

Appendix # C

to

Report # W2019-004

Terms of Reference

Name: High Water Bill Adjustment and Mandatory Service Connection Appeals Committee

Date Established by Council: March 6, 2018

Mission:

The Committee is responsible for hearing and ruling on appeals pertaining to a High Water Bill Adjustment and the Mandatory Requirement for Service Connection (required by Sections 2.01, 2.02 and 2.03 of the Mandatory Connection By-law, as amended) decisions and making recommendations to Council for relief or exemption.

Roles and Responsibilities:

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct for Committee/Board Members
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

No individual member or the Committee/Board as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Committee/Board will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer

for any activities relating to Committee/Board business in keeping with the Committee's Terms of Reference and established Policies.

Activities:

The following represent the general activities of the Committee:

- (a) receive deputations from property owners who are dissatisfied with the resolution of their complaint through the High Bill Adjustment Policy CP2017-006;
- (b) receive deputations from property owners with respect to the physical mandatory service connection requirements described in sections 2.01, 2.02 and 2.03 of the Mandatory Connection By-law;
- (c) the Committee has the authority to deny a request for relief or exemption;

The Committee may make recommendations to Council on the following matters, for which Council retains the decision-making role:

- (d) relief of a high bill, referencing the High Bill Adjustment Policy for guidance, without prejudice or precedent to any other similar matter;
- (e) the amount of relief recommended by the Committee shall not exceed the level of relief that would otherwise be provided under the above noted policy.
- (f) exemptions from the physical mandatory service connection requirements as described in section 2.01, 2.02 and 2.03 of the Mandatory Connection By-law, as amended.

Composition:

The Committee of Management shall be comprised of three (3) members, consisting of solely Council representatives. Committee members will be appointed by Council in accordance with established policy.

Term of Appointment:

Members will be appointed for the term of Council.

Resources:

The Director of Corporate Services, or designate, will be responsible for all matters relating to high bill appeals.

The Director of Public Works, or designate, will be responsible for all matters relating to mandatory service connection appeals/exemptions.

A member of staff shall be designated as Recording Secretary by the liaison department. The Recording Secretary shall prepare and publish agendas; attend all formal business Committee/Board Meetings for the purpose of taking Minutes; and prepare and publish minutes in an accessible format acceptable to the City Clerk's Office.

The Recording Secretary shall ensure that a current Terms of Reference for the Committee/Board has been provided to the City Clerk's Office and is posted on the City website.

Timing of Meetings:

The Chair, through the liaison department, shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee and posted to the City website a minimum of three (3) business days prior to the date of each meeting through the Recording Secretary. Quorum for meetings shall consist of a majority of the members of the Committee/Board. No meeting shall proceed without quorum. The Director of Corporate Services, or designate, will coordinate the timing of the meeting with the Committee members.

Location of Meetings:

The location of the meetings will be set by the Committee and must be held in an accessible City facility.

Meetings:

Meetings will be held once per quarter.

Procedures:

Procedures for the formal business meetings of the Committee shall be governed by the City's Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

Agendas and Minutes:

The Recording Secretary, or designate, will prepare the agenda. The agenda and any accompanying reports will be available a minimum three (3) business days prior to the meeting.

Minutes of all meetings of the Committee shall be taken by the Recording Secretary.

Reports:

Recommendations of the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee are to be forwarded to Council, through the liaison department, in a formal written report on the City report template.

Purchasing Policy:

This Committee has no purchasing or procurement responsibilities.

Insurance:

The City of Kawartha Lakes' General Liability Policy and Errors and Omissions Liability Policy will extend to this Committee and its members. The applicable insurance policies extend to Committee members while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including the Terms of Reference.

The Committee must provide, via the liaison department an annual updated listing of all members, including member positions, to the City of Kawartha Lakes to ensure the applicable insurance coverage remains in force.

Committee members are not entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario ("WSIB") and are responsible for their own medical, disability or health insurance coverage.

Expulsion of Member:

Any member of the Committee who misses three consecutive formal business meetings, without being excused by the Committee, may be removed from the Committee in accordance with adopted policy.

Any member of the Committee may be removed from the Committee at the discretion of Council for reasons including, but not limited to, the member being

in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, The Municipal Conflict of Interest Act or the Code of Conduct for Council Members; disrupting the work of the Committee; or other legal issues.

Terms of Reference:

The Recording Secretary shall ensure that a current Terms of Reference for the Committee has been provided to the City Clerk's Office and is posted on the City website.

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Committee at any time. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the liaison department through a report to Council.

At the discretion of Council the Committee/Board may be dissolved by resolution of Council.