

## **Municipality Of Chatham-Kent**

### **Community Development**

#### **Municipal Governance**

**To:** Mayor and Members of Council  
**From:** Meredith Cadotte, Council Coordinator  
**Date:** July 9, 2018  
**Subject:** Committees of Council – Amendments to Terms of Reference

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#### **Recommendations**

It is recommended that:

1. Age Friendly Committee Terms of Reference (Attachment A) be approved.
2. Audit Committee Terms of Reference (Attachment B) be approved.
3. Chatham-Kent Museum By-law (Attachment C) be approved.
4. Ridge House Museum By-law (Attachment D) be approved.
5. Committee of Adjustment Terms of Reference (Attachment E) be approved.
6. CK Plan 2035 Advisory Committee (formerly the Strategic Priority Advisory Committee) Terms of Reference (Attachment F) be approved.
7. Chatham-Kent Board of Health Terms of Reference (Attachment G) be approved.
8. The Property Standards Committee and By-law Appeal Committee be combined and the new Terms of Reference (Attachment H) and revised By-laws (Attachments I and J) be approved.
9. The Fire Advisory Committee and Planning Advisory Committee (newly mandated by the province) be combined and created into a Community Development Advisory Committee, and new Terms of Reference (Attachment K), be approved.

#### **Background**

In December 2018, the next term of Council will be appointing citizen and Council members to the municipality's Local Boards, Corporations and Committees of Council for the 2018 – 2022 term. In preparation for these appointments, administration asked

that staff review each committee's terms of reference to determine if any updates were required.

### **Comments**

#### **Age Friendly Committee**

On November 21, 2016, Council approved the establishment of the Age Friendly Advisory Committee. The mandate of the Age Friendly Advisory Committee is to collaborate with community and Municipal partners and provide leadership and communication to enhance the age-friendliness of Chatham-Kent.

In the updated Age Friendly Committee Terms of Reference (Attachment A), the committee has further defined their mandate and expanded their membership to include a Youth Advisory Committee representative.

#### **Audit Policy Committee**

On October 2, 2006, Council approved the establishment of an audit committee to provide an additional level of accountability to citizens of municipal financial reporting.

In the updated Audit Committee Terms of Reference (Attachment B), the committee has changed the name from Audit Policy Committee to Audit Committee. The oversight of the J.D. Bradley Convention Centre operations has also been clarified in the committee's mandate.

#### **Chatham-Kent Museum Advisory Committee**

On August 3, 2004, Council approved By-law 180-2004 to affirm the continuation of the Chatham-Kent Museum and to establish the Chatham-Kent Museum Advisory Committee. The Committee's primary responsibilities are to ensure that the collection entrusted to the Museum's care is adequately housed, conserved and documented.

For continued grant eligibility, revisions to the by-law were required to meet the minimum standards set out in the "Standards for Community Museums in Ontario."

#### **Ridge House Museum Advisory Committee**

The Ridge House Museum was originally established under By-law 74-12 of the Town of Ridgetown. On August 3, 2004, Council approved By-law 181-2004 to affirm the continuation of the Ridge House Museum and to establish the Ridge House Museum Advisory Committee. The Ridge House Museum Advisory Committee's primary responsibilities are to ensure that the collection entrusted to the museum's care is adequately housed, conserved and documented.

For continued grant eligibility, revisions to the by-law were required to meet the minimum standards set out in the "Standards for Community Museums in Ontario."

### **Committee of Adjustment**

The Committee is a statutory tribunal with authority delegated to it by the Municipality of Chatham-Kent Council, under the provisions of the Ontario Planning Act, R.S.O. 1990 c. P. 13, to hold public hearings to make decisions on applications submitted to the Municipality of Chatham-Kent for minor variances, alterations to legal non-conforming uses, and consents or severances.

The updated terms of reference for the Committee of Adjustment (Appendix G) have clarified the mandate of the committee to coincide with By-law 122-2017 which delegates authority to the Committee of Adjustment to deal with specific planning matters.

### **CK Plan 2035 Advisory Committee (formerly the Strategic Priority Advisory Committee)**

The role of the CK Plan 2035 Advisory Committee is to identify opportunities to advance the CK Plan 2035, advocate for and support strategic thinking, monitor strategic process and assist with community awareness of the CK Plan 2035.

The updated terms of reference for the CK Plan 2035 Advisory Committee (Attachment H) changes the composition of the committee to be a maximum of eight members including the Mayor and 3 Councillors (previously 2 Councillors) and that all members are voting members (previously the 2 Councillors were non-voting members). Since members of Council will comprise 50% of the membership, this committee will now be required to follow open/closed session rules for its meetings.

### **Chatham-Kent Board of Health**

All Boards of Health are mandated and governed by the *Health Protection and Promotion Act (HPPA)*. Locally, in addition to its provincial mandate, the Chatham-Kent Board of Health provides support, advice and recommendations to the Chatham-Kent Public Health Unit leadership team to ensure the organization's vision, mission and values are adhered to.

The updated terms of reference for the Chatham-Kent Board of Health (Appendix I) have combined the former terms of reference and general policy and procedure manual into one document. The Chatham-Kent Board of Health is also proposing a change to their membership so that one of the citizen appointments represents indigenous peoples.

### **Property Standards and By-law Appeal Committee**

The Property Standards Committee is responsible for hearing appeals made by citizens who have received orders to comply with the Property Standards By-law. The Committee was originally comprised of 6 members of Council. At the August 21, 2017 Council Meeting, Council approved changes to the composition of the Property

Standards Committee to five members of the public who must be residents of Chatham-Kent.

At the February 9, 2015 Council Meeting, Council approved the creation of a By-law Appeal Committee to hear appeals from the decision of municipal administrative officials delegated under Municipal by-laws, where those by-laws specifically provide a right to appeal to the Committee. The same six Councillors that were appointed to the Property Standards Committee were appointed to the By-law Appeal Committee.

It is recommended that the Property Standards Committee and By-law Appeal Committee be combined and share the same membership, being the five members of the public who are residents of Chatham-Kent. The updated terms of reference (Attachment J) combines the two committees. The by-law (Attachment K) and Rules of Procedure (Attachment L) for the By-law Appeal Committee have been revised to change the composition of the committee to 5 members of the public.

### **Community Development Advisory Committee**

The Planning Act was amended recently and now requires Municipal Council to appoint a Planning Advisory Committee. Administration believes that this committee should be used to give input to longer range land use planning matters, such as by giving input on the official plan review. Administration however does not recommend that this committee review minor planning applications which could serve to slow down the development review process.

The Fire Advisory Committee has served useful purposes at various times over the past number of years. The long term goals for this committee are not as clear and a reworking of this committee is recommended by administration.

Administration recommends combining these two committees of Council into a single new committee, known as the Community Development Advisory Committee. The mandate of this committee will be to advise Council and administration on matters involving all divisions within the Community Development Department, including Planning, Fire and Emergency Services, etc. The Terms of Reference for the Community Development Advisory Committee are attached as Appendix M.

### **Areas of Strategic Focus and Critical Success Factors**

The recommendations in this report supports the following areas of strategic focus:

☐ Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

☐ A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

☐ People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

☐ Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report supports the following critical success factors:

☐ Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

☒ Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

☐ Has the potential to support all areas of strategic focus & critical success factors

☐ Neutral issues (does not support negatively or positively)

**Consultation**

The various administrative support for each committee submitted the revised terms of reference for their respective committee.

