

THE CORPORATION OF THE CITY OF SARNIA
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PLANNING AND BUILDING DEPARTMENT

OPEN SESSION REPORT

TO: Members of Sarnia City Council

FROM: Alan Shaw, Director of Planning and Building

DATE: December 12, 2016

SUBJECT: Planning Advisory Committee By-Law and Terms of Reference

Recommendation:

It is recommended:

That Sarnia City Council receive the Draft Planning Advisory Committee By-law for information with consideration of adoption at the February 6, 2017 regular meeting of Council.

Background:

Following the amalgamation of the City of Sarnia with the Town of Clearwater, By-law 13 of 1991 was approved by City Council which established a Planning Advisory Committee (PAC) for the City. This by-law sets out how members are to be appointed, the duration of their terms, and the mandate of the committee. This by-law was amended by By-law 188 of 1994 which refined the mandate of the Committee as an advisor to Council on community planning matters and to assist in the undertaking of major planning assignments including the Official Plan and Zoning By-law.

Comments:

Since the by-law was approved in 1991, a number of legislative, regulatory and local municipal administrative changes have occurred. In particular, the By-law needs to be revised to reflect the current *Planning Act* and applicable sections. Also, the City has made administrative changes to the committee appointment process and the rules governing the proceedings of committees. While the current PAC By-law requires three year terms for appointments, in practice the City has been appointing members for two-year terms. In addition, City Council has adopted a Code of Conduct that should be incorporated into Committee proceedings.

It is proposed to repeal By-law 13 of 1991, as amended, and enact a new by-law as shown in Attachment 1 that would reflect current *Planning Act* terminologies and current City committee appointment durations. It would also reference current policies and procedures including the Code of Conduct. The Committee would retain its present mandate.

Consultation:

The attached by-law and terms of reference were developed in consultation with the membership of the Planning Advisory Committee. The Committee reviewed the proposed by-law and terms of reference at its September 29, 2016 meeting and voted to recommend approval at its October 27, 2016 meeting.

The City Clerk, City Solicitor and City Manager were consulted in the preparation of this report. The report and draft by-law will be posted on the City website for comment. It is anticipated that a final report and by-law will be brought forward for Council consideration at the early February meeting.

Financial Implications:

None.

Reviewed by:



Alan Shaw
Director of Planning and Building

Approved by:



Margaret Misek-Evans
City Manager

This report was prepared by Kevin Edwards MCIP RPP, Planning Manager.

Attachment: Draft By-Law and Terms of Reference
 By-law 13 of 1991
 By-Law 188 of 1994

ATTACHMENT 1

BY-LAW NUMBER XX OF 2016 OF THE CITY OF SARNIA

“A By-Law to Establish a Planning Advisory Committee and provide for the Appointment of Members thereto”

(Re: Planning Advisory Committee By-Law)

WHEREAS Section 8(2) of the Planning Act, R.S.O., 1990, c. P.13, (hereinafter called the “Act”), provides that the Council of a lower-tier municipality may appoint a Planning Advisory Committee;

AND WHEREAS The Council of the Corporation of the City of Sarnia deems it advisable to establish such a Committee and provide for the appointment of members thereto.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF SARNIA ENACTS AS FOLLOWS:

1. A Planning Advisory Committee for the City of Sarnia is hereby established.
2. The Planning Advisory Committee shall consist of seven members, all to be appointed by the Council of the Corporation of the City of Sarnia by resolution from time to time as hereinafter set forth.
3. Members of Planning Advisory Committee shall be appointed for a two year term.
4. Members of the Committee shall hold office until their successors are appointed, and are eligible for re-appointment and, when a

member ceases to be a member before the expiration of their term, Council shall appoint another eligible person for the unexpired portion of the term.

5. The Planning Advisory shall at its first meeting of each year, elect a Chair and a Vice-Chair from its membership.
6. A Secretary, who shall be a staff member of the Planning Division of the Planning and Building Department, shall keep on file minutes and records of all matters considered by the Committee.
7. The Planning Advisory Committee shall advise and assist Council on special projects of a planning nature that are referred to it by Council and may hold public meetings and make recommendations to Council on any such matters referred to it. It may in addition, be requested to investigate and report to Council on specific planning issues.
8. The Committee shall meet as often as is necessary to deal with the matters referred to it by Council.
9. The Committee shall follow any applicable legislation and regulations under the Act and abide by the Code of Conduct adopted by Council.
10. The Committee members shall be paid such sum of money toward their mileage expenses as may be established from time to time by Council resolution.
11. That the Terms of Reference of the Planning Advisory Committee are set out in Schedule "A" attached hereto and forming part of this By-Law.

12. The short title of this By-Law will be the "Planning Advisory Committee By-Law".
13. This By-Law repeals By-Laws Number 13 of 1991 and 188 of 1994 of the City of Sarnia.

