

The Corporation of the Township of Huron-Kinloss



BY-LAW

2013-04

BEING A BY-LAW TO ESTABLISH AND GOVERN THE PROCEEDINGS OF THE TOWNSHIP OF HURON-KINLOSS NUCLEAR WASTE ADVISORY COMMITTEE, THE CONDUCT OF ITS MEMBERS AND THE CALLING OF THE MEETINGS OF THE COMMITTEE.

WHEREAS the *Municipal Act, 2001*, as amended and the Township of Huron-Kinloss Procedural By-law 2012-20 , authorizes every municipal Council to enact By-Laws to govern the proceedings of Council and Committees;

AND WHEREAS the Council of the Corporation of the Township of Huron-Kinloss deems it advisable to enact a By-Law to establish and govern the proceedings of the Township of Huron-Kinloss Nuclear Waste Advisory Committee, the conduct of its members and the calling of meetings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS Enacts As Follows:

A. DEFINITIONS

"Administrator" – shall mean the Administrator of the Township of Huron-Kinloss.

"Chairperson" – shall mean the Council member appointed to Chair any meeting of the Committee.

"Clerk"- shall mean the Clerk of the Township of Huron-Kinloss

"Committee" – shall mean the Nuclear Waste Community Advisory Committee.

"Council" – shall mean The Corporation of the Township of Huron-Kinloss Municipal Council.

“Majority” – shall mean more than half of the Members present and voting on an issue. The count shall include only those present including the Chairperson of the Meeting.

“Member” – shall mean a person appointed by the Consolidated Appointment By-Law to the Nuclear Waste Community Advisory Committee.

“Municipality” – shall mean the Township of Huron-Kinloss.

“NWMO” – shall mean the Nuclear Waste Management Organization.

“NWMO Community Liaison/Project Coordinator” - shall mean an employee of the Township of Huron-Kinloss appointed to assist with the Site Section Process and Adaptive Phase Management Process.

“Procedural By-Law” – shall mean the most current By-Law on the Proceedings of Council and Committees as adopted by Council.

“Quorum” – shall be the number equal to a majority of members of the whole Committee.

“Residency” - shall mean a person who is the owner or tenant of land in the municipality and shall reside in the municipality in a permanent or seasonal dwelling.

“Secretary” - shall be the NWMO Community Liaison/Projector Co-ordinator for the Township of Huron-Kinloss or designate.

“Treasurer” – Shall mean the Treasurer for the Township of Huron-Kinloss.

“Vice Chairperson” – shall mean the alternate Council member appointed and shall have all the powers of the Chairperson in the absence of the Chairperson.

B. MANDATE

1. To engage, educate and listen to the community of Huron-Kinloss regarding the NWMO's Site Selection Process.
2. To gather technical and social research and information related to the NWMO's Site Selection Process.
3. To provide advice to the Council of the Municipality regarding the NWMO's Site Selection Process and Adaptive Phased Management.
4. In addition to items B. 1, 2, 3 outlined above the Committee Members will:
 - a. be a positive catalyst for the community as it applies to learning more about the Deep Geological Repository in Huron-Kinloss
 - b. act as one body and speak as one body
 - c. work with NWMO representatives to make recommendations for preparation for a clear plan of action
 - d. interact with other associations and interest groups
 - e. Identify, discuss and explore issues relating to the establishment of a long term nuclear waste storage facility and make recommendations to Council based on findings
 - f. Assist with hiring of the consultant for the third party review process
5. The mandate¹ of the Nuclear Waste Management Organization, as established by the Federal Government of Canada and its governing legislation is as follows:

¹ Source – www.nwmo.ca

The Nuclear Waste Management Organization (NWMO) was established in 2002 under the *Nuclear Fuel Waste Act (NFWA)* to investigate approaches for managing Canada's used nuclear fuel, a by-product of the generation of electricity in a nuclear power plant. If not managed properly, used nuclear fuel is hazardous to people and the environment for a very long time. Currently, nuclear power plants are operating in Ontario, Quebec and New Brunswick.

