

The Corporation of the City of Kenora

By-law Number 159 – 2023

A By-law to Establish a Terms of Reference for the City of Kenora Sustainability Advisory Committee

Whereas Section 7(2) of the Municipal Act, 2001, as amended authorizes a municipality to enact by-laws respecting matters within the spheres of jurisdiction; and

Whereas the Council of the City of Kenora deems it necessary and expedient to establish a Terms of Reference for the Sustainability Advisory Committee.

Now Therefore the Council of the Corporation of the City of Kenora hereby enacts as follows: -

1. Purpose

- 1.1 The City of Kenora Sustainability Advisory Committee will support the development and implementation (including monitoring / tracking) of the Sustainability Action Plan in accordance with the actions and responsibilities identified in the Plan. This Plan is to be:
- a. community led and municipally supported;
 - b. include best practices, strategies and actions that will guide the City and its partners in the right direction as it advances a multi-sector approach to long-term sustainability; and
 - c. implemented collaboratively, in a step-wise process.

2. Mandate

- 2.1 The mandate of the City of Kenora Sustainability Advisory Committee is to:
- a. Monitor and support the implementation of Kenora's Sustainability Action Plan in accordance with the final approved Plan;
 - b. Provide local perspectives on matters related to the Plan implementation while giving due consideration to identifying and supporting actions that strive to achieve social, environmental, and economic benefits in an integrated way;
 - c. Assist in developing annual work plans to advance actions of the City's Sustainability Action Plan;
 - d. Develop an annual budget by end of second quarter to request for Council consideration that identifies the priorities of the Action Plan and necessary budget requirements to align with priorities for the committee and implementation of identified priorities of the Plan
 - e. Raise community awareness and support education related to Kenora's Sustainability Action Plan;
 - f. Have particular regard and commitment to the long-term economic, social and environmental well-being of the community and its partners;
 - g. Provide a forum for the exchange of ideas on programs and initiatives of other Council committees and entities relating to community-based sustainability actions; and

- h. Other related sustainability-related matters as referred to the Committee by Council.
- i. The Chair, or designate, shall present a bi-annual report to Council on the priorities of the committee, work that has proceeded and bring forward any motions of the committee for Council consideration.

3. Membership and Voting

3.1 At the discretion of Council, the Committee can be comprised of up to fourteen (14) members representing various sectors. This membership may include:

Voting Members:

- One (1) member representing the Lake of the Woods District Stewardship Owners Association
- Two (2) members representing the health-care sector
- Two (2) members representing educational institutions
- Two (2) members representing local Indigenous communities
- Two (2) members representing the community at large
- Two (2) representatives from the local business community (that are not members of City Council);
- One (1) member representing youth;
- One (1) member representing utilities services and providers;
- One (1) Council representative to be selected by Council;

3.2 Members are selected by resolution of Council. The term of the Committee is at the pleasure of Council, up to four years, and is concurrent with the term of Council. The Committee shall, from amongst its members, choose a Chair and a Vice Chair annually by either consensus of the committee, or a formal vote.

3.3 Unless Council provides otherwise, the Committee appointments and re-appointments shall be in accordance with the City's Boards & Committees Policy, subject to any modification, to the extent necessary, required in order to comply with the appointment restrictions established in section 196 of the Municipal Act, 2001 and this By-law.

3.4 Any member of the Committee may terminate their term on the Sustainability Advisory Committee by submitting their resignation in writing to the City Clerk, and providing a copy to the Chair and the Vice-Chair of the Committee.

3.5 Unless Council provides otherwise, meeting attendance requirements for the Committee Members and consequences for absences from such meetings shall be in accordance with the City's Boards & Committees Policy.

3.6 Vacancies on the Committee shall be filled in accordance with the City of Kenora's Boards and Committees Policy and this By-law. For greater certainty, decisions respecting the filling of vacancies rest solely with Council.

3.7 The Committee shall not meet without at least one City Staff resource in attendance.

Non-Voting Members:

- i. City Staff Resource
- ii. Other external organizations and/or regional partners, as required.

Members will:

- i. Have demonstrated expertise in their affiliation(s);

- ii. Be able to allocate sufficient time during the day for participation in regularly scheduled meetings;
- iii. Be able to allocate sufficient time to review the agenda, minutes and any applicable documentation in advance of each regularly scheduled meeting;
- iv. Participate as a team member, capable of a community ambassador role;
- v. Be committed to advance sustainability in Kenora.

3.10 Additional Committee Members may be appointed by Council pending the growth of activities undertaken.

4. Remuneration

4.1 All Committee Members shall act in all of their capacities with the Committee without remuneration.

4.2 Committee Members may be reimbursed for reasonable expenses incurred by them on behalf of the Committee, provided that such expenses were incurred in good faith for the purposes of the Committee and such expenses are authorized in the budget of the Committee.

5. Chair

5.1 The Committee shall elect a chairperson from its members at the first meeting of each year and hold the office for one year. In the case of absence of the chairperson, the Committee shall appoint a chairperson from among its members for that meeting.

6. Meetings and Administration

6.1 Regular meeting dates are to be established by the Committee at the first meeting of the calendar year. The location and frequency of meetings will be at the discretion of the Committee, however, not less than five (5) meetings shall be held in one (1) calendar year.

