



**THE CORPORATION OF THE
MUNICIPALITY OF NORTH MIDDLESEX
BY-LAW NO 10 OF 2019**

***Being a By-law to Establish the Terms of Reference for the
Recreation Advisory Committee***

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

AND WHEREAS By-law Number 62 of 2018 appointed members to serve on various committees including the Recreation Advisory Committee;

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

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

1. Committee Title

That a Committee to be known as the Recreation Advisory Committee (RAC) is hereby established.

2. Definitions

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

3. Policies/Procedures

- 3.1 That the rules and regulations of the Corporation of the Municipality of North Middlesex Procedural By-law shall govern all proceedings of the Recreation Advisory Committee.

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

4. Records

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

5. Composition

That the Recreation Advisory Committee shall consist of not more than Nine (9) members appointed by Council as follows:

Voting Members

- Nine (9) members who are residents and/or ratepayers of the Municipality including three (3) members of Council and 6 (six) members being a minimum of 18 years of age, and not an employee of the Municipality, and can represent various segments of the business community. All nine (9) will be voting members.
- Three (3) member of Council (of which one (1) shall be Chair and one (1) shall be appointed Vice-Chair)
- Quorum of the committee is set at five (5) voting members including the Chair or Vice Chair, one other Council member and three (3) other voting members
- The Mayor is an ex-officio member of all Committees. The Mayor has the same rights, including voting, as other committee members, but is not obligated to attend meetings. As an ex-officio member, the Mayor shall not be counted in determining the quorum of the Committee (5). However, if the Mayor is in attendance, they can be included in determining if RAC has quorum present.

i. Non-Voting Staff Members

a) Staff Liaison

Recreation Advisory Committee

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

b) Recording Secretary

A Recording Secretary shall be a non-voting member.

In making its citizen appointments, Council shall have regard for the diversity of recreation interests, geographic locations of facilities or residency and qualifications to fulfill the mandate of the Committee.

Citizen members will be:

- Actively involved and engaged people with a well-developed network within recreation, arts & culture and service clubs;
- From a broad spectrum of the community and representing a cross-section of the recreation activities and community groups involved; and,
- Strong proponents for recreation and community usage of parks, trails and facilities

6. Terms of Office

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

7. Mandate

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

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

8. Force and Effect

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

READ a FIRST, SECOND and THIRD time and finally passed in Open Council
this 13th day of March, 2019

MAYOR

CLERK

SCHEDULE "A" TO
BY-LAW 10 OF 2019
RECREATION ADVISORY COMMITTEE

TERMS OF REFERENCE

1. PURPOSE

The Recreation Advisory Committee is a Committee of Council that acts as an advisory body on matters related to recreation including:

- Reviewing the recreation needs of the community;
- Assisting with the development of recreation and facilities level of service
- Ensuring programs and services attain the expected level of service
- Best management practices with regards to policies, practices and programs concerning parks, recreation and facilities;
- Provide feedback on issues and concerns regarding recreation, parks and facilities;
- Ensuring programs and services are accessible

1. MANDATE

The Recreation Advisory Committee (RAC) will make recommendations to Council on matters that will foster and enhance a strong and stable recreation environment that is consistent with the attributes of a sustainable community. The RAC provides recommendations on issues pertaining to the encouragement, co-ordination and development of activities relating to the enhancement of recreation within North Middlesex. RAC will liaise with existing recreation and minor sports groups and facilitate the development of new recreation options through support and provision of opportunities for new recreation growth to benefit the quality of life and prosperity in North Middlesex.

2. DEFINITIONS

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

"Council" – refers to the current elected Council for the Municipality of North Middlesex.

“Director of Community Services” – is the Director of Community Services for the Municipality of North Middlesex.

“Recreation Advisory Committee (RAC)” – is a Committee of Council for the Municipality of North Middlesex.

“Municipality” – is the Municipality of North Middlesex

3. CONFLICT OF INTEREST

Indirect pecuniary interest

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

- (a) the member or his or her nominee,
 - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
 - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
 - (iii) is a member of a body,

that has a pecuniary interest in the matter; or

- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter as defined in the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, s. 2.

Interest of certain persons deemed that of member

For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member as defined in the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

4. DUTIES AND RESPONSIBILITIES

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

- Individual committee members and the collective group will be fair, impartial, and respectful of the public, staff and each other.