The *NFWA* required electricity generating companies which produce used nuclear fuel to establish a waste management organization to provide recommendations to the Government of Canada on the long-term management of used nuclear fuel.

The legislation also required the nuclear fuel waste owners to establish segregated trust funds to finance the long term management of the used fuel. These funds were established in 2002. Contributions are made annually by the waste owners and audited financial statements are posted on the NWMO website.

The *NFWA* required the Nuclear Waste Management Organization to establish an Advisory Council whose comments on the organization's study and triennial reports must be made public.

Within three years of the legislation coming into force, the NWMO was required to submit to the Minister of Natural Resources proposed approaches for the management of used nuclear fuel, along with comments of the Advisory Council, and a recommended approach. The NWMO conducted its study over three years and presented its report and recommended approach to the Minister of Natural Resources Canada in November 2005.

The legislation authorized the Government of Canada to decide on the approach. In June 2007, the government selected Adaptive Phased Management (APM), the approach recommended by the NWMO. The organization is now responsible for implementing APM, subject to all the necessary regulatory approvals.

C. COMMITTEE STRUCTURE

1. The Nuclear Waste Community Advisory Committee shall consist of no more than seven (7) voting members appointed by By-Law.
2. The seven (7) members of the Committee shall be comprised of no more than two (2) members of Council and five (5) members who shall have residency in the Township of Huron-Kinloss and shall be over the age of 18.
3. Council will appoint an alternate Council member to ensure the attendance of two (2) Councillors at all meetings.
4. The Mayor shall sit on the Committee as *ex-officio* without voting rights.
5. The Administrator and/or Clerk shall act as a liaison between the Committee and the Council of the Township of Huron-Kinloss and may attend all meetings as a non-voting staff resource.
6. The Chair shall act in conjunction with the Administrator and/or Clerk as a liaison between the Committee and the Council of the Township of Huron-Kinloss and shall attend all meetings or notify the Secretary if unable to attend.
7. The Nuclear Waste Community Advisory Committee shall consist of representatives offering a diversified cross-section of the community at the Mayor and Council's sole discretion.
8. The Chairperson and Vice Chairperson of the Committee shall be appointed by Council prior to the first meeting.
9. The Secretary of the Committee will be an employee of the Township of Huron-Kinloss and will attend all meetings as a non-voting staff resource.
10. The Committee Composition is outlined in the attached Schedule "A"

11. The Responsibilities and Reporting Relationships are outlined in the attached Schedule "B"

D. TERM

1. The selection process of the members appointed to the Nuclear Waste Community Advisory Committee is at the sole discretion of Council and Council's decision is final.
2. The term of office of the members of the Nuclear Waste Community Advisory Committee shall expire at the completion of the term of Council in an election year. Upon written request every member of the Committee shall be eligible for re-appointment to the Committee. Council has the right to not re-appoint without just cause and seek out new members.
3. If Council decides to exit the Nuclear Waste Management Organization's Site Selection Process, the term of office shall end immediately upon a Council Resolution directing the Corporation to end involvement in the Site Selection Process.