By-Law Read a First, Second and Third time this (insert the Council meeting day) **day of** (insert the Council meeting month) **2016**

Mike Bradley
Mayor

Dianne Gould-Brown
Acting City Clerk

SCHEDULE "A"

PLANNING ADVISORY COMMITTEE TERMS OF REFERENCE

1.0 Mission Statement

The mission of the Planning Advisory Committee is to advise staff and City Council on planning matters assigned to the Committee by Council. These matters usually involve significant planning exercises such as Official Plan, Zoning By-law reviews and special projects. This mission shall be accomplished through the provision of advice and recommendations that provide a citizen perspective on planning matters affecting the City of Sarnia.

2.0 Mandate

The mandate of Planning Advisory Committee is to:

- a) Advise City Council and planning staff on planning matters
- b) Advise City Council on the Official Plan and Zoning By-laws
- c) Conduct research, prepare, review and comment on draft reports
- d) Host public meetings from time to time

3.0 Administration Process

As a Committee of Council, the Planning Advisory Committee reports to Council through support staff.

At the first meeting of the year, the committee shall:

- a) Elect a Chair and Vice Chair
- b) Establish dates and times for regular meetings throughout the year
- c) Review Terms of Reference
- d) Generate an annual plan of activities.

Meetings shall be conducted with an agenda that is approved by the members. Agenda packages are considered confidential information and will be sent to members a week prior to the meeting. Items in the package are not to be discussed or distributed to others, unless otherwise advised by staff.

Meetings will generally be open to the public. There may be situations where sensitive issues are discussed, and in such instances the advice of the City Solicitor may be sought before the matter is discussed.

Minutes of meetings shall be recorded and shall be amended as necessary and adopted at the following meeting. Meeting minutes shall be provided to City Council.

3.1 City Staff Support

The Director of Planning and Building and/or Manager of Planning and one Planning staff member will attend the Committee meetings. A staff person of the Planning Division of the Planning and Building Department will act as Secretary for the Committee.

3.2 Quorum

A meeting quorum shall be four committee members.

3.3 Decision Making

The rules of parliamentary procedure as contained in Robert's Rules of Order 11th Edition shall be followed for governing the proceedings of the Committee. All motions properly put before the Committee shall be voted upon. All members will have one vote and a simple majority carries the motion. A tie vote is lost. As a full member the Chair may vote on any motion.

The Committee will strive for consensus on all issues. If consensus is not reached, minority views are welcomed on any issue and will be reflected in the minutes.

4.0 Conflict of Interest

Members having a pecuniary or non-pecuniary interest in any issue under consideration by the Committee shall declare the conflict of interest to the Chair at the beginning of the meeting or at the earliest time known and shall not discuss or vote on the issue or influence the vote of any member. The member may be requested to leave the meeting during the discussion and/or vote on the issue.

5.0 Committee

- a) Members are appointed by City Council pursuant to subsection 8 (1) of the Planning Act and implemented by the Planning Advisory Committee By-law. Members will demonstrate an interest in and knowledge of community planning matters.
- b) The committee is comprised of seven community members.
- c) Committee members will be appointed by Sarnia City Council to a two year term.

- d) Members will be expected to attend every meeting. If a member is absent for three consecutive meetings without contacting either the Chair or the staff person assigned to the Planning Advisory Committee the committee can recommend the member to be removed from the committee. When a member ceases to be a member before the expiration of his term, Council may appoint another eligible person for the unexpired portion of the term.
- e) Committee members are required to abide the City of Sarnia's Code of Conduct.

6.0 Media Inquiries

All media inquiries should be directed to the Chair and the staff person assigned to the Planning Advisory Committee.

7.0 Amendment of Terms of Reference

A recommendation to amend the Terms of Reference can be made by a motion endorsed by at least two thirds of the membership of the Committee; however such changes must be approved by Sarnia City Council.

8.0 Committee Budget

The Committee does not have a separate budget that they are responsible for. When special projects are approved by Council, a special project budget is established within the Planning Department to cover the costs associated with carrying out the respective planning programs. The Planning Advisory Committee By-Law provides that Committee members be paid such sum of money toward their mileage expenses as may be established from time to time by Council resolution, but in practice, mileage expenses have not been reimbursed.

Job Descriptions

Chair

The Chair conducts committee meetings, establishes agendas, calls meetings to order, monitors committee budget and is the committee spokesperson to the media and City Council. The Vice-Chair assumes the responsibilities of the Chair in his/her absence.

Secretary

The Secretary performs all administrative duties related to the Committee, acts as a resource for the Committee during meetings, and keeps on file minutes and records of all matters considered by the Planning Advisory Committee.

BY-LAW NUMBER 13 OF 1991
OF THE CITY OF SARNIA-CLEARWATER

"A By-Law to Establish a Planning Advisory
Committee and provide for the Appointment
of Members thereto"

WHEREAS Section 8 of the Planning Act, S.O., 1983,
c. 1, (hereby called the "Act"), provides that the Council
of a municipality may appoint a Planning Advisory Committee;

AND WHEREAS the Council of The Corporation of the
City of Sarnia-Clearwater deems it advisable to establish
such a Committee and provide for the appointment of members
thereto.

