

By-law No. 03-542**The Corporation of the Municipality of Temagami**

Being a By-law to govern the proceedings of the Committee of Adjustment for the Municipality of Temagami; and to repeal By-law No. 99-465, being a By-law to appoint a Committee of Adjustment in accordance with Section 44 and Section 45 of the Planning Act R.S.O., Chapter P.13 as amended by By-laws 99-470 and 01-511.

AND WHEREAS Council of the Corporation of the Municipality of Temagami deems it necessary to repeal the Committee of Adjustment By-law.

NOW THEREFORE the Corporation of the Municipality of Temagami enacts as follows:

1. That By-law No. 99-465, being a By-law to appoint a Committee of Adjustment is hereby repealed.
2. That a Committee of Adjustment be hereby established and that the duties of the said Committee shall be those as laid out in Sections 44 and Section 45 of the Planning Act of Ontario, as amended, and shall make recommendations for the consideration of Council of the Corporation of the Municipality of Temagami.
3. That the Committee of Adjustment shall have the power to grant consents for land severances within the Municipality of Temagami, pursuant to Section 53 of the Planning Act R.S.O. Chapter 13.
4. That the Committee of Adjustment shall consist of no fewer than three (3) and a maximum of nine (9) members to be made up of members of Council and appointed members outside of Council as follows:
 - a) Representatives from Council- Mayor (ex-officio) and one Councillor;
 - b) That each member of the Committee of Adjustment be a qualified member and continue to be so qualified during the term of his or her appointment, or he or she shall be deemed to have resigned.
 - c) Chairperson for the Committee of Adjustment shall be elected through Committee of Adjustment Resolution and Council By-law.
 - d) Vice Chairperson for the Committee of Adjustment shall be elected through Committee of Adjustment Resolution and Council By-law.

5. That each member of the Committee, who is not a member of council, shall hold office for the term of the council that appointed them (Section 44 (3) Planning Act)
6. The members of the committee who are members of a municipal council shall be appointed annually (Section 44(3) Planning Act)
7. Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment (Section 44(4) Planning Act)
8. When the Committee of Adjustment has received a letter of resignation from a member, the vacancy on the committee shall be filled as follows:
 - a) A notice will be placed in the local papers of general circulation, in local flyers where applicable, and on the Planning web site;
 - b) Prospective members shall submit a letter of interest to the Committee of Adjustment;
 - c) The Committee of Adjustment shall consider the applications and recommend by resolution first, second and third choices;
 - d) Council for the Corporation of the Municipality of Temagami shall make the final decision and appoint a person to fill the vacancy.
9. In accordance with Section 8(3) of the Planning Act R.S.O. 1990, Chapter 13 "The members of the committee shall be paid such compensation as the council may provide as per schedule "A" and may be amended by Council from time to time.
10. The committee shall appoint a Secretary Treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the money appropriated for the purpose. (Section 44(8) Planning Act)
11. The Secretary Treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all official business of the committee, and Section 74 of the Municipal Act applies with necessary modification of such documents. (Section 44(10) Planning Act)
12. The Committee of Adjustment members attending out of town training workshops shall be paid travel and per diem as per Council schedules.

COMMITTEE MEETINGS

13. Committee of Adjustment meetings shall be held as required in the Theatre of the Welcome Centre on the last Tuesday of each month at 6:30 p.m. and end by 10:00 p.m.
14. The Committee of Adjustment Chairperson may alter the date or time of the regular meeting provided that 48 hours notice is posted at the Welcome Centre and members of the Committee are notified.
15. The Committee of Adjustment Chairperson may, at any time, summon a special meeting.
16. The Secretary Treasurer shall provide notice, in a form approved by the Committee of Adjustment, from time to time, of the special meeting, specifying the purpose of the meeting, to all members, immediately following receipt of the summons, and shall post notice at the Welcome Centre.
17. The Chairperson shall preside at all meetings of the Committee of Adjustment.
18. When the Chairperson is absent or refuses to act, or the office is vacant, the Vice-Chairperson shall act in the place of the head, and, while so acting, the Vice-Chair has and may exercise all the rights, powers and authority of the Chairperson.
19. In the event that the Chairperson and Vice-Chairperson are not present, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
20. The Chairperson or presiding officer may expel, from a meeting, anyone who engages in improper conduct.
21. The Committee of Adjustment meetings shall be open to the public.
22. Notwithstanding Paragraph 18 above, a meeting of the Committee of Adjustment may be closed to the public if the subject matter being considered relates to:
 - a) Personal matters about an identifiable individual including Committee members
 - b) Litigation or potential litigation including matters affecting the Committee of adjustment
 - c) In receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