- Committee members will respect the limitations of their individual and collective authority. The role of the committee is to advise as this relates to the purpose and mandate.
- Members will strive to appreciate differences in approach and point of view.
- Each member will participate in the Committee's discussions and work assignments without dominating the discussion or activity of the committee.
- Each committee member will complete tasks as delegated or volunteered to complete, in a timely manner, and when unable to complete tasks notify the Chair.
- The Committee Chair will ensure that all members have a fair, balanced and respectful opportunity to share their knowledge and perspectives.
- The Committee will attempt to reach consensus on issues. If consensus is not possible, strong differing opinions, such as "minority" opinions, should be recorded and acknowledged in the committee's report, recommendation(s), and presentations.
- The Committee shall elect a Chairperson and Vice Chairperson from among the three council members appointed to the committee, at its first meeting, or as soon as practicable.
- The Committee may liaise with community groups and individuals to maintain an awareness of their goals and mandate in order to gain support for the work of the Committee.
- Review and set annual goals and objectives based on the North Middlesex Strategic Plan and other related plans.
- Assist in the implementation, evaluation and update of any Recreation Strategy and other related municipal documents, as directed.
- Provide advice on matters which influence recreation opportunities in North Middlesex including marketing and branding strategies to attract additional users/user groups.
- Act in an advisory capacity to recreation groups within North Middlesex by providing information on issues related to the benefits utilizing North Middlesex recreation facilities.
- Support the growth of a variety of recreation opportunities to encourage a vibrant and healthy community.
- Identify barriers or issues that may impede access to recreation and provide advice and offer recommendations to Council on strategies to mitigate such impediments.
- Undertake other assignments as may be requested by Council.

5. AUTHORITY

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

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

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

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

6. COMMITTEE ANNUAL REVIEW

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

7. ROLES AND RESPONSIBILITIES

The Committee shall have the following four roles and responsibilities.

I. CHAIRPERSON:

- Provide leadership to the Committee;
- Chair Committee meetings in accordance with the Municipality's Procedural By-Law;
- Ensure agendas are prepared for meetings and distributed.
- Report to Council at year end and at other times as may be required;
- Act as spokesperson for the Committee;
- Express consensus as reached by Committee;
- Ensure that the Municipality's By-laws and Policies are adhered to with respect to all matters.

II. VICE-CHAIRPERSON:

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

III. COMMITTEE MEMBERS:

- Attend regular Committee meetings;
- Advise the Chairperson if unable to attend a meeting;
- Actively participate in Committee meetings;
- Active participate in carrying out the responsibilities of the RAC.

IV. RECORDING SECRETARY

- Ensure that there is a quorum present in order to proceed with a meeting.
- The Recording Secretary's duties are to record, process and distribute minutes and agendas, and to maintain the files of the Committee including but not limited to Minutes, Agendas, policies, correspondence and other file information, in accordance with the Records Retention By-law.
- The Recording Secretary shall ensure that the draft meeting minutes are prepared and approved by the Chair and/or Vice Chair prior to the next Committee agenda, if possible.
- Ensure that adopted minutes are forwarded to the Municipal Clerk or designate in a timely manner.

8. DECISION MAKING AND VOTING

Where possible, decisions will be made by way of consensus. When a vote is necessary, a recommendation must be moved and seconded prior to voting. A recommendation is deemed to be carried if the majority of members present vote in the affirmative. As an ex-officio member of all committees, the Mayor may attend any committee meeting but may not vote in an instance whereby three (3) other Council members are present and voting. All recommendations must be approved by Council before any action is taken by staff. Committee meetings are open to the public and subject to the provisions of Section 239 of the Municipal Act, 2001 as amended.

9. REPORTING TO COUNCIL

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

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

Directions from Council must only be acted upon by RAC or staff upon Council's approval.

Recreation Advisory Committee

10. TERM

The Committee shall be appointed for a four year term concurrent with the term of Council.

11. REMUNERATION

None.

12. MEETINGS

Generally, meetings will be held in the Shared Services Centre, Library Programming Room on the fourth (4th) Tuesday of the month at 7:00 pm on a quarterly basis or at the call of the Chair. Once yearly meetings schedules have been finalized they will be posted on the Council Meeting schedule on the municipal website at www.northmiddlesex.on.ca

Quorum of the committee is set at five (5) voting members including the Chair or Vice Chair, one other Council member and three (3) other voting members

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

13. AGENDAS

Agendas are developed by the Chair and Secretary with input from other applicable staff.

14. CONFLICT OF INTEREST

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

15. TERMS OF REFERENCE

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

16. CODE OF CONDUCT

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

17. OPERATIONAL BUDGET

RAC may be granted a yearly operational budget as part of the Recreation budget to fund minor activities, event attendance and other incidentals. All major RAC expenses shall require a motion, be recorded by the secretary and included in the minutes for review by Council.