**Financial Implications**

There are no financial implications associated with the recommendations in this report.

Prepared by: Reviewed by:

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Meredith Cadotte  
Council Coordinator

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Judy Smith, CMO  
Director Municipal Governance/Clerk

Reviewed by:

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John Norton  
General Manager  
Community Development

Attachment(s): Attachment A – Age Friendly Committee Terms of Reference  
Attachment B – Audit Committee Terms of Reference  
Attachment C – Chatham-Kent Museum By-law  
Attachment D – Ridge House Museum By-law  
Attachment E – Committee of Adjustment Terms of Reference  
Attachment F – Strategic Priority Advisory Committee Terms of Reference  
Attachment G – Chatham-Kent Board of Health Terms of Reference  
Attachment H – Property Standards and By-law Appeal Committee combined Terms of Referent  
Attachment I – By-law to Create a By-law Appeal Committee  
Attachment J – By-law Appeal Committee Rules of Procedure  
Attachment K – Community Development Advisory Committee Terms of Reference

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## **Chatham-Kent Age Friendly Committee Terms of Reference**

### **1. Mandate**

An age-friendly community is a community where policies, services and physical spaces are designed to enable people of all ages to live in a secure and accessible physical and social environment. Age-friendly communities contribute to good health and allow people to continue to participate fully in society throughout their lifetime.

### **The Chatham Kent Age Friendly Committee**

As a committee of council, the Chatham Kent Age Friendly committee (AFC) shall collaborate with community and Municipal partners and provide leadership and communication to enhance the age-friendliness of Chatham Kent:

- Gives stronger opportunity to 'advise' Council on recommendations with regard to age-friendly opportunities and initiatives
- Helps bring the community and organizations into the work of the committee
- Allows us to take advantage of potential opportunities that may be outside the initiatives in the age friendly community plan
- Creates a forum to ensure visibility of the initiatives and helps hold us accountable

The AFC will work in partnership toward the development of programs and outcomes based on the guiding principles of Six Chatham Kent Age-Friendly

Dimensions/Domains:

- Outdoor spaces and buildings
- Transportation
- Housing
- Social participation
- Civic Engagement
- Community Support and Health Services

### **2. Composition of Committee**

#### **Voting**

- One member of Municipal Council
- Senior Advisory Committee Chair
- One Youth Advisory Committee Representative
- Six members selected through the Council appointment process (with some knowledge of at least one dimension/domain)

### **Non-Voting, Support/Resource Members**

- Municipal Liaison – Director, Public Health
- Designated partner agency representative (if applicable)
- Age Friendly Coordinator
- Up to six municipal staff members as needed and requested by the Chair, each representing one or more of the six dimensions of the Age Friendly Action Plan: Civic Engagement; Community Support and Health Services; Housing; Outdoor Spaces and Building; Social Participation; and Transportation.

### **3. Membership Eligibility and Term of Membership**

The length of term is four years. If a person is unable to complete a term, a replacement shall be appointed in accordance with municipal policy.

The members shall serve without remuneration, however, expenses such as mileage will be reimbursed in accordance with municipal policy.

### **4. Role of Committee Members and Meeting Procedure**

The committee shall select a Chair and 1<sup>st</sup> Vice every two years.

- Meetings will be held monthly or at the call of the Chair.
- Meeting protocol will follow the Municipal procedural by-law.
- Working sub-committees will be formed as needed.
- Quorum will consist of 50% of the membership plus one.
- Decision-making is by majority vote.
- Agenda outline:
  - Call to order
  - Adoption of agenda
  - Declaration of Pecuniary/conflict of interest
  - Introduction of guests
  - Education session
  - Motion for approval of the minutes
  - Business arising from the minutes
  - Dimensions reviews
  - Consent agenda
  - New business
  - Next meeting
  - adjournment

### **5. Staff Support**

The Chatham-Kent Age Friendly Committee will be championed by the Chatham-Kent Public Health Unit's Medical Officer of Health. The Director of Public Health and Administrative Assistant for Public Health will provide administrative support and guidance to the committee.



## **6. Reports to Council**

Minutes, after approval, will be forwarded to Council as part of the Consent Agenda.

The Chatham-Kent Age Friendly Committee will report annually to Council regarding its activities, progress on its mandate and any recommendations for the coming year.

## **7. Other Information**

Annually, the Terms of Reference will be reviewed and updated and brought to Council for final approval of any changes.



AUDIT COMMITTEE  
Terms of Reference  
May 28, 2018

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## **1. Mandate**

The primary mandate of the Audit Committee is to provide an additional level of accountability to citizens on municipal financial reporting.

The Audit Committee is responsible for the following:

### The External Audit

- To oversee all audit matters to ensure effective and independent audit services are obtained
- To review the arrangements for the scope of the annual audit, accounting principles, materiality limits and audit fee
- To be the focal point for communication between Council and the external auditor
- To review the auditor's report and audited financial statements and to satisfy itself that these statements present fairly the financial position and results of operations and that the external auditors have no reservations about these statements, and to make such recommendations to Municipal Council as deemed necessary
- To review the auditors' management letter together with administrative recommendations

### Financial and Other Reporting

- To review requests for special studies and investigations made by Council
- To review financial policies, practices and procedures

### J.D. Bradley Convention Centre Operational Oversight

- To receive bi-annual updates on operational and financial presentations
- To make recommendations to Council as deemed necessary

## **2. Composition of Committee**

The Audit Committee is comprised of the Mayor and four members of Council.

## **3. Membership Eligibility and Term of Membership**

The Audit Committee will be appointed for the term of Council. The Chair will be elected from the committee's membership at the first meeting of the term.

#### **4. Role of Committee Members and Meeting Procedure**

The role of the Audit Committee is to assist Council in the provision of effective municipal government by overseeing the administrative policies regarding accounting, reporting, internal controls, safeguarding of corporate assets, legal compliance, ethical and regulatory requirements. The Committee provides a focal point between Council, the external auditor, and management on these matters.

Audit Committee meetings will be held at least twice per year, including an audit planning meeting with the auditor prior to the external audit commencing, and with the external auditor when the audit results are presented. The Chair may call additional meetings when appropriate.

A quorum of three members is required for a meeting.

#### **5. Staff Support**

The Director, Financial Services will act as primary municipal contact, whose responsibilities include working with the Chair to prepare agendas, and researching and collecting any materials as required.

#### **6. Reports to Council**

Minutes will be kept by administrative staff and distributed to all Members of Council.

The Audit Committee will initially review the auditor's report and audited financial statements. However, approval and acceptance of the auditor's report and audited financial statements will be by Council on a regular Council meeting agenda. J.D. Bradley Convention Centre presentations and reports will be reviewed by the Audit Committee but will also be included with the minutes and be approved by Council.

The Audit Committee may make recommendations to Council on other financial matters as appropriate.

By-law Number \_\_\_\_\_  
Of The Corporation  
of the Municipality of Chatham-Kent

A By-law to affirm the continuation of the Chatham-Kent Museum and Chatham-Kent Museum Advisory Committee and to repeal and replace By-law 180-2004 (being a By-law to affirm the continuation of the Chatham-Kent Museum and to establish the Chatham-Kent Museum Advisory Committee).

