

The Corporation of the Municipality of Brockton



By-Law 2023-096

Being a By-Law to Adopt the Terms of Reference for the Brockton Project Management Committee

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 passed Resolution 20-27-20 on December 8, 2020 approving creating a stand-alone Project Management Committee to assist with project planning for new facilities;

And Whereas the Council of the Corporation of the Municipality of Brockton passed Resolution 23-14-03 on June 20, 2023 requesting that the Project Management Committee Terms of Reference be brought forward for adoption by-Law;

And Whereas the Council of the Corporation of the Municipality of Brockton is desirous in adopting a Terms of Reference for the Project Management Committee;

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

- 1.0 That the Terms of Reference for the Project Management Committee 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 "Project Management Committee Terms of Reference By-Law".

Read, Enacted, Signed and Sealed this 26th day of September, 2023.

Mayor – Chris Peabody

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



Project Management Committee –Terms of Reference

Mandate

The aim of the Project Management Committee is to assist with project planning for new facilities within the Municipality of Brockton.

The Project Management Committee will provide input into asset management of Municipal facilities, including studies, or agreements entered into by the Municipality.

The Committee will also annually review the goals and strategies of the Municipality's municipal facilities, including Asset Management Plans, and to provide advice and guidance to the Chief Administrative Officer and/or Director of Community Services on matters pertaining to the maintenance of existing municipal facilities and the development of new municipal facilities.

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 of the Corporation of the Municipality of Brockton

"Committee"

Shall mean persons appointed by Council to the Project Management Committee.

"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.

“Chair”

Shall mean the member who presides at the Project Management Committee meeting.

“Clerk”

Shall mean the Municipal Clerk or Deputy Clerk or designate duly appointed by Brockton Council as prescribed in Section 228 of the Act and designated by By-Law.

“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 Community Services of the Corporation of the Municipality of Brockton.

“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 Director of Community Services, or a person designated by the Director.

Structure

The Committee shall consist of no more than seven (7) voting members appointed by By-law and shall be Brockton residents over the age of 18. One (1) member of Council may be appointed to the Committee in a voting capacity. Up to six (6) members of the public may be appointed to the Committee with knowledge in long-term planning and asset management of Municipal facilities. If advertising for community members fails to generate sufficient membership then Council may appoint individual Councillors to sit on the Committee.

The CAO and/or Director of Community Services shall attend Committee meetings and act as a staff resource on the Committee in a non-voting capacity. The Director of Community Services shall act as Committee Secretary, or appoint a designate.

The CAO and/or Director of Community Services for the Municipality of Brockton shall be the lead persons on the committee providing Committee members with information/concerns on long-term planning for municipal facilities.

A Finance Department staff member will act as a liaison between the Project Management Committee and the Fundraising Committee for the new Walkerton Community Centre/Arena.

A member of the Committee shall be Chair of the Committee to be elected by the committee at the first meeting following a new term of Council.

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 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.

The Committee are tasked with project planning for municipal facilities when appropriate projects have been authorized. (Such as the Bruce Power Regional Soccer Park, and new Municipal Arena/Community Centre).

Term

The Committee shall be appointed for the term of Council, but shall continue until such time as new Committee members are appointed by a new Council following an election.

Every Member shall be eligible for re-appointment to the Committee; they must express their intent to continue on the Committee to the Clerk's office, in writing in an election year, if applicable.

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

Resignations from the Committee must be in writing addressed to the Director of Community Services.

The Committee requirements will be reviewed on an annual basis and shall the committee no longer be required, a report to Council and formal notice will be provided to the committee.

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 immediately 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 at a Brockton Municipal Facility, and or participate electronic meetings that are open to members of the public should

external influences prohibit the ability to meet in-person. 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. The committee shall work with the Accessibility Committee in relation to the development or expansion of any facility to ensure we meet the accessibility requirements and address any possible concerns.
10. 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 Director by 1:00 p.m. one week prior to a Committee meeting.
11. 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.
12. 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.
13. 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.
14. 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 Designated 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 assist with project planning for Municipal facilities, including replacement of existing facilities, and development for constructing new facilities.
2. To consult with, advise and make recommendations to the Council on matters affecting the development and maintenance of Municipal facilities.
3. To provide input into asset management of Municipal facilities, including studies, or agreements entered into by the Corporation of the Municipality of Brockton.
4. To be consulted whenever it is proposed to lease, sell or to otherwise dispose of any municipal land that is held for municipal purposes and whenever it is proposed to purchase or otherwise acquire land for municipal purposes.
5. To annually review the goals and strategies of the Corporation of the Municipality of Brockton's municipal facilities, including Asset Management Plans, and to provide advice and guidance to the CAO and Director on matters pertaining to the maintenance of existing municipal facilities and the development of new municipal facilities.

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 CAO, 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.