E. ADMINISTRATION

1. In carrying out the provisions of this By-Law the Committee shall, at all times, be the agent of the Municipality and while acting *bona fide* within the limits of the authority of this By-Law, neither the Committee nor any member thereof, shall incur any liability by reason of anything done or left undone by the Committee; provided, however, that nothing in the paragraph contained shall authorize or empower the Committee to incur any debt, liability or obligation for which the Municipality shall become liable, without having previously obtained the consent of Council.
2. The Committee shall be responsible for advising Council on issues related to the NWMO's Site Selection Process as defined in the Mandate for the Committee.
3. The Committee shall hold Regular Meetings and Special Meetings from time to time as deemed necessary. A regular monthly meeting schedule may be established if required.
4. Minutes shall be kept of all Meetings and forwarded to the Clerk by the Committee Secretary once adopted.
5. Within fifteen (15) minutes after the hour appointed for a Meeting, and if the Chairperson does not attend, the Vice-Chairperson or designate shall call the members to order if a quorum is present, and shall preside during the Meeting or until the arrival of the Chairperson.
6. Where the Chairperson has advised the Secretary that he / she will not be present at the Meeting, the Vice Chairperson shall be advised as soon as practicable.
7. A quorum of Members shall be required to conduct any Committee business.
8. 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 Regular Meeting.

9. Council, on the recommendation of the Committee, may declare vacant the seat of any Committee Member missing three (3) consecutive Meetings without just cause.
10. The most current Procedural By-Law shall apply to Committee Meetings.
11. In the case of a disagreement between this By-Law and the Procedural By-Law, the Procedural By-Law shall govern.
12. A person who would like to appear as a Delegation or Presentation in a Meeting of the Committee must submit a copy of their Delegation Report / Presentation Report to the Administrator by 1:00 p.m. one week prior to a Committee Meeting.
13. The subject matter of the Delegation / Presentation must be a matter within the Committee's area of responsibility as defined in Section B – Mandate as determined by the Administrator.
14. No Person other than the designated spokesperson may speak on the matter and not for more than ten (10) minutes, except that a delegation consisting of three (3) or more persons who are present at the meeting and wish to discuss the same issue may have more than one (1) speaker provided that the speaking time collectively does not exceed ten (10) minutes.
15. Notwithstanding *item 13*. Presentations such as consultants reports or deputations which are made at the request of the Committee are not considered to be the same as Delegations and are not subject to the time limit.
16. The Committee shall not make a decision in response to a Delegation / Presentation during the Delegation / Presentation. Members of the Committee may seek clarification from the presenter(s), but shall not enter into a debate on the subject matter.
17. A written response will be provided as a follow up to each presenter or group.
18. A delegation appearing before the Committee shall not be placed on an Agenda to discuss the same matter within six (6) months of the last appearance by the same delegate or group, unless approved by the Administrator.
19. The Administrator shall have the discretionary authority to determine whether sufficient detail has been provided in preparation for the subject Delegation / Presentation and to request additional information as required from the presenter.
20. The Administrator shall have the authority to determine the Meeting at which a Delegation / Presentation will be scheduled, having regard to time sensitive issues.
21. The Administrator reserves the right to deny a Delegation / Presentation request where the subject matter includes content which falls within Section 239 of *The Municipal Act, 2001* or matters covered by *The Municipal Freedom of Information and Protection of Privacy Act*.
22. The Administrator may refuse a delegation when the subject matter of the delegation is beyond the jurisdiction of the Committee.

F. PERSONNEL

1. The Committee will be provided with a Secretary for the purpose of preparing Committee Agendas and Minutes or for other requirements as approved by the Administrator.
2. All staff providing assistance to the Committee shall report directly to the Administrator.

G. FINANCIAL

1. Annually, by December 1st, the Committee, shall submit to the Council any financial requirements for its approval, and shall make to Council such other financial reports as required.
2. The Committee shall not have its own bank account. All deposits and payments will be made through the Treasurer as regulated by *The Municipal Act, 2001*.
3. All accounting shall be centralized in the office of the Treasurer and all purchasing, handling or revenue and the issuing of cheques will be done according to established municipal procedures.

H. REPORTING

1. The Committee shall be required to submit regular reports to Council on information that should be shared with Council or on advice to Council on any matter within its mandate. Reports will be supplied quarterly in March, June, September and December at a minimum.
2. All reports shall be in the written format as established by the Municipality.

I. RECONSIDERATION

1. An issue shall not be brought back for reconsideration within six (6) months of the issue being originally determined, discussed or raised.

