

## **Development Charges Advisory Committee**

### **2021-2022 Terms of Reference**

#### **1. Council Mandate**

- 1.1 The Development Charges Advisory Committee (DCAC) has been authorized and established by Regional Council in accordance with these adopted Terms of Reference. The Committee shall report to Regional Council through staff in the Finance Department

#### **2. Goal, Scope and Purpose**

- 2.1 The DCAC is needed when the Region requires the preparation of a development charges (DC) Background Study in order to update the DC By-law, which is required at least every 5 years (as required under the *Development Charges Act, 1997 (DCA)*), or earlier, as determined by Council. The goal of the Development Charges Advisory Committee is to advise and assist the Region with respect to the preparation of this Background Study. Once the Background Study is complete and released to the public to undertake the public consultation process, the work of the DCAC is complete.

Based on the Regional Council approved Official Plan, Best Planning Estimates, Master Plan Studies and other reports, the purposes of the Development Charges Advisory Committee are, within the requirements of DCA:

- a) To review the methodology and assumptions used in formulating Halton's development charges policy.
- b) To provide critical analysis and policy advice regarding Halton's development charges policy.
- c) To provide input on recommendations dealing with any proposed development charge by-laws.

#### **3. Committee Dissolution**

- 3.1 When the stated Committee goal, scope and purpose, as established by Regional Council and outlined in Section 2 of these Terms of Reference, have been achieved, Staff shall initiate a process of review, consulting with Committee members and referring to Committee annual reports, meeting minutes, records and any other relevant Committee documents. If dissolution is appropriate, Staff will forward a report recommending dissolution of the Committee to Regional Council for approval.

#### **4. Definitions**

“Agency Appointments” shall mean Committee Members who are selected by agencies or organizations other than Regional Council as described in Section 5.

“Clerk’s Staff” shall mean the Regional Clerk or other member of the Clerk’s Division assigned to work with the Committee.

“Committee” shall mean the Development Charges Advisory Committee.

“Committee Members” shall mean members appointed to the Development Charges Advisory Committee, pursuant to these Terms of Reference and the Regional Procedural By-Law.

“Delegate” shall mean any person, group of persons, firm or organization that is neither a Committee Member nor a member of Regional Council or Staff, wishing to address the Committee, and “Delegation” shall refer to the presentation of same.

“Interview Committee” shall mean the Interview Committee as established by the Regional Procedural By-Law.

“Majority” shall mean a number greater than half of the total.

“Region” shall mean The Regional Municipality of Halton.

“Regional Council” shall mean the Council of the Region.

“Regional Procedural By-Law” shall mean the Region’s By-law No. 90-19 as amended or replaced from time to time, being a by-law to govern the calling, place and proceedings of Regional Council and its committees and the conduct of its members.

“Staff” shall mean employees of the Region.

“Staff Liaison” shall mean an employee of the Region assigned to work with the Committee in an advisory capacity.

## **5. Composition**

5.1 The Committee shall be comprised of 15 members from the development industry, business sector, ratepayers and Regional Council, consisting of:

Full Voting Members:

- i) the Regional Chair
- ii) 4 members of Regional Council, appointed by Regional Council;
- iii) 4 citizens-at-large, appointed by Regional Council;
- iv) 2 members from the Residential Home Builders Association – 1 to be selected from Building Industry and Land Development Association (BILD) and 1 to be selected from Hamilton-Halton Home Builders' Association (HHHBA);
- v) 2 members representing the non-residential developers, to be selected by BILD; and
- vi) 2 members representing Business/Chamber of Commerce, selected by the Economic Development Partnership.

5.2 Wherever possible and where appropriate, a balanced representation from all local municipalities is preferred.

## **6. Selection of Members**

6.1 Vacancies on the Committee for positions that are not Agency Appointments or Members of Regional Council shall be advertised to the public at the beginning of the Committee term and mid-term as needed.

6.2 All Committee Members that are to be appointed by Regional Council shall be selected by the Interview Committee in accordance with the Regional Procedural By-Law.

6.3 Regional Council may seek assistance from the Staff Liaison in determining the criteria for evaluating prospective Committee Members' eligibility for the Committee. The Staff Liaison may participate in interviews in an advisory capacity only and shall not be permitted to ask questions of prospective Committee Members or to participate in the Interview Committee's decision-making.

6.4 Regional Council shall be advised of the names of all Agency Appointments.

6.5 If a Committee Member is unable to complete the term as set out in section 7 below, a new Committee Member may be appointed by Regional Council following the above-noted procedures.

