



BY-LAW

2013-43

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

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act"), 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 (the "Township") deems it advisable to enact a By-Law to establish and govern the proceedings of the Township's Nuclear Waste Community 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.

"Clerk"- shall mean the Clerk of the Township.

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

"Council" – shall mean the municipal council of the Township.

"Member" – shall mean a person appointed by By-Law to the Committee.

"NWMO" – shall mean the Nuclear Waste Management Organization.

"NWMO Community Liaison/Project Coordinator" - shall mean an employee of the Township.

"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.

“Regular Meeting” – shall mean a scheduled meeting held in accordance with the approved meeting schedule of the Committee as prepared by the Secretary and posted on the Township website.

“Resident” - shall mean an individual who owns or leases property in the Township and who also lives in the Township in a residential dwelling.

“Secretary” - shall be the NWMO Community Liaison/Projector Co-ordinator for the Township or his or her designate.

“Special Meeting” – shall mean a meeting not scheduled in accordance with the approved regular schedule of meetings for which notice has been provided as soon as prior to the meeting on the Township website.

“Treasurer” – shall mean the Treasurer for the Township.

B. MANDATE

The mandate of the committee shall be:

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 Council 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 shall:
 - 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; and,
 - f. assist with hiring of the consultant for the third party review process.
5. The mandate¹ of the NWMO, as established by the Federal Government of Canada and its governing legislation is as follows:

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.

¹ Source – www.nwmo.ca

Nuclear Waste Community Advisory Committee

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 Committee shall consist of seven (7) voting members appointed by By-Law.
2. The seven (7) members of the Committee shall be comprised of the Mayor of the Township and one (1) other member of Council as well as five (5) members who shall be Residents and over the age of 18.
3. Council shall appoint two (2) alternate Council members to ensure the attendance of at least two (2) members of Council, at all meetings of the Committee.
4. The Mayor shall be the Chair of the Committee and the one (1) other member of Council appointed to the Committee shall be the Vice-Chair.
5. The Administrator and/or Clerk shall act as a liaison between the Committee and Council and may attend all Committee meetings as a non-voting staff resource.
6. The Mayor shall act in conjunction with the Administrator and/or Clerk as a liaison between the Committee and Council and shall attend all Committee meetings or notify the Secretary if unable to attend.
7. The Secretary of the Committee shall be an employee of the Township and shall attend all Committee meetings as a non-voting staff resource.
8. The selection process of the members appointed to the Committee is at the sole discretion of Council and Council's decision is final.
9. The responsibilities and reporting relationships of the Committee are outlined in the attached **Schedule "A"**.
10. Employees of NWMO may act as resource members on the Committee and do not have to be appointed and sit as non-voting participants.

D. TERM

1. The term of office of the Members shall expire at the completion of the term of Council in an election year. Upon written request, every Member shall be eligible for re-appointment to the Committee. Council has the right to not re-appoint a Member, in its sole and absolute discretion, and to seek out new members.

2. If Council decides to leave the NWMO's Site Selection Process, the Members' term of office shall end immediately upon Council approving a resolution directing the Township to end its 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 Township 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 Township shall become liable, without having previously obtained the consent of Council.
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 and Special Meetings from time to time as deemed necessary. A Regular meeting schedule will be established and posted on the Township website. Special Meetings shall be called by the Mayor and/or Administrator.
4. Where the Chair has advised the Secretary that he or she shall not be present at the Meeting, the Vice Chair shall be advised as soon as practicable.
5. A Quorum of Members shall be required to conduct any Committee business.
6. 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.
7. 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.
8. 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 report to the Administrator by 1:00 p.m. one week prior to a Committee meeting.
9. The subject matter of the delegation or presentation must be a matter within its mandate, as defined by Section A of this By-Law and as determined by the Administrator.
10. 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.
11. 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.

12. Notwithstanding section 10 and 11, presentations made at the request of the Committee are not considered to be the same as delegations and are not subject to the aforementioned time limit.
13. 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.
14. The Administrator 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.
15. The Administrator shall have the authority to determine the meeting at which a delegation or presentation shall be heard, having regard to time sensitive issues.
16. The Administrator reserves the right to deny a delegation or presentation request where the subject matter includes content which falls within Section 239 of the Act or matters covered by *The Municipal Freedom of Information and Protection of Privacy Act*.
17. 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 shall 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 Council any financial requirements for its approval, and shall make to Council such other financial reports as required.
2. All accounting for the Committee shall be centralized in the office of the Treasurer and all purchasing, handling or revenue and the issuing of cheques shall be done according to established procedures of the Township.

H. REPORTING

1. The Committee shall be required to submit regular communication reports to Council on information that should be shared with Council or on advice to Council on any matter within its mandate. Reports shall 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 Township.

I. ACCESS TO INFORMATION FOR COMMITTEE MEMBERS

1. Members shall have access to information through the Administrator in order to fulfill their mandate as a Member, provided he or 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 Township's 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) shall govern.

J. SEVERABILITY

1. Each and every one of the provisions of this By-Law is severable and if any provisions of this By-law should, for any reason, be declared invalid by any Court, it is the intention and desire of Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

K. CONFLICT

1. The procedures and practices outlined in this By-law shall govern this Committee and shall take precedence if they differ from provisions in the Procedural By-Law.

L. REPEAL

1. By-Law 2013-04 passed by the Township of Huron-Kinloss on the 28th day of January, 2013 be and the same is hereby repealed and replaced.


M. EFFECTIVE

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

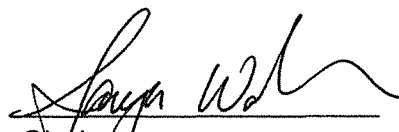
N. TITLE

1. This By-law may be cited as the "Nuclear Waste Community Advisory Committee (2) By-law".

Read a First, Second and Third time and finally passed this 22nd day of May, 2013.



Mayor
Mitch Twolan



Clerk
Sonya Watson

By-Law 2013-04

SCHEDULE "A"

RESPONSIBILITIES AND REPORTING RELATIONSHIPS

THE CHAIR

1. The Chair is the head of the Committee.
2. The Chair of the 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.
6. In the absence of the Chair the Vice Chair shall take on all duties of the Chair.

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 Township 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 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 shall attend with non-voting privileges.