J. ACCESS TO INFORMATION FOR COMMITTEE MEMBERS

1. Members of the Committee shall have access to information through the Administrator in order to fulfill their mandate as a Member, provided he / she is not prohibited by statute from having such information.
2. Files and documents may not be removed from the care and control of the Administrator and, under no circumstances, shall such material be removed from the Municipal Office, except as required by Statute.
3. In all cases, the *Municipal Freedom of Information and Protection of Privacy Act* (Provincial) and the *Personal Information Protection and Electronic Documents Act* (Federal) will govern.

K. EFFECTIVE DATE

1. This By-law shall come into full force and effect upon its final passage.

L. TITLE

1. This By-law may be cited as the "Nuclear Waste Community Advisory Committee By-law".

Read a First, Second and Third time and finally passed this 28th day of January, 2013.

Original Signed by Mitch Twolan

Mayor

Mitch Twolan

Original Signed by Sonya Watson

Clerk

Sonya Watson

Nuclear Waste Community Advisory Committee

By-Law 2013-04

SCHEDULE "A"

NUCLEAR WASTE COMMUNITY ADVISORY COMMITTEE COMPOSITION

| Committee Composition | Number of Representatives |
|------------------------------------------------------------------------------------|----------------------------------|
| <u>Voting Members</u> | |
| Council Members (Chairperson and Vice Chairperson) | 2 |
| Council Alternate (will vote only in the absence of the Chair or Vice chairperson) | |
| Resident Members | 6 |
| <u>Non Voting Member/Staff Resource</u> | |
| Secretary - NWMO Community Liaison/Project Coordinator | 1 |
| Administrator | 1 |
| Clerk | 1 |
| NWMO Employee Resources | as required |

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SCHEDULE "B"

RESPONSIBILITIES AND REPORTING RELATIONSHIPS

THE CHAIR

1. The Chair is the head of the Committee and appointed from the members on Council.
2. The Chair of the Nuclear Waste Community Advisory Committee in conjunction with the Administrator and/or Clerk shall be the primary liaison between Council and the Committee.
3. The Chair shall be responsible for maintaining decorum at meetings.
4. The Chair shall, in conjunction with the Administrator and/or Clerk and Secretary shall, develop agendas for the regular meetings of the Committee.
5. The Chair shall strive to ensure that the Committee is fulfilling the Mandate of the Committee.

THE SECRETARY

1. The Secretary in conjunction with the Administrator and/or Clerk shall prepare the agenda and supporting materials for the meetings.
2. The Secretary shall record the time, place and date of each meeting held by the Committee.
3. The Secretary shall remit to the Clerk, in a timely manner, the minutes of each meeting in order that they may be placed on the Council agenda for review.
4. The Secretary shall record the decisions of the Committee.
5. The Secretary is the primary staff support person for the Committee.
6. The Secretary shall ensure notice of each meeting is provided by the posting of the agenda.
7. The Secretary shall attend the committee meetings with non-voting privileges.

THE MEMBERS

1. Members shall report to the Secretary any issue that they feel should be addressed by the Committee, in order that the Secretary may place the item on the agenda for the Committee's consideration.
2. Members shall abide by the procedural decisions made by the chair.
3. Members shall conduct themselves at meetings in a mannerly fashion.
4. Members should report to the Chair and or Secretary their concerns or issues.

THE ADMINISTRATOR

1. The Administrator is the administrative head of the municipality and as such all staff, part-time, full time, contract or otherwise fall under this position.
2. The Administrator in conjunction with the Chair of the Nuclear Waste Community Advisory Committee shall be the primary liaison between Council and the Committee with non-voting privileges.
3. The Administrator may request the Clerk to attend committee meetings at any time. The Clerk will attend with non-voting privileges.

THE MAYOR

1. The Mayor is the executive head of the Municipality, and as such is a member of all Committees by virtue of office, without voting privileges.