NOW THEREFORE the Council of The Corporation of
the City of Sarnia-Clearwater enacts as follows:

1. A Planning Advisory Committee for the City of
Sarnia-Clearwater is hereby established.
2. The Planning Advisory Committee shall consist of
seven members, all to be appointed by the Council of
The Corporation of the City of Sarnia-Clearwater by
resolution from time to time as hereinafter set forth.
3. Members of the Committee shall hold office until
their successors are appointed, and are eligible for
re-appointment and, when a member ceases to be a member
before the expiration of his term, Council shall
appoint another eligible person for the unexpired
portion of the term.
4. Members of Planning Advisory Committee shall be
appointed for a three year term.

5. The Planning Advisory Committee shall at its first meeting of each year, elect a Chairman and a Vice-Chairman from its membership.

6. The Committee shall appoint a Secretary, who shall be a member of the Planning and Development Policy area, and who shall keep on file minutes and records of all matters considered by the Committee.

7. The Planning Advisory Committee shall advise and assist Council on all matters of a planning nature that are referred to it by Council and, without limiting the generality of the foregoing, it shall;
 - i) Hold public meetings and make recommendations to Council on applications to amend the Official Plans and Zoning By-Laws of the City of Sarnia-Clearwater;
 - ii) Hold public meetings and make recommendations to Council on applications for the approval of plans of subdivision or condominium;
 - iii) Review the Official Plans of the City of Sarnia-Clearwater or portions of them and make recommendations to Council for their revision or implementation; and
 - iv) Investigate and report to Council on specific planning issues.

8. All applications for amendments to the Official Plans or the Zoning By-Laws of the City of Sarnia-Clearwater and all plans of subdivision and condominium submitted for Council's approval will be referred to the Planning Advisory Committee for a public meeting and recommendation except where, in the opinion of Council, a public meeting of the Planning Advisory Committee is unnecessary or may cause an unreasonable delay in the processing of an application.
9. The Committee shall meet on a monthly basis or as often as is needed to deal with the matters referred to it by Council.
10. The Committee shall follow any applicable regulations under the Act and generally abide by the Rules of Order adopted by Council.
11. The Committee members shall be paid such sum of money toward their mileage expenses as may be established from time to time by Council resolution.
12. The short title of this By-Law will be the "Planning Advisory Committee By-Law".
13. This By-Law repeals By-Law Number 8623 of the City of Sarnia and By-Law Number 5 of 1989 of the Town of Clearwater, both as amended from time to time.
14. This By-Law supercedes any corresponding By-Laws of the former City of Sarnia or former Town of Clearwater which, through inadvertence, may not have been repealed.

15. This By-Law comes into force and effect on the day
it is finally passed.

FINALLY PASSED this 8TH day of JANUARY , 1991.



Mayor,



Clerk

BY-LAW NUMBER 13 OF 1991
OF THE CITY OF SARNIA-CLEARWATER

"A By-Law to Establish a Planning
Advisory Committee and provide for
the Appointment of Members thereto"

READINGS:

FIRST: JANUARY 8th 1991
SECOND: JANUARY 8th 1991
THIRD: JANUARY 8th 1991

THE CORPORATION OF THE CITY
OF SARNIA-CLEARWATER (VRM:df)
Legal Services
City Hall
Sarnia, Ontario
N7T 7N2

BY-LAW NUMBER 188 OF 1994
OF THE CITY OF SARNIA

"A By-Law to Amend By-Law Number 13 of 1991"

WHEREAS Council of The Corporation of the City of Sarnia deems it advisable to amend the mandate of the Planning Advisory Committee of the City of Sarnia;

NOW THEREFORE the Municipal Council of The Corporation of the City of Sarnia enacts as follows:

1. Paragraphs 7, 8 and 9 of By-Law Number 13 of 1991 are hereby repealed.
2. The following paragraphs 7, 8 and 9 are substituted therefor:
 - "7. The Planning Advisory Committee shall advise and assist Council on special projects of a planning nature that are referred to it by Council and may hold public meetings and make recommendations to Council on any such matters referred to it. It may in addition, be requested to investigate and report to Council on specific planning issues.
 8. The Committee shall meet as often as is necessary to deal with the matters referred to it by Council."
3. This By-Law comes into force and effect on the day it is finally passed.

FINALLY PASSED this 19th day of December, 1994.



Mayor



Clerk

BY-LAW NUMBER 188 OF 1994
OF THE CITY OF SARNIA

"A By-Law to Amend By-Law Numer 13 of 1991"

READINGS:

FIRST: Dec. 19, 1994

SECOND: Dec. 19, 1994

THIRD: Dec. 19, 1994

THE CORPORATION OF THE CITY
OF SARNIA (VMG:df)
Legal Services
City Hall
Sarnia, Ontario
N7T 7N2