FINALLY PASSED the \_\_\_\_ day of \_\_\_\_\_, 2018.

Whereas Council of the Municipality of Chatham-Kent did enact By-law 180-2004 for the purpose of affirming the continued operation of the Chatham-Kent Museum and to establish the Chatham-Kent Museum Advisory Committee;

And Whereas Ontario Regulation 877, RRO 1990 *Grants for Museums* requires, as a condition for grant eligibility, that the Chatham-Kent Museum and Chatham-Kent Museum Advisory Committee meet the minimum standards set out in “Standards for Community Museums in Ontario” as revised from time to time;

And Whereas Council of the Municipality of Chatham-Kent deems it advisable to revise certain provisions contained in By-law 180-2004 to comply with Regulation 877 and the “Standards for Community Museums in Ontario”;

And Whereas it is deemed more expedient to repeal said by-law and replace it with a new consolidated document which incorporates the sought amendments;

Be it Therefore Enacted by the Municipal Council of the Municipality of Chatham-Kent as follows:

**Chatham-Kent Museum**

1. The continued operation of the Chatham-Kent Museum is hereby affirmed.

**Chatham-Kent Museum Advisory Committee**

2. The continuation of the Chatham-Kent Museum Advisory Committee is hereby affirmed.
3. The Chatham-Kent Museum Advisory Committee is hereby authorized to provide recommendations for consideration and to assist the Corporation of the Municipality of Chatham-Kent in the operation of the Chatham-Kent Museum as follows:
  - a. Explore available funding sources including in house

revenue generation, Federal/Provincial grant development, sponsorship development and other fundraising initiatives;

- b. Provide support to other heritage/museum organizations such as the Ontario Museums Association, the Canadian Museums Association, the Ontario Historical Society, as well as local arts and heritage groups;
  - c. Provide recommendations to administration with respect to short term and long term goals and objectives and the evaluation of performance of the Chatham-Kent Museum; and
  - d. Provide recommendations with respect to any other issues of concern brought forward by Administration.
4. The Chatham-Kent Museum Advisory Committee shall be composed of a minimum of three and a maximum of seven Committee members appointed by Council of the Municipality of Chatham-Kent. Such appointments shall be made in accordance with the policies of the Corporation of the Municipality of Chatham-Kent with respect to committee appointments.
5. All meetings of the Chatham-Kent Museum Advisory Committee and all Committee members shall comply with the applicable procedures of the Procedural By-law of the Municipality.
6. All meetings of the Chatham-Kent Museum Advisory Committee and all Committee members shall comply with provincial and federal legislative requirements that impact Committee decisions or activities.
7. The members of the Chatham-Kent Museum Advisory Committee shall choose a Chair from the Committee members at the first meeting after the appointments of the members to the Committee and annually thereafter. The term of the Chair is one year.
8. The Chatham-Kent Museum Advisory Committee shall meet a minimum of three times per year and a majority of the Committee members shall constitute a quorum for the transaction of any meeting. Dates for the meetings of a year shall be set in advance by the Committee at the last meeting of the preceding year.

### **Authority for Museum**

9. Council is the governing body solely responsible for the management of the Chatham-Kent Museum.
10. Except as otherwise specifically provided herein, all authority with regard to management of the Chatham-Kent Museum is hereby delegated to municipal administration.

### **Mission Statement**

11. The Chatham-Kent Museum Mission Statement, attached hereto as Schedule “A” is hereby adopted.

### **Dissolution**

12. Dissolution of the Chatham-Kent Museum shall be in accordance with the Statement of Dissolution attached hereto as Schedule “B”.
13. By-law 180-2004 is hereby repealed and all policies of the Chatham-Kent Museum previously approved by Municipal Council are hereby repealed

THIS By-law shall come into full force and effect upon the final passing thereof.

Read a First, Second and Third Time this \_\_\_\_ day of \_\_\_\_\_, 2018

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Mayor – Randy R. Hope

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Clerk - Judy Smith

SCHEDULE A to  
By-law Number \_\_\_\_\_

Of The Corporation  
of the Municipality of Chatham-Kent

**Chatham-Kent Museum Mission Statement**

**Statement of Purpose**

The Chatham-Kent Museum was established primarily to collect and preserve artifacts and specimens significant to the area represented by the Municipality of Chatham-Kent and to use these to present and promote the history of this region.

These resources of the Chatham-Kent Museum represent a legacy that, once lost, can never be replaced. The staff of the Chatham-Kent Museum are stewards of these resources, on behalf of the Chatham-Kent community. The Chatham-Kent Museum is governed by Chatham-Kent Municipal Council, a publicly accountable body.

The Chatham-Kent Museum benefits the citizens of Chatham-Kent by providing opportunities for the appreciation, understanding, and promotion of our natural and cultural heritage.

SCHEDULE B to  
By-law Number \_\_\_\_\_

Of The Corporation  
of the Municipality of Chatham-Kent

**Statement of Dissolution:**

All assets and liabilities of the Chatham-Kent Museum are the responsibility of the Council of the Municipality of Chatham-Kent, and, as such, the decision to dissolve the museum rests with council. In the event of the dissolution, the collection will be disposed of, subject to applicable federal or provincial legislation and any by-laws of the Municipality of Chatham-Kent in effect at the time of dissolution, in the following manner and order of precedence:

- i. Accessions that have been certified under the Canadian Cultural Property Import Export Act will be managed according to the conditions of the Act
- ii. The collection, or parts thereof will be transferred to another institution owned by the municipality or another municipal department
- iii. The collection, in its entirety, will be offered as a gift, along with all relevant documentation, to museums or appropriate public institutions in Chatham-Kent
- iv. The collection, or parts thereof, will be offered, as a gift, along with all relevant documentation, to museums or appropriate public institutions in Ontario with preference given to heritage institutions within Chatham-Kent
- v. The collection, or parts thereof, will be offered, as a gift, along with all relevant documentation, to museums or appropriate public institutions in Canada
- vi. The collection, or parts thereof, will be offered for sale at public auction
- vii. The collection, or parts thereof, will be destroyed due to deterioration or damage beyond repair; posing a danger to staff, the public, or the collections; or inability to dispose by other means. Dangerous or hazardous objects will be destroyed or disposed of by recognized experts. Two witnesses must be present to observe the destruction.

Disposals will not be made directly to an employee, a former member of the museum's staff, a member of the governing or advisory authority, a museum volunteer, the donor of the accession, or a family member or other representative of such persons.

All objects on loan to the museum at the time of the decision to dispose of a collection, will be returned to the owner or their designate.

The Municipality of Chatham-Kent will not sell museum assets to reduce financial liabilities. Funds resulting from the sale of objects should be restricted to gifts to public museums, archives and art galleries located in the Municipality of Chatham-Kent, solely for the purpose of strengthening and expanding their collections of objects. Physical property and liabilities will be disposed of in accordance with municipal policy.



By-law Number \_\_\_\_\_  
Of The Corporation  
of the Municipality of Chatham-Kent

A By-law to affirm the continuation of the Ridge House Museum and Ridge House Museum Advisory Committee and to repeal and replace By-law 181-2004 (being a By-law to affirm the continuation of the Ridge House Museum and to establish the Ridge House Museum Advisory Committee).

