

# The Corporation of the Municipality of Brockton



## By-Law 2023-080

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### Being a By-Law to Adopt a Terms of Reference for the Business Viability Committee – Durham Street Bridge

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**Whereas** the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9; shall be exercised by By-Law;

**And Whereas** the Council of the Corporation of the Municipality of Brockton has established a Business Viability Committee – Durham Street Bridge to facilitate the creation and implementation of a Business Viability Action Plan in an effort to offset economic challenges for Brockton businesses, industry and residents during the Durham Street Bridge (Walkerton) construction period;

**And Whereas** the Council of the Corporation of the Municipality of Brockton is desirous in adopting a revised Terms of Reference for the Business Viability Committee – Durham Street Bridge;

**Now Therefore** the Council of the Corporation of the Municipality of Brockton **Enacts as Follows:**

- 1.0 That the revised Terms of Reference for the Business Viability Committee – Durham Street Bridge as attached as Schedule "A" and forming part of this By-Law be hereby adopted.
- 2.0 That this By-Law shall come into effect upon final passage.
- 3.0 This By-Law may be cited as the "Business Viability Committee – Durham Street Bridge Terms of Reference By-Law".

**Read, Enacted, Signed and Sealed this 29th day of August, 2023.**

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Mayor – Chris Peabody

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Director of Legislative and Legal Services (Clerk) –  
Fiona Hamilton



## **Business Viability Committee – Durham Street Bridge–Terms of Reference**

### **Mandate**

The Durham Street Bridge is a connecting link and corridor between the East and West sides of Walkerton, and the larger community of Brockton. The bridge is in need of repair and will be replaced through the Durham Street Rehabilitation Project between William and McNab streets in Walkerton will have effects throughout the community related to pedestrian and traffic access to homes and businesses within the Walkerton Urban Area. Disruption to the flow of traffic and pedestrians is expected to continue during the construction period until the bridge work is completed.

The Business Viability Committee -Durham Street Bridge will facilitate the creation and implementation of a Business Viability Action Plan in an effort to offset economic challenges for Brockton businesses, industry and residents during the bridge construction period.

The Business Viability Action Plan will be developed and implemented with input from businesses, industry and resident representatives, with support and regular communication inputs from the County of Bruce. The Committee will foster community support and investigate funding opportunities to support Walkerton's business community as the bridge is rehabilitated.

### **Definitions**

For the purposes of this By-Law, the following definitions shall apply and have the following meanings:

#### **“Act”**

Shall mean the *Municipal Act, 2001* S.O. 2001, c. 25 as amended.

#### **“Brockton”**

Shall mean the Corporation of the Municipality of Brockton.

#### **“CAO”**

Shall mean the Chief Administrative Officer for the Corporation of the Municipality of Brockton.

#### **“Chair”**

Shall mean the member who presides at the Business Viability Committee -Durham Street Bridge meeting.

**"Committee"**

Shall mean persons appointed by Council to the Business Viability Committee - Durham Street Bridge.

**"CDC"**

Shall mean the Community Development Coordinator for the Corporation of the Municipality of Brockton.

**"Council"**

Shall mean the Council of the Corporation of the Municipality of Brockton consisting of the Mayor, Deputy Mayor and five Councillors.

**"Councillor"**

Shall mean a person elected or lawfully appointed to the Council of the Corporation of the Municipality of Brockton, but does not include the Mayor or Deputy Mayor.

**"County"**

Shall mean the County of Bruce.

**"Delegation"**

Shall mean a person or group of persons who are not Members of Council or Brockton staff who have requested and are permitted to address the Committee, individually or on behalf of a group.

**"Director"**

Shall mean the Director of Operations or designate for the Corporation of the Municipality of Brockton.

**"Economic Development Manager"**

Shall mean the Economic Development Manager or designate for the County of Bruce.

**"Engineering Manager"**

Shall mean the Engineering Manager for the Corporation of the County of Bruce.

**Minutes"**

Shall mean a record of the proceedings and decisions of the Committee at the meeting, and shall be made by the Secretary of the Committee without note or comment.

**"Secretary"**

Shall be the Municipal Executive Coordinator, or a person designated by the CAO.

### **“Vice-Chair”**

Shall mean the member who presides at the Durham Street Bridge Committee meeting in the absence of the Chair.

## **Structure**

The Committee shall be composed of members of the business and Industrial community and/or residents of Brockton who demonstrate a strong commitment to overall economic viability and connectivity of the community of Brockton.

The Committee shall consist of no less than five (5) members and no more than (7) voting members appointed by By-law, including:

- One (1) Brockton resident
- Two (2) Business Community Representatives
- One (1) Industrial Community Representative
- One (1) member of Brockton Council

The following individuals will also support on the Committee in a non-voting capacity, acting as a staff resource where agenda items require attendance:

- Brockton’s Chief Administrative Officer or designate
- Brockton’s Director of Operations
- Brockton’s Community Development Coordinator
- County of Bruce’s Engineering Manager or designate
- County of Bruce’s Economic Development Manager or designate
- Brockton’s Municipal Executive Coordinator, as Committee Secretary

The Community Development Coordinator (CDC) shall attend all Committee meetings and act as a staff resource and a communication link to the business community sharing information updates through newsletters, Brockton Buzz and emails in a timely manner. The CDC will further act as an advisor on initiatives that will support the economic viability of the downtown during this period with support from the County of Bruce Economic Development Manager or designate.

