAC the following criteria will be considered. The aim is to achieve a committee of technical experts from within the Norfolk County Community.

1. **Residence in the County**

Residents of Norfolk County will be given preference for membership on the committee.

2. **Technical Expertise**

A high level of technical expertise is required within the Committee. Applicants with academic qualifications and/or work experience in environmental related disciplines will be an important consideration. Examples of the areas of expertise are as follows:

Biology	Geology
Ornithology	Zoology
Engineering	Agrology
Resource Management	Planning
Environmental Planning	Environmental Education
Ecology	Botany
Forestry	Hydrology
Hydrogeology	Geography

3. It is important that an applicant is able to attend as many NEAC meetings as possible and undertake work outside of the regular monthly meetings. A person should be contacted or reached during the day in order for meetings to be arranged.

NEAC REPORTING AND REFERRAL PROCESS

