



THE MUNICIPALITY OF THE COUNTY OF  
LA MUNICIPALITÉ DU COMTÉ DE  
**RICHMOND**

## **By-Law Committee Terms of Reference**

The Municipality of the County of Richmond (hereafter “the Municipality”) has established a By-Law Committee.

### **Goals**

To assist the Municipality in an effort to:

- When a need is identified by either a member of the public, municipal administration or Council – a new or revised by-law will be researched and developed;
- The committee will act as a key governance committee designed to address, improve and develop defined direction(s) complete with municipal limitations and restrictions as situations and circumstances warrant;

### **Mandate**

The mandate of the By-Law Committee is to:

- Receive and consider recommendations for new or revised by-laws from Municipal staff (which may include input from interested individuals, groups and/or organizations);
- Provide a forum (when necessary) to receive, to hear or consider representation from any individual, organization or delegation with respect to a specific by-law;
- Take other steps consistent with this policy that the committee reasonably deems necessary to carry out its mandate; and,
- Take action on such matters as are lawfully delegated to it by Council.

The duties assigned to the Committee shall only be carried out by the Committee.

### **Rationale for By-Law and Policy Development**

A by-law is a form of legislation established by municipal government to resolve issues and address the needs of citizens; legal action can be taken as a consequence of non-compliance.

In addition, by-laws govern the actions of all people in the municipality.

- Municipal by-laws cannot interfere with legislation or regulations mandated by provincial or federal governments; however, they can be developed to complement or supersede provincial legislation.
- Municipal councils pass by-laws to address matters that will affect the public, such as access to transit services, signage or noise. Passing a by-law is legislated action.

By-laws follow a specific political process for their development. They must go through an approval process and must be signed both by the Warden and the Municipal Clerk under the seal of the municipal corporation.

It is essential that municipal by-laws and policies align with each other. Consistent overall governance and management of the municipality is assured when both by-laws and policies are clearly linked to a municipal strategic direction.

By-law and policy development is a municipal function and requires the background knowledge of professional municipal administrators in conjunction with community elected officials.

### **Membership**

Membership shall include the Warden and four (4) Councillors, Chief Administrative Officer, Chief Financial Officer, Director of Public Works, Municipal Clerk and the Manager of Recreation.

- The Council shall appoint members of the By-Law Committee by resolution.
- The term for Council members shall be four years. The Council member terms coincide with municipal elections.
- Administrative committee members will be involved to the extent their respective responsibilities and expertise are warranted.
- The Committee Chairperson will be the Warden, or his/her designate, of Richmond County Council.

### **Specific Roles and Responsibilities**

- The Committee, on an “as required” basis, will assess, evaluate and revise any/all municipal by-laws and policies in the context of the regulatory, social, community and municipal environment. Governance mechanisms include reviewing and monitoring the actions, practices, accountability and decisions of Council and affected stakeholders/ratepayers.
- As required, the Committee will deal with the issues of the day with a view towards solutions and/or development of new and/or revised by-laws and policies which can be multi-faceted and multilayered often involving more than one municipal department, level of government or nongovernmental agency.

- When necessary, the Committee, with advice from internal and external administrators, will factor Federal, Provincial and Municipal government ideology and principles into the By-Law and Policy development exercise. This includes Ministerial direction and preferences that relate to the particular policy initiative, policy exercise, underlying assumptions and requirements with respect to consultations.
- The Committee must ensure that By-Law and Policy development is implemented within the framework of existing legislation. By-Laws and Policies which require renegotiations or amendments to an existing tri-level agreement must be thoroughly researched and analyzed.
- All By-Law and Policy development must contribute to the municipal government's priorities or directives.

### **Committee Meetings**

- The Chairperson in consultation with the CAO may change meeting times when appropriate.
- The Chairperson in consultation with the CAO may convene additional meetings as deemed necessary.
- The Chairperson in consultation with the CAO may cancel meetings when there are no agenda items.
- A quorum will consist of fifty percent plus one of the total number of members. Vacancies shall not be counted towards the total number of members.
- Agenda items must be forwarded to committee members at least 4 days in advance of meetings.
- Agendas and staff reports shall be made available to the Committee 4 days prior to the scheduled meeting.
- No additions will be permitted at the beginning of a meeting unless unanimously accepted.
- Committee meetings are held as required. This is a mandatory committee of Council and includes all Councillors.

### **Conflict of Interest**

Committee Members shall declare possible conflicts of interest before agenda items are presented and leave the meeting or part of the meeting during which the matter is under consideration.

- A Committee member is in a conflict of interest when he or she exercises power, influence, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.

- No Committee member shall make a decision or participate in making a decision related to the exercise of power, influence, duty or function if the Committee member knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest.
- No Committee member shall use his or her position to seek to influence a decision of another person so as to further the committee member's private interests or those of the committee member's relatives or friends or to improperly further another person's private interests.
- No Committee member shall allow himself or herself to be influenced in the exercise of duty or function by plans for, or offers of monetary value or employment.
- No Committee member or member of his or her family shall accept any gift or other advantage that might reasonably be seen to have been given to influence the committee member in the exercise of duty or function.

## **Reporting**

The development, reporting and approval of By-laws will follow an established process of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings at Regular Council meetings and in the case of policies, Council majority approval at Regular Council Meetings.