The Director of Operations for the Municipality of Brockton shall attend all Committee meetings to act as a resource on the committee regarding matters related to streets, traffic concerns, utilities, and affiliated operations in Brockton.

The Municipal Executive Coordinator for the Municipality of Brockton shall attend all Committee meetings as the Committee Secretary.

A member of the Committee shall be Chair of the Committee, to be elected by the committee when it is formed.

A member of the Committee shall be Vice Chair of the Committee, to be elected by the committee when it is formed.

The Mayor may attend all Committee meetings as an ex-Officio member and shall be entitled to vote, but shall not form part of the quorum unless they are already an appointed member.

The Engineering Manager shall attend meetings based on agenda items and as requested by the Director and shall provide updates on the Durham Street Rehabilitation Project as available.

The selection process of the members appointed to the Committee is at the sole discretion of Council and Council's decision is final.

Committee members are expected to adhere to the Brockton Council Code of Conduct. Failing to abide by the Council Code of Conduct may result in the Committee member being immediately dismissed from the Committee, following written notice.

## **Term**

The Committee shall be appointed for the term of the Durham Street Bridge Rehabilitation Project which shall extend into a new Council term.

Council has the right to not appoint a Member, in its sole and absolute discretion, and to seek out new members as Council may see fit at any time.

Once the Durham Street Bridge Rehabilitation project is fully completed, the Committee will be disbanded.

Resignations from the Committee must be in writing and addressed to the Director of Legal & Legislative Services (Clerk)

## **Administration**

1. The Committee will adhere to all aspects of Brockton's Procedural By-Law. Committee members are expected to adhere to the Brockton Council Code of Conduct. Failing to abide by the Council Code of Conduct may result in the Committee member being dismissed from the Committee, following written notice.
2. Minutes shall be kept of all Meetings and forwarded to the Clerk by the Committee Secretary, once adopted.
3. The Committee shall hold regular quarterly meetings until a decision has been made on the preferred alternative for the Durham Street Bridge. Following this decision, the Committee will meet every other month during the pre-construction and construction period. The Committee meetings will occur at either the Municipal Office, or Victoria Jubilee Hall (if available), or will be held electronically and open to the public. The Committee can also hold meetings at the call of the Chair.
4. The meeting schedule and agendas will be posted on the Brockton website.

5. Where the Chair has advised the Secretary that he or she shall not be present at the meeting, the Vice Chair shall be advised of the Chair's absence by the Secretary as soon as practicable.
6. A Quorum of Members shall be a majority of Committee members and shall be required to conduct any Committee business.
7. If no Quorum is present within fifteen (15) minutes after the hour appointed for a Meeting, the Secretary shall record the names of those present and the Meeting shall stand adjourned until the next meeting. Those present may choose to continue meeting for discussion purposes only, but no decisions to advance the business of the committee shall be made.
8. Council, on the recommendation of the Committee, may declare vacant the seat of any Member who has missed three (3) or more consecutive Committee meetings without submitting regrets to the Secretary.
9. A person who would like to appear as a delegation or make a presentation at a meeting of the Committee must submit a copy of their delegation report or presentation to the Municipal Executive Coordinator by 1:00 p.m. one week prior to a Committee meeting.
10. The subject matter of the delegation or presentation must be a matter within the committee's mandate, as determined by the Director, who may refuse a delegation when the subject matter is beyond the jurisdiction of the Committee.
11. No person other than the designated spokesperson may speak on the matter and not for more than ten (10) minutes, unless an extension is permitted by the Chair.
12. The Director shall have the authority to determine whether sufficient detail has been provided in preparation for a delegation or presentation and to request additional information as required from the presenter.
13. All Committee meetings are open to the public. The Committee may enter into a closed session only for the reasons enumerated in Section 239 (2) of the Act. The Director or Secretary shall take minutes of the closed session and provide these minutes to the Clerk of the Municipality once approved. The Director or Secretary may advise the Chair if, in their opinion, the item to be discussed does not meet the criteria in Section 239 (2) of the Act.

### **Role of Committee Members**

1. To act as a channel for information sharing about the Durham Street Bridge Rehabilitation Project.
2. To put aside personal views and consider the needs of various groups affected by the project when developing and implementing the Business Viability Action Plan

3. To create and implement a Business Viability Action Plan with a downtown focus while considering the needs of the broader community.
4. To foster community support for economic initiatives aimed at addressing the impacts of the Durham Street Bridge Rehabilitation.
5. To investigate funding opportunities to support Walkerton's business community for events, promotions, and marketing initiatives to lessen the negative impacts that may result from the Durham Street Bridge Rehabilitation project.

## **Financial**

1. All purchasing, handling of revenue and issuing of cheques shall be done in accordance with the applicable Brockton policies and shall be done only by the Director or designated staff. All accounting for the Committee shall be centralized in the office of the Treasurer of Brockton.
2. Financial information pertaining to the Committee shall be made available to Members at regularly scheduled meetings.