FINALLY PASSED the \_\_\_\_ day of \_\_\_\_\_, 2018.

Whereas Council of the Municipality of Chatham-Kent did enact By-law 181-2004 for the purpose of affirming the continued operation of the Ridge House Museum and to establish the Ridge House Museum Advisory Committee;

And Whereas Ontario Regulation 877, RRO 1990 *Grants for Museums* requires, as a condition for grant eligibility, that the Ridge House Museum and Ridge House Museum Advisory Committee meet the minimum standards set out in “Standards for Community Museums in Ontario” as revised from time to time;

And Whereas Council of the Municipality of Chatham-Kent deems it advisable to revise certain provisions contained in By-law 181-2004 to comply with Regulation 877 and the “Standards for Community Museums in Ontario”;

And Whereas it is deemed more expedient to repeal said by-law and replace it with a new consolidated document which incorporates the sought amendments;

Be it Therefore Enacted by the Municipal Council of the Municipality of Chatham-Kent as follows:

**Ridge House Museum**

1. The continued operation of the Ridge House Museum is hereby affirmed.

**Ridge House Museum Advisory Committee**

2. The continuation of the Ridge House Museum Advisory Committee is hereby affirmed.
3. The Ridge House Museum Advisory Committee is hereby authorized to provide recommendations for consideration and to assist the Corporation of the Municipality of Chatham-Kent in the operation of the Ridge House Museum as follows:
  - a. Explore available funding sources including in house

revenue generation, Federal/Provincial grant development, sponsorship development and other fundraising initiatives;

- b. Provide support to other heritage/museum organizations such as the Ontario Museums Association, the Canadian Museums Association, the Ontario Historical Society, as well as local arts and heritage groups;
  - c. Provide recommendations to administration with respect to short term and long term goals and objectives and the evaluation of performance of the Ridge House Museum; and
  - d. Provide recommendations with respect to any other issues of concern brought forward by Administration.
- 4. The Ridge House Museum Advisory Committee shall be composed of a minimum of three and a maximum of seven Committee members appointed by Council of the Municipality of Chatham-Kent. Such appointments shall be made in accordance with the policies of the Corporation of the Municipality of Chatham-Kent with respect to committee appointments.
- 5. All meetings of the Ridge House Museum Advisory Committee and all Committee members shall comply with the applicable procedures of the Procedural By-law of the Municipality.
- 6. All meetings of the Ridge House Museum Advisory Committee and all Committee members shall comply with provincial and federal legislative requirements that impact Committee decisions or activities.
- 7. The members of the Ridge House Museum Advisory Committee shall choose a Chair from the Committee members at the first meeting after the appointments of the members to the Committee and annually thereafter. The term of the Chair is one year.
- 8. The Ridge House Museum Advisory Committee shall meet a minimum of three times per year and a majority of the Committee members shall constitute a quorum for the transaction of any meeting. Dates for the meetings of a year shall be set in advance by the Committee at the last meeting of the preceding year.

### **Authority for Museum**

9. Council is the governing body solely responsible for the management of the Ridge House Museum.
10. Except as otherwise specifically provided herein, all authority with regard to management of the Ridge House Museum is hereby delegated to municipal administration.

### **Mission Statement**

11. The Ridge House Museum Mission Statement, attached hereto as Schedule “A” is hereby adopted.

### **Dissolution**

12. Dissolution of the Ridge House Museum shall be in accordance with the Statement of Dissolution attached hereto as Schedule “B”.
13. By-law 181-2004 is hereby repealed and all policies of the Ridge House Museum previously approved by Municipal Council are hereby repealed

THIS By-law shall come into full force and effect upon the final passing thereof.

Read a First, Second and Third Time this \_\_\_\_ day of \_\_\_\_\_, 2018

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Mayor – Randy R. Hope

---

Clerk - Judy Smith

SCHEDULE A to  
By-law Number \_\_\_\_\_

Of The Corporation  
of the Municipality of Chatham-Kent

**Ridge House Museum Mission Statement**

**Statement of Purpose**

The Ridge House Museum was established primarily to collect and preserve artifacts and specimens significant to the area represented by Ridgetown and the former Howard Township, and to use these to present and promote the history of this region.

These resources of the Ridge House Museum represent a legacy that, once lost, can never be replaced. The staff of the Ridge House Museum are stewards of these resources, on behalf of the Chatham-Kent community. The Ridge House Museum is governed by Chatham-Kent Municipal Council, a publicly accountable body.

The Ridge House Museum benefits the citizens of Chatham-Kent by providing opportunities for the appreciation, understanding, and promotion of our natural and cultural heritage.

SCHEDULE B to  
By-law Number \_\_\_\_\_

Of The Corporation  
of the Municipality of Chatham-Kent

**Statement of Dissolution:**

All assets and liabilities of the Ridge House Museum are the responsibility of the Council of the Municipality of Chatham-Kent, and, as such, the decision to dissolve the museum rests with council. In the event of the dissolution, the collection will be disposed of, subject to applicable federal or provincial legislation and any by-laws of the Municipality of Chatham-Kent in effect at the time of dissolution, in the following manner and order of precedence:

- i. Accessions that have been certified under the Canadian Cultural Property Import Export Act will be managed according to the conditions of the Act
- ii. The collection, or parts thereof will be transferred to another institution owned by the municipality or another municipal department
- iii. The collection, in its entirety, will be offered as a gift, along with all relevant documentation, to museums or appropriate public institutions in Chatham-Kent
- iv. The collection, or parts thereof, will be offered, as a gift, along with all relevant documentation, to museums or appropriate public institutions in Ontario with preference given to heritage institutions within Chatham-Kent
- v. The collection, or parts thereof, will be offered, as a gift, along with all relevant documentation, to museums or appropriate public institutions in Canada
- vi. The collection, or parts thereof, will be offered for sale at public auction
- vii. The collection, or parts thereof, will be destroyed due to deterioration or damage beyond repair; posing a danger to staff, the public, or the collections; or inability to dispose by other means. Dangerous or hazardous objects will be destroyed or disposed of by recognized experts. Two witnesses must be present to observe the destruction.

Disposals will not be made directly to an employee, a former member of the museum's staff, a member of the governing or advisory authority, a museum volunteer, the donor of the accession, or a family member or other representative of such persons.

All objects on loan to the museum at the time of the decision to dispose of a collection, will be returned to the owner or their designate.

The Municipality of Chatham-Kent will not sell museum assets to reduce financial liabilities. Funds resulting from the sale of objects should be restricted to gifts to public museums, archives and art galleries located in the Municipality of Chatham-Kent, solely for the purpose of strengthening and expanding their collections of objects. Physical property and liabilities will be disposed of in accordance with municipal policy.

## **COMMITTEE OF ADJUSTMENT**

### **Terms of Reference**

The Planning Act, R.S.O. 1990, C. P.13, Section 44 (1)

#### **1. Mandate of the Committee of Adjustment**

The Committee of Adjustment is a statutory tribunal with authority delegated to it by the Municipality of Chatham-Kent Council, under the provisions of the *Ontario Planning Act*, R.S.O. 1990 c. P. 13, to hold public hearings to make decisions on applications submitted to the Municipality of Chatham-Kent for minor variances, alterations to legal non-conforming uses, and consents or severances. The Committee operates independently from Council and its decision may be appealed to the Local Planning Appeal Tribunal.