6.6 Alternates shall not be permitted for Committee Members appointed by Regional Council. Agency Appointments may have one alternate appointed by the agency or other organization.

## **7. Term**

7.1 Committee Members shall be appointed when the Region requires the preparation of a DC Background Study to update the DC By-law. The term of the Committee comes to an end when the DC Background Study is released to the public.

7.2 At the end of a term, Committee Members appointed by Regional Council must reapply if they wish to be considered for a subsequent term.

7.3 Committee Members appointed by Regional Council may serve for no more than two consecutive terms.

7.4 Notwithstanding Section 7.3, upon application to the Interview Committee, a Committee Member may be permitted to serve additional terms at the discretion of the Interview Committee.

7.5 A Committee Member may resign from the Committee at any time by advising of this intention in writing to the Committee Chair.

7.6 A Committee Member is deemed to have resigned from the Committee if at any time during the term:

- a) in the case of a Committee Member appointed by Regional Council, they no longer reside in Halton Region, or
- b) in the case of an Agency Appointment, they are no longer employed by, or are a member of, the agency or organization, or
- c) the Committee Member has not attended three consecutive scheduled meetings of the Committee and has not communicated to the Committee Chair, Clerk's Staff or the Staff Liaison during that time period indicating their intentions to stay on the Committee.

## **8. Frequency of Meetings**

8.1 Committee meetings shall generally be scheduled based on the requirements of the Development Charge process as approved by Council.

## **9. Quorum**

9.1 A quorum shall be a Majority of the Committee Members, which must be present at a meeting in order to make recommendations and confirm minutes.

9.2 If quorum for a Committee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, or if quorum is lost during the course of a meeting, the Committee may proceed without a quorum being present. The minutes of the meeting must indicate that quorum was not present and any items of business that require quorum must be postponed until such time or future meeting that quorum is present.

## **10. Selection of the Committee Chair and Vice-Chair**

10.1 The Committee Chair and Vice-Chair shall be elected by the Committee following the procedures set out in the Regional Procedural By-law, for a term to conclude when the DC Background Study is released to the public.

10.2 If the Chair of the Committee resigns at any point during the term. A new Chair will be elected by the Committee. The Vice-Chair shall only assume the authority and perform the duties of the Chair until such election takes place.

## **11. Roles and Responsibilities of the Committee Chair and Vice-Chair**

11.1 The Committee Chair shall:

- a) preside over the meetings of the Committee;
- b) assist the Committee in reaching consensus; and
- c) perform other duties when directed to do so by resolution of the Committee or Regional Council.

11.2 While presiding over a meeting, the Committee Chair shall:

- a) preserve order and decide all questions of order;
- b) receive and submit to a vote all motions presented by the Committee Members where consensus cannot otherwise be achieved;
- c) announce the results of the vote on any motions so presented;
- d) decline to put to a vote motions which infringe upon the rules of procedure, or which are beyond the jurisdiction of the Committee; and
- e) adjourn the meeting when business is concluded.

11.3 In the absence of the Committee Chair, the Committee Vice-Chair shall assume the roles and responsibilities of the Committee Chair and perform all the duties of the Committee Chair.

## **12. Roles and Responsibilities of Committee Members**

12.1 Committee Members shall:

- a) attend and actively participate at all meetings;

- b) work with other Committee Members to attempt to reach consensus on matters before the Committee; and
- c) adhere to these Terms of Reference and the Regional Procedural By-Law and the Advisory Committee Code of Conduct.

### **13. Voting**

- 13.1 Decisions by consensus are preferred to votes. If a consensus cannot be achieved, a motion before the Committee will be put to a vote and each Committee Member, including the Committee Chair, will be entitled to one vote. Staff serving on the Committee in any capacity shall not be permitted to participate in any decision-making at Committee meetings.
- 13.2 A motion shall be deemed to be carried when a Majority of the members present and voting vote in favour of it. Consequently, on a tie vote, the motion is lost. Any Committee Members present during the vote who abstain from voting will be deemed to have voted against the motion.

### **14. Sub-Committee(s) and Working Committee(s)**

- 14.1 The Committee:
  - a) may form Sub-Committee(s) for the purpose of addressing specific technical issues relating to development charges;
  - b) shall determine number, membership and frequency of meetings of the Sub-Committee(s); and
  - c) shall review all information submitted by Sub-Committee(s).
- 14.2 Sub-Committee(s) must report back to the Committee and submit all analysis, discussions and recommendations.
- 14.3 In addition, the Committee may form Working Committee(s) to review and discuss detailed technical information relating to development charges. These Working Committee(s):
  - a) may include non-DCAC members; and
  - b) must be chaired by a DCAC member (to be elected following the procedures set out in the Regional Procedural By-law).
- 14.4 Working Committee(s) must report back to the Committee and submit all information reviewed and discussed.