23. Before all, or part, of a meeting is closed to the public, the Committee shall state by Resolution:
 - a) The Fact of the holding of the closed meeting;
 - b) The general nature of the matter considered at the closed meeting.
24. Subject to Paragraph 19, a meeting shall not be closed to the public during the taking of a vote.
25. A meeting may be closed to the public during a vote if:
 - a) Paragraph 19 permits or requires a meeting to be closed to the public and
 - b) The vote is for a procedural matter or for giving direction or instructions to persons retained by or under contact with the Committee of Adjustment
26. Meetings or sessions, which are closed to the public, may be referred to as in-camera meetings or sessions.
27. No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision

AGENDAS AND SUPPORTING MATERIAL

28. The Secretary Treasure shall prepare agendas of the Committee of Adjustment meetings as assigned.
29. Insofar as is practicable, Committee of Adjustment agendas shall be prepared and made available to members on the Thursday prior to a regular meeting.
30. Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be effected without requiring amendment to this By-law.
 - i) Call to Order
 - ii) Adoption of the Agenda
 - iii) Reading of the Committee of Adjustment procedures
 - iv) Declaration of Pecuniary Interest and Conflict of Interest

- v) Minutes of Previous Meetings
 - vi) Applications to be heard
 - vii) New applications
 - ix) Other Business
 - x) Adjournment
- 31) The business of the Committee of Adjustment shall be taken up in the order on the agenda unless otherwise decided by a majority vote of committee members present.
- 32) The Municipal staff member will complete a planning report consisting of the following information;
- i) Property Description
 - ii) Proposed Development
 - iii) Official Plan Policies
 - iv) Zoning By-law
 - v) Potential Impacts
 - vi) Conclusions
 - vii) Recommendations
 - viii) Schedule "A" (to be a property diagram)
- 33) The planning report shall be distributed to the committee members one (1) week prior to the Committee of Adjustment meeting

MEETING PROCEDURE

- 34) The procedure for reading an application shall be as follows;
- i) The Chairperson shall call the meeting to order
 - ii) The Chairperson shall read the application to be heard
 - iii) The Secretary Treasurer shall read any correspondence that has been received relating to this application

- iv) The Chairperson will ask the applicant or the agent on behalf of the applicant if they would like to speak. It is expected that the applicant generally provide a brief outline of their request/proposal. (The Committee of Adjustment requests that this be kept to 10 minutes or less)
- v) All interested parties are then allowed to express their objections, concerns, or comments (The Committee of Adjustment requests that public speaking is limited to 10 minutes a person). Written correspondence can be submitted to the Secretary Treasurer at the Municipal Office anytime prior to the meeting.
- vi) The applicant is then allowed to respond to concerns raised by the public, (the Committee of Adjustment requests that responses be kept to 10 minutes or less)
- vii) The Chairperson asks the Committee members if they have any questions to direct at the applicant.
- viii) The applicant is given the opportunity to respond to that Committee
- ix) The Chairman then asks for a motion from the Committee, and the application is either approved or denied, or may be tabled depending on the circumstances.
- x) The Chairperson will then read aloud the decision of the Committee.

QUORUM

- 35. Where a committee is composed of three (3) members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum (Section 44(5))
- 36. If no quorum (see No. 35 of this By-law) is present one half hour after the time appointed for the Committee of Adjustment meeting, the treasurer shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.
- 37. If no quorum is expected in advance of the committee meeting the Secretary treasurer may cancel the committee meeting in advance by notifying all members

DUTIES OF THE CHAIRPERSON

38. It shall be the duty of the Chairperson or other presiding officer:

- a) To open the meeting by taking the chair and calling the members to order;
- b) To announce the business before the Committee in the order in which it is to be acted upon;
- c) To receive and submit, in the proper manner, all motions presented by the members;
- d) To put to a vote all questions which arise in the course of the proceedings, and to announce the result;
- e) To decline to put to vote motions which infringe upon the rules of procedure;
- f) To enforce on all occasions the observance of order and decorum among members;
- g) To call by name any member persisting in breach of the rules of the Committee thereby ordering the member to vacate the Theatre;
- h) To represent and support the Committee, declaring its will and implicitly obeying its decisions in all things;
- i) To ensure that the decisions of the Committee are in conformity with the laws governing the activities of the Committee
- j) To adjourn the meeting without question in the case of grave disorder arising in the boardroom;
- k) To order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Boardroom where such behaviour persists;
- l) To allow an unannounced delegation to be heard, if there is unanimous approval from all Committee members present.
- m) To abstain from voting except for the purposes of breaking a tie vote.