Specifically, under the current delegation by-law, the Committee of Adjustment has the authority to:

- Grant minor variances from the Zoning By-law, Fencing By-law and Sign By-law.
- Grant the extension or enlargement of a legal non-conforming use.
- Grant consents to sell, convey or transfer an interest in "part" of an owner's land, except for new lot creation on lands designated for employment land uses or commercial land uses in the Official Plan and/or on lands zoned with an industrial or commercial land use classification in the Zoning By-law.
- Grant consents when the terms of an agreement commits the land to a use for a period in excess of 21 years (i.e. lease, easement or mortgage).
- Issue a Certificate of Validation.
- Give approval of a foreclosure or exercise of Power of Sale in Mortgage or Charge.
- Combined consent and minor variance applications.

#### **2. Composition of the Committee of Adjustment**

The Committee of Adjustment is composed of six (6) members, consisting of one (1) representative from each Ward of Chatham-Kent, who demonstrate the following qualifications:

- A commitment to and interest in the community.
- An understanding of the planning framework and planning instruments including the Chatham-Kent Official Plan, Zoning By-law, and the Provincial Policy Statement.
- Organized, available and committed to attending all Committee meetings.
- Objective and have an open mind in order to fully consider the evidence provided.
- Access to a computer and an e-mail address in order to receive and respond to Committee communications and information, including hearing and application notices and agenda packages with large text and graphic files.

Applications for the Committee of Adjustment appointments are requested at the beginning of the term of Council and six (6) members are appointed by resolution of the Council for the term of Council.

### **3. Membership Eligibility and Term of Membership**

In order to represent their Ward on the Committee, the candidate must be at least 18 years of age. Preference will be given to the appointment of persons who are the owner or tenant of land or the spouse of said owner or tenant of land in the Municipality of Chatham-Kent.

### **4. Recognition of Retiring Members**

Retiring members will receive a letter of appreciation on behalf of the Mayor and Council at the end of their term if they are not reappointed, or if they voluntarily retire from their position on the committee.

### **5. Role of Committee of Adjustment Members and Meeting Procedure**

Members are responsible to conduct a site visit to the respective property if necessary prior to the committee meeting date. During the meeting, members listen to the planning evidence being presented, the applicant's presentation and also have the opportunity to ask questions should any outstanding information still remain. Once all the information is presented, each member votes on the proposal.

At the first meeting of each year, the committee should elect a Chairperson and a Vice-Chairperson. Meetings are held on a monthly basis beginning at 9:00 a.m. in the Council Chambers at the Civic Centre.

As per the *Planning Act*, where a Committee of Adjustment is composed of more than three members, three members constitute a quorum.

### **6. Staff Support to the Committee of Adjustment**

The Director of Planning Services acts as the Secretary-Treasurer for the Committee. In addition, there is one Assistant Secretary-Treasurer, which has the authority to sign decisions of the committee, as well as certify deeds resulting from the approval of consents. A Municipal Planner is present to provide planning support and an Administrative Assistant is present to document the Records of the Meeting.

### **7. Reports to Council**

Reports to Council are provided on a monthly basis advising Council of the decisions of the Committee.

### **8. Mileage and Per Diem**

The members of the committee are paid a per diem of \$50.00 per meeting plus mileage for each meeting they attend.

# CK Plan 2035 Advisory Committee

Terms of Reference  
for Council Approval  
as of September 11,  
2018



## 1. Background

The Municipality of Chatham-Kent was created on January 1, 1998 by order of the provincial government. The municipality is led by a Council of 18 members and has an extensive management team and staff support for all service departments/divisions. Twenty-three former communities in a 2,500 square kilometer area make up the Municipality of Chatham-Kent, the second largest municipality in Ontario by geographic area.

The Strategic Priority Advisory Committee of Council, now called the CK Plan 2035 Advisory Committee, has been involved in a number of projects including:

- Strategic Priority Alignment Project
  - Engaged and consulted with 14 communities and 24 community groups to identify their priorities and align with Council's strategic directions.
  - A series of three reports were created and presented to Council.
- Framework for Strategy Development of a Chatham-Kent Plan
  - Created and presented this framework to Council laying the groundwork for the establishment of the CK Plan 2035.
- Reviewed, and supported the CK Plan 2035

## 2. Mission and Vision

The committee operates under the Mission and Vision statements of the Municipality of Chatham-Kent

- Mission Statement: The Corporation of the Municipality of Chatham-Kent is a proud, proactive, progressive team committed to innovation and leadership through *the provision of services enhancing the quality of life in our community.*
- Vision Statement: A welcoming, healthy, prosperous community that is culturally rich and naturally innovative.

## 3. Committee Accountability

The CK Plan 2035 Advisory Committee of Chatham-Kent Council is accountable to Council and is required to report to Council.

## 4. Committee Role

Within the context that Council is responsible to establish and maintain a dynamic strategic plan, the role of the committee is to:

- Identify opportunities to advance the CK Plan 2035
- Advocate for, and support strategic thinking
- Monitor strategic progress
- Assist with community awareness of the CK Plan 2035

## 5. Organization Of The Committee

The CK Plan 2035 Advisory Committee is composed of community members and Chatham-Kent Council.

- 5.1 The Committee will be composed of up to a maximum of eight members which includes the Mayor and three members from Chatham-Kent Council
- 5.2 Committee members will be appointed by Chatham-Kent Council

- 5.3** The term of a Committee member is four years (notwithstanding that all terms coming to an end at the end of a Council term).
- 5.4** The Mayor and three members from Chatham-Kent Council will be appointed to the Committee as voting members.
- 5.5** A Committee member may apply for reappointment to the Committee upon completing a four year term for an additional term. The Committee member, after serving his/her maximum two terms must take a leave from the Committee. Council may, at its discretion, waive this requirement if an insufficient number of community volunteers apply to the Committee.
- 5.6** One member will be chosen by vote of the Committee at the first meeting of every other year to chair the meetings for a two-year period. The Committee will also at this time select a vice-chair for the same duration. The chair and vice-chair are able to stand for re-election and fulfill those roles for another two years.
- 5.7** A municipal staff person(s) will provide support to the Committee.
- 5.8** Committee members act in the capacity of volunteers to the Municipality.
- 5.9** The CK Plan 2035 Advisory Committee meets a minimum of six meetings per year. Members who miss three or more meetings in a year without cause will be removed. Members are required to notify the Chair or the designated municipal staff liaison if they are unable to attend a meeting.

## **6. Committee Members Role**

Membership on the CK Plan 2035 Advisory Committee is a position of responsibility and requires a strong commitment to the Terms of Reference. Committee members are required to:

- 6.1** Adhere to the Municipal Code of Conduct and Conflict of Interest policies. Members will disclose any conflicts of interest at the beginning of meetings.
- 6.2** As Council appointees, committee members do not have any individual authority or responsibility, and the exercise of power is only through the CK Plan 2035 Advisory Committee.
- 6.3** All members are expected to contribute to the development of the annual work plan.
- 6.4** Council members shall also:
  - Advise the committee on all matters as it pertains to the Committee and Council business relevant to the committee's key responsibilities.
  - Advocate, endorse, and/or support reports from the committee back to Council as a whole.

