



**Draft By-law #292
forming the Environmental Advisory Committee**

WHEREAS Bylaw No. 165 establishing the Environmental Advisory Committee has been in force since August 11, 2007;

WHEREAS the Council wishes to adopt a new bylaw establishing the Environmental Advisory Committee to assist it in developing and monitoring an environmental policy and action plan;

WHEREAS the Council has the power to establish such a committee;

WHEREAS a notice of motion for this bylaw was given in accordance with the Act at the regular meeting of the Council held on --- ;

THEREFORE, it is proposed by --- , seconded by --- and unanimously resolved by the Council that the Municipal Council enacts as follows:

CHAPTER 1 DECLARATORY AND INTERPRETATIVE PROVISIONS

SECTION 1.1 DECLARATORY PROVISIONS

ARTICLE 1.1.1 TITLE OF THE REGULATION

This bylaw is entitled “Bylaw Establishing the Environmental Advisory Committee” and is numbered 292.

ARTICLE 1.1.2 SCOPE OF APPLICATION

The purpose of this bylaw is to establish the Environmental Advisory Committee of the Town of Barkmere. It prescribes the responsibilities, composition, and operating rules of the Environmental Advisory Committee.

ARTICLE 1.1.3 PART-BY-PART ADOPTION

The Council of the Town of Barkmere hereby declares that it adopts this bylaw chapter by chapter, section by section, article by article, paragraph by paragraph, and clause by clause, so that if any part of this bylaw is declared null and void by a court, such a decision shall have no effect on the other parts

of the bylaw, except in cases where the meaning and scope of the bylaw or one of its provisions would be altered or modified.

SECTION 1.2 INTERPRETATIVE PROVISIONS

ARTICLE 1.2.1 INTERPRETATION OF PROVISIONS

1. Unless the context indicates otherwise, it is agreed that:
 - a) The singular includes the plural and vice versa;
 - b) The masculine includes the feminine and vice versa;
 - c) The use of the word “SHALL” implies an absolute obligation;
 - d) The use of the word “MAY” retains an optional meaning;
 - e) The word “ANYONE” includes any natural or legal person.

2. The table of contents and the titles of the chapters, sections, and articles of these regulations are provided to improve understanding of the text. In the event of any contradiction between the text and the title(s) concerned or the table of contents, the text shall prevail.

ARTICLE 1.2.2 NUMBERING

The numbering system used in these regulations is as follows (when the text of an article does not contain numbering for a paragraph or subparagraph, it is a clause):

1. Chapter
 - 1.1 Section
 - 1.1.1 Article
 1. Paragraph
 - a) Subparagraph

ARTICLE 1.2.3 NAME OF THE COMMITTEE

The Environmental Advisory Committee is referred to as the “Committee” in these regulations.

ARTICLE 1.2.4 TERMINOLOGY

In these regulations, unless the context indicates otherwise:

- a) The word “Committee” refers to the Environmental Advisory Committee of the Town of Barkmere, established by these regulations;
- b) The word “Council” refers to the Municipal Council of the Town of Barkmere;
- c) The word “Secretary” means the Secretary of the Environmental Advisory Committee of the Town of Barkmere.

CHAPTER 2 RESPONSIBILITIES OF THE COMMITTEE SECTION

2.1 STUDIES AND RECOMMENDATIONS ARTICLE

2.1.1 GENERAL PROVISIONS

The Committee has the power to study and make recommendations on environmental matters. Specifically, the Committee's functions are as follows:

1. At the request of the municipal council, to submit a proposal for the development of an environmental policy;
2. To propose to the municipal council an action plan in accordance with the guidelines set out in the future environmental policy;
3. Monitor the implementation of the action plan and submit an annual report to the municipal council on this matter;
4. To study and submit recommendations to the municipal council on any environmental issue referred to it by the council, in particular on:
 - a. The protection of water, air, and soil;
 - b. The conservation of natural environments;
 - c. The quality of the living environment;
 - d. Climate change;

The Committee is entrusted by the Council with a mandate to study and make recommendations and, in this sense, it is an “advisory committee.” It has no decision-making power;

Nor is it responsible for holding public consultation meetings;

Furthermore, the Committee cannot be mandated to perform the duties of municipal officers. However, its opinions complement the technical and administrative advice that may be provided by these stakeholders.