### **15. Public Access, Closed Meetings and Delegations**

- 15.1 All Committee meetings shall be open to the public. The Committee shall not hold meetings or portions of meetings that are closed to the public.

- 15.2 Members of Regional Council who are not Committee Members may attend meetings and participate in the discussion, but shall not be permitted to participate in any decision-making.
- 15.3 Any Delegate wishing to address the Committee:
- a) regarding matters on the agenda, must make a request to the Staff Liaison before the close of business the day prior to the meeting, or;
  - b) regarding matters not on the agenda, must make a request to the Staff Liaison setting out the issue to be presented to the Committee and the Delegate may be included on the next appropriate Committee agenda.
- 15.4 Other persons in attendance at the meeting may be heard from the floor by first making a request to the Committee Chair during proceedings. A Majority of the Committee must then vote in favour of hearing from the person making the request. The decision of the Committee in each instance will be final.
- 15.5 Every Delegate shall have ten (10) minutes to speak to the Committee unless the Committee Chair obtains Committee's approval to extend or limit the speaking time.
- 15.6 Following a Delegation, Committee Members shall be limited to asking questions for clarification or for additional and relevant information only.
- 15.7 No Delegate shall:
- a) speak disrespectfully of any person;
  - b) use offensive words or inappropriate language;
  - c) speak on any subject other than the subject for which they have received approval to address the Committee; or
  - d) disobey the rules of procedure or a decision of the Committee Chair or Committee.

## **16. Resources**

### **16.1 Clerk's Staff**

Clerk's Staff will prepare minutes and agendas and provide general administrative coordination for meetings.

### **16.2 Staff Liaison**

The Staff Liaison will provide advisory support to the Committee, including background information, resources and advice to Committee Members to assist

them in their role, and will ensure that the Committee adheres to its goal, scope and purpose as defined in these Terms of Reference.

### 16.3 Additional Advisory Staff

In addition to the Clerk's Staff and the Staff Liaison, other Staff may provide advice, deliver presentations and/or participate in Committee discussions as required from time to time. The Staff Liaison will coordinate all such additional participation. Committee may also request the participation of other individuals with a particular area of expertise. The Staff Liaison will coordinate such requests made by the Committee.

## 17. Committee Records

17.1 Clerk's Staff will co-ordinate and retain Committee records including agendas, minutes, any subcommittee reports (if applicable and as required), annual reports and aims and objectives.

17.2 Annual reports for the Committee including, but not limited to annual achievements and work plans, shall be coordinated by the Staff Liaison in concert with the Committee.

17.3 Committee Records listed in Sections 17.1 and 17.2 shall be maintained by the Office of the Regional Clerk.

## 18. Maintenance and Refinement of Terms of Reference

18.1 These Terms of Reference shall be reviewed at the end of each term by Regional Council.

18.2 Amendments to these Terms of Reference may be proposed by the Committee, through Staff, to Regional Council. Only Regional Council may approve changes to these Terms of Reference.

## 19. Committee Communications

19.1 When communicating on behalf of the Committee to Regional Council, including appearing as a Delegate at meetings of same, a Committee Member shall reflect the decisions made and positions taken by the Committee.

19.2 A Committee Member may, in communications to Regional Council, including appearing as a Delegate, present a position that differs from the Committee's position; however, in that instance, they must make clear that they are appearing on their own behalf or on behalf of another organization, and not as a representative of the DCAC.

- 19.3 The Committee shall not declare that the Committee's decisions or positions are the official position of the Region, without the direct authorization of Regional Council.
- 19.4 Any communications regarding the Committee in its official capacity shall be conveyed to the public by Staff, as required.
- 19.5 Nothing in Section 19 is meant to affect the free and open dialogue at Committee meetings or among Committee Members.

**20. Reimbursement of Expenses**

- 20.1 Committee Members serve without remuneration. However, Committee Members shall be entitled to be reimbursed for travel and other out-of-pocket expenses related to the Committee's activities in accordance with Regional policies in this regard.

**21. Application of Region's Procedural By-Law**

- 21.1 The Committee shall, at all times, where applicable and to the extent possible, follow the procedures and practices set out in the Regional Procedural By-Law.