## **7. Municipal Staff Role**

The CK Plan 2035 Advisory Committee, by its nature and purpose, effects and is affected by many different municipal departments. Municipal staff support of the CK Plan 2035 Advisory Committee is the responsibility of the Chief Administrative Office.

Municipal staff are responsible for supporting the Committee from organizing meetings, being the deputy clerk at meetings to ensure procedures are followed, and to act as a resource during and after meetings to support the role and work of the Committee.

Members of municipal staff do not have a vote on the Committee.

**8. *Terms Of Reference Review***

The Terms of Reference will be reviewed every four years.

**Chatham-Kent Board of Health  
Terms of Reference  
June 2018**

**Mandate**

The Ontario Public Health Standards, 2018 (OPHS) identify at the policy level, the mandate of Public Health Programs and Services as:

- To improve and protect the health and well-being of the population of Ontario and reduce health inequities

Expected Population Health Outcomes are identified as:

- Improved health and quality of life
- Reduced morbidity and premature mortality
- Reduced health inequity among population groups

Locally, in addition to its provincial mandate, the Chatham-Kent Board of Health provides support, advice and recommendations to the Chatham-Kent Public Health Unit (CKPHU) leadership team to ensure the organization's vision, mission and values are adhered to.

**Vision:** Everyone in Chatham-Kent has the opportunity to reach their full potential for health and well-being.

**Mission:** Working together to deliver evidence-informed, equity-focused programs and services. We protect and promote health and advocate for positive social change.

**Values:** Dedication, Knowledge, Trust and Respect, Leadership, Innovation and Flexibility

**Goals of Public Health (OPHS) and the Chatham-Kent Board of Health:**

- To increase the use of public health knowledge and expertise in the planning and delivery of programs and services within an integrated health system
- To reduce health inequities with equity focused public health practice
- To increase the use of current and emerging evidence to support effective public health practice
- To improve behaviours, communities and policies that promote health and well-being
- To improve growth and development for infants, children and adolescents
- To reduce disease and death related to infectious, communicable and chronic diseases of public health importance
- To reduce disease and death related to vaccine preventable diseases
- To reduce disease and death related to food, water and other environmental hazards
- To reduce the impact of emergencies on health

**Membership**

The Health Protection and Promotion Act stipulates the composition of Boards of Health. All Ontario Boards of Health are to have a minimum of three members to a maximum of thirteen members appointed locally. These members can be a combination of Municipal Councillors and community members who go through the municipal application process. For Chatham-Kent, the province also has the ability to appoint up to five additional members.

During the May 16, 2018 board meeting the Chatham-Kent Board of Health approved administration's recommendation to dedicate one Board of Health seat for representation by an Indigenous member of the Chatham-Kent Indigenous Community.

Membership includes:

- 4 Municipal Councillors
- 3 Community Representatives (1 Representing Indigenous Peoples)
- 1 Provincially appointed member

Municipal Councillor and Community Members' terms are four years. Municipal Councillor appointments occur following each municipal election. Community member appointments occur half way through each Municipal Council term. This ensures continuity of the Board.

### **Chair and Vice-Chair**

All current members of the Board of Health are eligible to sit as chair or vice-chair of the board. The selection of both positions shall be received by nomination and confirmed by vote. Both positions have a term of two - four years with re-election coinciding with the municipal election. If either position is filled by a community member and the community member is re-appointed for a subsequent term, the board reserves the right to allow for a subsequent two year term to coincide once again with the election of chair and vice chair following each municipal election.

### **Responsibilities**

It is the responsibility of the Board of Health to implement and administer the mandatory programs according to the Ontario Public Health Standards (2018). To carry out this responsibility, the Board of Health will:

- Ensure sufficient qualified staff
- Establish policies regarding programs
- Recommend approval of budgets
- Control expenditures
- Ensure sound administrative practices
- Provide and manage adequate offices and equipment
- Ensure auditing of CKPHU financial statements
- Ensure adequate property, liability, and malpractice insurance
- Ensure legal counsel is provided as required
- Ensure remuneration is established for all employees

## **Recommendations and Decision-making**

While it is desirable that all recommendations and subsequent decisions of the board are made by consensus, voting on recommendations will occur following the recommendation(s) being moved and seconded. After discussion, and required questions answered by administration, a vote will be taken by show of hands and will pass with a majority vote.

## **Meetings**

Meetings will be held monthly on the third Wednesday of the month, except in July and August. Closed session, if required, will proceed the meeting. Meetings will begin at 11:00 am (closed session, if required at 10:30) and will adjourn no later than 5:00 pm. Special meetings of the Board may, at any time, be summoned by order of the Chair or by the request of the majority of the Board. Board members will be reimbursed reasonable travel charges associated with board meetings in accordance with municipal policy.

## **Quorum**

Quorum for meetings will be attendance by a simple majority of board members.

## **Staff Support**

The Executive Assistant to the General Manager, Community Human Services will provide administrative support to the Board of Health. The CEO, CKPHU, Director of Public Health, Medical Officer of Health, and Program Managers will attend Board of Health meetings to provide support and guidance as requested.

## **Reports to Council**

Following approval of the minutes of the Board of Health by the Board, the Executive Assistant to the General Manager, Community Human Services will forward a copy of the minutes to the Council Coordinator for inclusion as part of the Council consent agenda.

## **Amending the Terms of Reference**

The Terms of Reference will be reviewed and amended prior to each Municipal election in preparation for changes to all municipal Committees of Council.

## Property Standards and By-law Appeal Committee Terms of Reference

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### 1. **Mandate**

#### 1.1 Property Standards Committee

Section 15, Subsections 15.1 - 15.8, outlines the duties, rules and powers of Property Standards as regulated by the Ontario Building Code Act.

The role of the Property Standards Committee is in Subsection 15.3(3) **Duty of Committee**. The committee shall hear the appeal. 2002, c.9. s.24

#### 1.2 By-law Appeal Committee

The Committee shall hear appeals from the decision of municipal administrative officials under Municipal by-laws, where those by-laws specifically provide a right to appeal to the By-law Appeal Committee.

### 2. **Composition of “Committee”**

#### 2.1 Property Standards Committee

The members of the Committee consist of five appointed members of the public. A staff member will be appointed to the Committee as Secretary to the Committee on recommendation of Administration. The Secretary shall assist the Committee with taking minutes etc.

#### 2.2 By-law Appeal Committee

The Committee shall be comprised of the same five members of the public appointed to the Property Standards Committee.

### 3. **Role of “Committee” Members and Meeting Procedure**

#### 3.1 Property Standards Committee

- The Chair will call the hearing to order.
- The Chair will give an overview of the hearing process.
- The Chair will swear in the municipal inspector.

- Administration/municipality presents their case and evidence.
- The Chair will swear in the appellant.
- Appellant will then present their case and evidence.
- Questions from Committee/Appellant.
- Once the matter has been fully presented, the Committee, along with the Secretary will adjourn to Closed Session, to discuss the evidence, and come to a decision. Administration may not participate in the Closed Session meetings of the Committee.
- The decision is written down by the Secretary for presentation to the appellant and administration. The Committee then returns to the Council Chambers and gives their decision, which is delivered by the Chair.
- The Chair will advise the appellants, that the final decision will be mailed out, along with a statement indicating the opportunity to appeal the decision to the Ontario Court.

