



Corporation of the Municipality of Temagami

Memo No. 2018-M-011

Memorandum to Council

Staff
[X] Committee

Subject: OMB Ad - Hoc Committee Terms of Reference

Agenda Date: March 13, 2018

Attachments: Draft OMB Ad – Hoc Committee Terms of Reference

RECOMMENDATION

[X] To recommend that:

WHEREAS at the OMB Ad-hoc Committee meeting held on February 21, 2018 the Committee reviewed and revised the draft Terms of Reference prepared by staff; NOW THEREFORE BE IT RESOLVED THAT that Council receive Memo-2018-M-011 regarding the OMB Ad-Hoc Committee Terms of Reference; AND FURTHER THAT Council adopt the Terms of Reference as presented.

INFORMATION

At the regular Council meeting held on January 25th, 2018 Councillor Prefasi, Chair of the Committee of Adjustment brought a Notice of Motion to Council for the December 15, 2017 meeting regarding the creation of an Ad-Hoc Committee to review and deal with the OMB appeals regarding Files No C-17-02 & C-17-03 Reid. Council directed the creation of an Ad-Hoc Committee on January 25, 2018.

Council passed the following resolution:

18-043 (As Amended)

MOVED BY: R. Prefasi

SECONDED BY: J. Harding

BE IT RESOLVED THAT Council appoint an Ad Hoc Committee composed of the Chairs of PAC and the Committee of Adjustment, the Mayor (or the Mayor's designate) and the Clerk to review the situation, to deal with this OMB Hearing proactively before the Municipality is engulfed in process and procedures which will not present the opportunity to speak to these issues in advance of a hearing, and to take proactive and appropriate actions and inform Council on a regular basis as to the progress of the OMB process as we move forward; AND THAT the Municipality's lawyer who is charged with defending the Municipality's position regarding this appeal be invited to meet with Council in February in a question and answer period.

CARRIED

At the OMB Ad-Hoc Committee meeting held on February 21, 2018 the consensus of the Committee was to present to Council the revised draft Terms of Reference attached to this Memo, which sets out the proposed purpose and scope of the Committee.

This committee is composed of 3 members of Council and one member of staff, with no members of the public, which meets the criteria for a Committee as defined in s.238(1)the Municipal Act, 2001, as amended.

Prepared by:

Reviewed by & Approved for Council consideration

Tammy Lepage, Planning Assistant

Elaine Gunnell, Municipal Clerk

Name & Position

Name & Position

Municipality of Temagami

TERMS OF REFERENCE FOR THE OMB AD-HOC COMMITTEE

Purpose

This is the Terms of Reference for the OMB Ad-Hoc Committee formed as directed by Resolution 18-043 on January 25, 2018 and appointed by the Council of the Corporation of the Municipality of Temagami on January 25, 2018. The purpose of the Committee is to review and to deal with the situation regarding two OMB appeals File No. PL171041 (C-17-02 - Reid) & File No. PL171040 (C-17-03 - Reid) in a proactive and appropriate manner prior to the Municipality being engulfed in process and procedures which will not present the opportunity to speak to these issues in advance of a hearing. The Committee shall inform Council on a regular basis as to the progress of the Committee.

Background

Councillor Prefasi, Chair of the Committee of Adjustment brought a Notice of Motion to Council for the December 15, 2017 meeting regarding the creation of an Ad-Hoc Committee to review and deal with the OMB appeals regarding Files No C-17-02 & C-17-03 Reid. Council directed the creation of an Ad-Hoc Committee on January 25, 2018 by motion 18-043, as amended.

Context and Scope

The Committee shall examine the process & procedures during the OMB appeal and provide recommendations to Council.

In carrying out their function the committee shall:

- Take proactive measures regarding the two OMB appeals and make recommendations to Council;
- Carry out any responsibility that may be assigned by Council in a timely manner;
- Review the OMB procedures and practices regarding Bill 139 and all committee members be provided a copy;
- Consider legal and planning advice that has been provided to Council on the matter. The Committee is authorized under these Terms of Reference to obtain additional legal and planning advice pertaining to these OMB hearings.

In making their report, the Committee shall also identify/define and advise Council on all pertinent issues, including but not limited to the following:

- Financial considerations regarding litigation matters pertaining to administrative tribunals;
- Level of risk (liability) to the municipality.
- Potential or existing obstacles to be addressed.

The Ad Hoc Committee is authorized by these Terms of Reference to send correspondence on behalf of the committee to individuals or groups as needed.

Committee Members

- The Committee Chair shall be Ron Prefasi
- The committee shall be comprised of:
 - Ron Prefasi, Chair of C of A
 - Debby Burrows, Chair of PAC
 - Lorie Hunter, Mayor (or her designate)

- Elaine Gunnell, Municipal Clerk

Meetings

Members of the Committee shall meet, in person or through teleconference, as needed to make recommendations.

This committee is composed of 3 members of Council and one member of staff with no members of the public, which meets the criteria for a Committee as defined in s.238(1)the Municipal Act, 2001, as amended. This Committee shall be subject to the Procedure By-law No. 17-1365 for: notice of meetings; meetings open to the public; and records of meetings:

- A staff person shall keep minutes of the meetings, which shall include the time and place of the meeting, those in attendance (including by remote means), the general nature of discussion and any recommendations to Council. Although formal motions shall not be required, they may be used as deemed advisable by the committee.
- Meetings open to the public: All meetings shall be open to the public to observe the proceedings, except where a meeting is closed under Section 239 of the Municipal Act. The Committee is authorized to go into Closed Session as specifically authorized by Council by the resolution adopting this Terms of Reference. All rules of the Procedure By-law and the Municipal Act concerning closed meetings shall apply.
- All meetings included closed session shall be audio recorded and available on the municipal website.
- Notice of meetings shall be made at least 2 working days in advance of such meeting and shall be posted on the Municipal website and on the bulletin board in the lobby of the Municipal Office.
- **Administrative Support Staff**

The Municipality shall provide the following municipal staff support to the committee:

Tammy Lepage, Planning Assistant as staff support will assist the committee as follows:

- Provide advice and background information;
- Provide administrative support in preparing agendas and recommendations of the Committee;
- Provide all documentation and correspondence relating to the appeals files;
- Take minutes of all Committee meetings. Minutes shall record the proceedings of the meeting without note or comment. This means recording the agenda items considered, the general nature of the discussion thereon, and any action items, recommendations, or resolutions resulting there from. The minutes shall be submitted to Council once approved;
- Assist in acquiring information from other organizations, including but not limited to the Provincial
- Government and its Ministries
- Other tasks and/or duties as directed.

Timing

This Committee shall be dissolved, once the Committee has submitted its final report to Council.