6.2 Special or emergency Committee meetings may be called by the Chair, on their own initiative, at the request of any Committee member, or at the request of the non-voting members and notice of the meeting shall be telephoned or electronically sent to each Committee Member, including non-voting, not less than three (3) days before the requested meeting.

6.3 A Committee meeting must be called if a requisition is signed by at least three (3) members of the Committee.

6.4 Reasons for the calling of the special or emergency meeting, including why it is being called on short notice, if applicable, shall be provided by the Chair with the notice of the calling of the meeting.

6.5 Members of the Committee should strive to attend committee meetings in order to provide for effective participation. The failure of any committee member to attend three (3) consecutive meetings without giving written notice to the chairperson will result in the termination of membership from the committee, in accordance with the City's Board and Committee's policy.

6.6 The City of Kenora will provide sufficient resources and staff for conducting the business of the Committee. This will include, but not be limited to; taking meeting minutes,

assisting the chairperson in developing an agenda, the circulation of meeting notices and minutes and the advertisement and organization of public meetings.

6.7 The City of Kenora will also provide administrative support in any media releases, reports and recommendations developed by the committee.

6.8 Unless otherwise provided in this By-law, meetings shall be conducted according to the most recent edition of Robert's Rules of Order Newly Revised.

7. Quorum

7.1 At any meeting of this Committee, the presence of a majority of the membership is necessary for a quorum and for the transaction of business.

7.2 Subject to section 7 of the Municipal Conflict of Interest Act, a majority of the members shall constitute a quorum.

7.3 Meetings may be held, and motions may be voted upon in person or by electronic means. With respect to an electronic vote, such a vote must be approved by the Committee in advance of the vote.

8. Board Member Conduct

8.1 Members of the Committee shall carry out their duties in good faith and with the best interests of The Committee in mind.

8.2 With regards to their conduct, Committee Members are governed by all applicable laws and policies, including but not limited to the *Municipal Conflict of Interest Act*, Part V.1 of the *Municipal Act, 2001* and the Code of Conduct of the City for members of council and local boards.

9. Limits on Authority

9.1 Notwithstanding any other provision in this By-law, the Committee is not authorized to do any of the following, all such authority remains solely with Council:

- a) incur any debts, liabilities or obligations that have not been approved by Council through its budget process;
- b) acquire any real property or sell or otherwise transfer or dispose of any real property; or
- c) subject to the limits established by Council from time to time, sell or otherwise dispose of any personal property that is acquired through Committee recommendations.

9.2 The Committee acts as a whole, and no member of the Committee has authority to incur, and shall not purport to incur, any debt, liability or obligation on behalf of the Committee or the City.

10.0 Accountability and Reporting

The Committee shall prepare and submit annual Priority Planning to Council which aligns with City corporate budget requests. It will contain details of the work and initiatives contemplated by the Committee.

The Committee will be responsible and accountable to the CAO of the City of Kenora in the delivery of Action Plan deliverables and the planning of such.

Annual approved budgets allocated to the Committee will be based on the submitted annual priority planning. Once this budget is approved, the committee will proceed with the action plan priorities identified in the plan submitted to Council. The Committee does not have authority to advance budget dollars outside of that plan and requires a resolution of Council to adjust that plan.

Budgetary spending for the approved plan will require the signature of the CAO for approval through City finance. Should priorities of the Committee change after the annual plan is approved by Council, will require a Council resolution for change to the plan over a threshold of five thousand dollars (\$5,000.00).

10.1 Fiscal Year and Financial Support

The Committee shall have a fiscal year ending December 31st. Council will consider annual funding for the Committee to work towards priorities identified within the Action Plan and priorities of Council related to sustainability. Annual requests are at the full discretion of Council.

In addition to the funding provided by the City, the Committee will pursue various funding opportunities that may arise including strategic partnerships for the purposes of leveraging additional dollars to advance the priorities of the plan.

10.2 Reporting and Communication Protocol:

- a) The Chair of the Committee, or designate, shall be responsible for providing regular Action Plan deliverables including budget status information to City Council on a bi-annual basis, or as deemed appropriate by the CAO.
- b) The Chair of the Committee, or designate, shall be responsible for presenting an annual action plan and budget to City Council. The presentation will highlight the progress of the Committee in fulfilling the goals and objectives established in its annual plan along with the goals for the following year, attaching any necessary budget support for those goals.
- c) TheThe Committee shall present additional reports and information it deems appropriate to inform Council and the community at large of the actions, activities, and programs of the Committee.
- d) The Committee will strive to educate the public and media about what the Committee is, what it does, and how it relates to the City's operations. This education is provided through recommendations from the Committee, to the City's Communication Department for delivery.

11. Committee Minutes

11.1 The City shall designate a person to be responsible for the recording of the Committee minutes.

11 A City staff resource must be in attendance at all meetings to ensure minutes are kept of all meetings and procedural protocols are followed for meetings that are Committees of Council.

11.1 The official copy of the minutes shall be forwarded to the City Clerk for safekeeping and shall be stored at City Hall, 1 Main Street South, Kenora, ON, or at such other location as Council may require.

12. Effective Date

This By-law shall come into force and take effect on the final passing hereof.

By-law read a First & Second Time this 20th day of December, 2023

By-law read a Third & Final Time this 20th day of December, 2023

The Corporation of the City of Kenora:-

Andrew Poirier, Mayor

Heather L. Pihulak, City Clerk