### 3.2 By-law Appeal Committee

The Committee member's roles and the meeting procedure are as outlined in the By-law Appeal Committee By-law and associated Rules of Procedure attached to the Terms of Reference as Schedules A and B.

## 4. **Staff Support**

Staff support for both the Property Standards Committee and By-law Appeal Committee is received from:

Administration of the Building Development Services Division  
 Building Assistant – Secretary to Committees  
 Administration of the Legal Services Division

## 5. **Remuneration**

Each Committee member be paid \$50.00 per meeting attended plus mileage from their principle place of residence in Chatham-Kent

## 6. **Reports to Council**

An annual activity report will be submitted to Council.



BY-LAW NUMBER \_\_\_\_\_-2018

OF THE CORPORATION OF THE  
MUNICIPALITY OF CHATHAM-KENT

A By-law to create a By-law Appeal Committee  
for appealable decisions under Municipal By-laws

FINALLY PASSED this \_\_\_\_\_ day of, 2018.

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WHEREAS Council wishes to create the a By-law Appeal Committee, composed of Councillors for hearing appeals of administrative decisions made pursuant to certain by-laws;

AND WHEREAS Section 23.1 of the *Municipal Act*, 2001, permits Council to delegate the power and duty to hear appeals;

AND WHEREAS the creation of this appeal committee permits the Municipality to separate its quasi-judicial functions from its legislative and executive functions;

NOW THEREFORE the Council of The Corporation of the Municipality of Chatham-Kent ENACTS AS FOLLOWS:

**DEFINITIONS**

1. In this By-law:

“Appellant” means a person who is aggrieved by a decision pursuant to a Municipal by-law, under which a person is permitted to appeal the said decision, who has filed an appeal of the decision;

“Committee” means the Chatham-Kent By-law Appeal Committee;

“Council” means the Council of the Corporation of the Municipality of Chatham-Kent;

“Member” means a member of the Committee;

“Municipality” means the Corporation of the Municipality of Chatham-Kent;

**CHATHAM-KENT APPEAL COMMITTEE**

2. The Chatham-Kent By-law Appeal Committee is established.

3. The Committee shall be composed of five members of the public who are residents of Chatham-Kent and shall be appointed in accordance with the Municipality’s Committee Appointment Process.

4. The Committee shall meet as necessary for the expedient resolution of its case load.

**RULES OF PROCEDURE**

5. The Rules of Procedure governing the Committee are set out in Schedule 1.

**JURISDICTION**

6. The Committee shall hear appeals from the decisions of municipal administrative officials delegated under Municipal by-laws, where those by-laws specifically provide a right to appeal to the Committee.

7. Every decision or order of the Committee is final, without right of appeal to any Court or Council.

**HOW THE COMMITTEE IS TO MAKE ITS DECISION**

8. The Committee shall make a decision that furthers the public interest and is consistent with the purpose and intent of the relevant By-law.

9. The Committee has authority to confirm, amend or reverse any decision appealed to it, and attach any conditions to such a decision as it may see fit.

10. The decision of the Committee shall be made in accordance with the Rules of Procedure governing the Committee as set out in Schedule 1.

**NO LIABILITY**

11. No member of the Committee or Council, or any Municipality employee is personally liable for anything done by it, or him or her, under authority of this by-law.

12. This By-law may be called the “By-Law Appeal Committee By-law”.

13. This By-law shall come into force and effect on the day it is passed.

By-law 22-2015 his hereby repealed.

READ A FIRST, AND SECOND AND THIRD TIME this            day of            , 2018.

\_\_\_\_\_  
Mayor – Randy Hope

\_\_\_\_\_  
Clerk – Judy Smith

“Schedule 1”



**THE CORPORATION OF THE MUNICIPALITY OF  
CHATHAM-KENT  
BY-LAW APPEAL COMMITTEE  
RULES OF PROCEDURE**

July 2018

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\*Applicants who require accommodations for participation at a hearing are requested to discuss those requests with Municipal staff upon the filing of your appeal. The Municipality will attempt to make the necessary arrangements.

## **Part 1: Short Title**

This procedural manual shall be known as the "Rules of Procedure" for the Municipality of Chatham-Kent By-law Appeal Committee.

## **Part 2: Definitions**

"Appellant" means an individual, corporation or partnership that is seeking a ruling from the By-law Appeal Committee.

"Application" means a request for reconsideration of a decision of Municipal administration.

"Chair" means the Chair of the Appeal Committee, as appointed by the members.

"Appeal Committee" means a panel of five members of the public, appointed by Council of the Municipality of Chatham-Kent for the purpose of hearing appeals of administrative decisions under by-laws, as permitted under those by-laws.

"Interested Party" means any person who wishes to make representations to the Appeal Committee in relation to an application under consideration.

"Municipal Appeal Documents" means any documents published on the Municipal website relating to the Municipal By-law Appeal Committee, as amended from time to time.

"Representative" refers to a licensee, as defined by the *Law Society Act*, R.S.O. 1990, c. L.8.

"Rules of Procedure" shall mean the rules and regulations hereinafter provided in this document.

"Solicitor" shall mean the Chief Legal Officer for the Corporation of the Municipality of Chatham-Kent, or that person's designate.

## **Part 3: General Rules**

3.1 The rules and regulations contained in these Rules of Procedure shall be observed in all hearings. Any rule contained within shall be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits.

3.2 Where these rules are silent, the principles, policies and procedures established by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, shall be followed.

## **Part 4: Publication of Rules**

4.1 A written copy of the rules shall be made available as reference material for any Appellant or Interested Party at every hearing.

## **Part 5: Hearings**

### **5.1 Request for Hearing**

Where an Appellant wishes to request a hearing regarding an appealable decision under a By-law, the Appellant shall provide the following to the Municipal Clerk within 30 days of delivery of notice of the decision being appealed:

- a) A written request for a hearing in accordance with any Municipal Appeal Documents for this purpose;
- b) Identification of the Appellant and any other known interested parties;
- c) The address and telephone number for the Appellant or their Representative;
- d) Any fee established under the Municipality's User Fees Bylaw;

### **5.2 Location of Hearings**

All hearings of the By-law Appeal Committee shall be conducted in Council Chambers at the Municipal Civic Centre, located at 315 King Street West, Chatham, 2<sup>nd</sup> floor.

### **5.3 Hearings to be Open to Public**

All hearings are to be open to the public. The exceptions to the open hearing requirement are those portions where "in camera" meetings are permitted pursuant to section 239 of the *Municipal Act, 2001*. During in camera meetings, only the Municipal Solicitor, Municipal Clerk and/or Deputy Clerk may remain in the room.

### **5.4 Appearance before Appeal Committee**

An Appellant or Interested Party may appear and be heard, either orally, or by written brief, in person or by his/her Representative.

### **5.5 Disclosures of Pecuniary Interest**

If an elected official has any pecuniary interest, in any matter in which the Appeal Committee is engaged and if he/she is present at a hearing, he/she shall disclose his/her interest and the general nature thereof and shall not take part in the consideration or discussion of the matter.

### **5.6 Decision Format**

All decisions of the Appeal Committee are to be delivered orally by a single member of the Appeal Committee.

### **5.7 Quorum**

Quorum for the Appeal Committee shall be two members of the Appeal Committee. Where only two members are present, a decision of the Appeal Committee must be unanimous.