CONDUCT OF MEMBERS OF THE BOARD

39. No member shall:
- a) Use offensive words or un-parlamentary language in or against the Committee of against any member, staff or guest.
 - b) Disturb another, or the Committee, staff, or guest, by any disorderly conduct disconcerting to the speaker or assembly;
 - c) Speak on any subject other than the subject in debate;
 - d) Resist the rules of the Committee or disobey the decisions or the Chairperson or presiding officer of the Committee on questions of order or practice or upon interpretation of the rules of the Committee;
 - e) Leave a meeting without first obtaining permission from the Chairperson or the presiding officer.
 - f) Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Committee, until the next meeting and without making an apology to the Committee
 - g) Interrupt the member who has the floor except to raise a point of order.
40. No person shall be allowed to address the Committee or speak in debate without permission of the Chairperson or presiding officer.
42. All members shall follow the Municipality of Temagami Code of Conduct attached herein as Schedule B

GENERAL

43. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act.
- a. Any member who declares Conflict of Interest shall withdraw from the Committee while the matter, in which he/she declares conflict of interest, is discussed.
 - b Any member, who declares Conflict of Interest on an item to be discussed in-camera, will be required to leave the room, while the matter is discussed.
44. Individuals or groups which are listed on an agenda or are otherwise approved to speak before the Committee shall, be limited to not more than fifteen (15)

minutes except that a delegation of more than five (5) persons shall be limited to two (2) speakers each limited to not more than ten (10) minutes.

45. Following appointments of new Committee members, the Secretary Treasurer shall provide each member a copy of this by-law, including any amendments thereto.
46. In so far as practicable, all minutes of the Committee of Adjustment meetings shall be available within forty-eight 48 hours after the meeting and shall be posted on the Planning Web Site.
47. Any member of the Committee of Adjustment who misses three (3) consecutive regularly scheduled meetings or has an attendance record of less than sixty (60%) percent on an annual basis the chairman must report such attendance failure immediately to council. At this time a replacement may be made after consideration of the relevant facts.


This bylaw shall come into effect on the date of its passage in accordance with Section 8(1) of the Planning Act R.S.O. 1990 Chapter .13.

READ A FIRST AND SECOND TIME ON THIS 19TH DAY OF FEBRUARY 2003.

READ A THIRD AND FINAL TIME ON THIS 19TH DAY OF FEBRUARY 2003.



Mayor



Clerk

SCHEDULE "A"

Per Diems and Compensation for the Committee of Adjustment Per Diems

1. Remuneration of nil per meeting for all regular and special meetings is paid to Committee of Adjustment members attending the meeting.
2. Remuneration shall not be made to council members attending PAC meetings.
3. No remuneration shall be paid to absentees

Payment effective January 1, 2003.

SCHEDULE B

Municipality of Temagami Code of Conduct For Elected Officials and Council Appointed Board Members

1. Members shall attend and actively participate in all meetings
2. Members shall not interfere with the operational decisions and responsibilities of the day to day operation of the Municipal work force.
3. Members are encouraged to undergo any training that may be provided for them through the Ministry of Municipal Affairs and Housing
4. Members shall keep confidential any information disclosed or discussed at a meeting that was closed to the public.
5. No member other than the Mayor shall purport to speak on behalf of Council unless he or she is authorised by the Council to do so.
6. A Member who expresses disagreement with a decision of the Council shall make it clear that he or she is expressing a personal opinion.
7. Members shall discharge their duties loyally, faithfully, impartially and according to the Municipal act or any regulation, rule or by-law.
8. Members shall uphold the letter and spirit of the Code of conduct set out herein and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the Council
9. Members shall discharge their duties in a manner that respects the dignity of individual and in accordance with the Human Rights Code and the Charter of Rights and Freedoms (Canada).
10. Members shall not use their office to advance their interests or the interests of any person or organisation with whom or with which they are associated.
11. Members shall notwithstanding the right to debate; refrain from engaging in conduct that would discredit or compromise the integrity of the Council.
12. If the Council determines that a member has breached the Code of Conduct set out herein, the Council shall record that determination in its minutes and may,
 - a) Require the Member to appear before Council and be reprimanded
 - b) Request that the Ministry of Municipal Affairs and Housing conduct an investigation into the Member's conduct.

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