Where more than two members are present, a decision of the majority shall constitute the Appeal Committee's decision.

## **Part 6: Notice of Hearings**

### **6.1 Notice**

Notice shall be furnished to the contact particulars provided by the Appellant, and if furnished to said contact particulars by regular mail, by email, by fax, by personal service or by courier shall be deemed adequate, if mailed, emailed or served at least 15 calendar days prior to the scheduled hearing.

### **6.2 Service by Publication**

If, in any case within the jurisdiction of the Appeal Committee, it is made to appear to the satisfaction of the Appeal Committee that service of any such notice cannot conveniently be made or effected, the Appeal Committee may order and allow such service to be made by publication in at least one newspaper and on the Municipal Website.

### **6.3 Service of other Documents**

Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section.

## **Part 7: General Jurisdiction and Powers**

The Appeal Committee has jurisdiction and power:

7.1 To hear and determine all applications made, proceedings instituted and matters brought before it and for such purpose to make such orders, give such directions, issue such approvals, deny or vary applications and otherwise do and perform all such acts, matters, deeds and things, as may be necessary or incidental to the exercise of the powers conferred upon the Appeal Committee;

7.2 To perform such other functions and duties as are now or hereafter conferred upon or assigned to the Appeal Committee by Municipal By-Law or under statutory authority;

7.3 To make, give or issue or refuse to make, give or issue any order, directions, regulation, rule, permission, approval, certificate or direction, which it has power to make, give or issue;

7.4 To hold hearings or other proceedings by a conference telephone call, by videoconference or any other electronic or automated means, subject to any rules made by the Appeal Committee regulating their use.

7.5 The Appeal Committee, as to all matters within its jurisdiction, has authority to hear and determine all questions of law or of fact.

## **Part 8: Dismissal without Hearing**

8.1 Despite the *Statutory Powers Procedure Act* or any other Act, the Appeal Committee may dismiss any matter brought before it without holding a hearing on its own motion if:

- a) the fee(s) prescribed under a valid Municipal fees and charges bylaw, have not been paid;
- b) the Appellant fails to attend the hearing and the matter has been adjourned at least one time previously. Alternatively, the Appeal Committee may proceed in the absence of the Appellant if the Appellant fails to attend the hearing;
- c) the Appellant fails to follow timelines for filling an appeal established under these Rules of Procedure; or
- d) the Appellant does not comply with any other rule under these Rules of Procedure.

## **Part 9: Procedures and Evidence at Hearing**

9.1 The rules of evidence hereinafter established will be substantially followed by the Appeal Committee. If appropriate, and upon consultation, the Chair may relax such rules when in his/her judgment such relaxation would not impair the rights of any party and would more speedily conclude the presentation of the claim.

9.2 The general order of the presentation of evidence at a hearing shall be as follows:

- a) the Appellant shall introduce evidence (including witnesses) and/or make submissions;
- b) the Municipality's representative shall introduce evidence (including witnesses) and/or make submissions;
- c) any Interested Party may introduce evidence (including witnesses) and/or make submissions;
- d) Committee Members may ask questions of the parties at any point in time during the proceedings. In the event that the Appeal Committee poses a question, each party to the proceeding shall be given an opportunity to answer the question;
- e) rebuttal evidence shall only be permitted where necessary in the opinion of the Appeal Committee.

9.3 Neither the Appellant, an Interested Party nor the Municipality's representative may introduce testimony of more than two witnesses at a hearing, except with leave of the Chair.

9.4 The presentation of evidence by the Appellant is limited to 30 minutes in total duration.

9.5 The presentation of evidence by the Municipality is limited to 30 minutes in total duration.

9.6 The presentation of evidence by an Interested Party is limited to 15 minutes in total duration.



9.7 Closing submissions by any party are limited to 5 minutes in duration.

9.8 Time extensions to any of the foregoing are at the sole discretion of the Chair.

9.9 No party has any right to a deposition, affidavit of documents, examination for discovery or similar mechanism to question or obtain documents from the opposing party under oath prior to a hearing.

9.10 The parties may file an agreed statement of facts in writing or by stipulation in the record, which will be treated in all respects as evidence.

9.11 Affidavit evidence is not permissible unless specifically permitted by the Chair.

9.12 The Chair shall rule upon all questions of procedure and in the event that evidence is taken, on the admissibility of the evidence where so challenged. The Chair and the Appeal Committee may consult with the Municipal Solicitor on such matters. The decision of the Chair shall be final.

9.13 The Chair may allow oral hearsay evidence to be admitted and shall assess the weight of the said evidence accordingly. Oral references to Municipal policies or administrative practices may be considered without a copy of the applicable document.

#### **Part 10: Appeal Committee's Criteria for Making Decisions**

10.1 The Appeal Committee shall apply the criteria established under each by-law applicable to the particular hearing in making its decision.

#### **Part 11: Decisions of Appeal Committee to be Final**

11.1 Every decision or order of the Appeal Committee is final, without right of appeal to any Court or the Municipal Council.

#### **Part 12: Costs**

12.1 The Appeal Committee does not have the power or authority to order costs to any party with respect to a hearing or application for a hearing.

## **Community Development Advisory Committee Terms of Reference**

### **1. Mandate**

The Community Development Advisory Committee's (CDAC) purpose is to focus on long-range development as it relates to the respective areas in the Community Development area (land use planning, building and development, fire and emergency services, and municipal governance)

### **2. Composition of "Committee"**

The composition of the committee will be:

- three (3) Councillors
- three (3) members of the general public (not elected)

for a total of six voting members.

Since members of Council will not comprise of over 50% the membership of this committee, the *Municipal Act* does not require this committee to follow open/closed rules for its meetings.

### **3. Membership Eligibility and Term of Membership**

The CDAC will be appointed for the term of Council. The Chair will be elected from the Committee's membership at the first meeting of the term.

Replacement of members of the committee will follow the Chatham-Kent Local Boards and Committees of Council Policy.

Members shall serve without remuneration; however, expenses such as mileage will be reimbursed in accordance with municipal policy.

### **4. Role of "Committee" Members and Meeting Procedure**

The role of the CDAC is to assist Community Development on areas within the Community Development Department's purview

This committee would be authorized under the *Planning Act* as an advisory committee. The committee would review and advise Council on planning applications and provide advice on land use planning and future larger planning initiatives.

This committee would also provide dialogue to take place between the Fire Chief and members of the committee relating to community fire safety including public education, fire prevention, and feedback/input on local issues relevant to Fire Services.

This is an advisory committee of Council. Council has final decision-making authority. The recommendations from this committee are advice and are not binding. Recommendations forwarded to Council must be of the majority view of the Committee.

Meeting protocol will follow the Municipal Council Procedural By-law.

The CDAC meetings will be held at least three times per year. The Chair may call additional meetings as required.

## **5. Staff Support**

The following administration will provide support at each meeting:

- Administrative staff to serve as Committee Clerk
- General Manager of Community Development

The Director of Planning Services, Fire Chief, Director of Building and Development Services, Director, Municipal Governance/Clerk, and Manager of Legal Services will participate as needed.

## **6. Reports to Council**

Minutes, after committee approval, will be forwarded to Council. Reports to Council will be submitted on an as needed basis.