ARTICLE 2.1.2 RECOMMENDATIONS

The Committee's recommendations are submitted to the City Council in the form of Committee resolutions.

ARTICLE 2.1.3 MINUTES AND WRITTEN REPORTS

Minutes of the Committee's meetings must be taken and kept in the city archives. The City Council may request a written report from the Committee on any matter covered by Article 2.1.1.

SECTION 2.2 ASSISTANCE IN ITS WORK

ARTICLE 2.2.1 MUNICIPAL EMPLOYEES

The designated official shall attend Committee meetings ex officio. The designated official or any other municipal employee shall have the right to speak at Committee meetings, but shall not be a member of the Committee and shall not have the right to vote.

ARTICLE 2.2.2 SECRETARY OF THE COMMITTEE

The designated official shall act as secretary of the Committee. The secretary's responsibilities are:

1. To establish the meeting schedule;
2. To prepare the agendas;
3. To convene Committee members to meetings;
4. To send Committee members the documents necessary for reviewing the items on the agenda;
5. To draft Committee reports and minutes;
6. Obtaining signatures, when required, on Committee reports and minutes;
7. Forwarding Committee recommendations to the City Council;
8. Forwarding all other correspondence to Committee members.

ARTICLE 2.2.3 PROFESSIONAL RESOURCES

With the authorization of the Municipal Council, the Committee may call upon any professional resources to assist and advise it in the review of an application when it deems necessary. These professional resources have the right to speak, but are not members of the Committee and do not have the right to vote.

CHAPTER 3 COMPOSITION AND FUNCTIONING OF THE COMMITTEE

SECTION 3.1 COMPOSITION OF THE COMMITTEE

ARTICLE 3.1.1 NUMBER OF MEMBERS

The Committee shall be composed of six (6) members appointed by resolution of the Municipal Council, including:

1. The Mayor of the Town of Barkmere;
2. One (1) member of the Municipal Council;
3. Five (5) members, numbered 1 to 5, chosen from among the citizens of Barkmere, two of whom are recommended by the Bark Lake Protective Association.

In evaluating applications, the municipal council shall give preference to individuals with skills deemed relevant, particularly in the field of the environment.

ARTICLE 3.1.2 TERM OF OFFICE OF MEMBERS

- a) **In even-numbered years:** Even-numbered seats are appointed for a two-year term, which ends on December 31 of each even-numbered year.
- b) **In odd-numbered years:** Odd-numbered seats are appointed for a two-year term, which ends on December 31 of each odd-numbered year.
- c) The term of office on the committee of elected council members is determined by the Municipal Council;

- d) The term of office of resident members may be renewed by resolution of the Municipal Council, with the exception of elected members, who may serve for the duration of their term as municipal councilors;
- e) In the event of death, resignation, incapacity, or inability to perform the duties of a member, the seat may be filled by a new member for the remainder of the initial term. If the initial term expires in six (6) months or less, it will not be counted as a full term.

ARTICLE 3.1.3 REPLACEMENT OF A MEMBER

The Town Council may replace a member of the Committee in the event of death, resignation, incapacity, or inability to perform their duties, or in the event of three (3) absences without valid reason and without prior notification to the Committee secretary forty-eight (48) hours before the meeting. Loss of resident status results in ineligibility to be a member of the Committee.

The Municipal Council may revoke the mandate of a Committee member at any time.

In such cases, the Municipal Council must appoint, by resolution, another person for the remainder of the term of the vacant seat. When a Committee member is appointed as a municipal councilor, they cease to be a member of the Committee when their term ends or when they are declared ineligible to be a member of the Municipal Council.

ARTICLE 3.1.4 REMUNERATION OF MEMBERS

Committee members shall not receive any remuneration.

ARTICLE 3.1.5 DUTIES OF COMMITTEE MEMBERS

In performing their duties, all committee members must:

- 1. Act with prudence, fairness, and integrity;
- 2. Respect the confidential nature of the information and intelligence obtained.

SECTION 3.2 COMMITTEE OPERATIONS

ARTICLE 3.2.1 QUORUM

The quorum of the Committee shall consist of a majority of the members in office, including at least one (1) member of the municipal council.

If a quorum is not reached within thirty (30) minutes of the start of the meeting, the meeting shall be declared canceled. Upon finding that a quorum is not present, the secretary of the Committee shall convene another meeting.

If the departure of one of the members during the meeting results in the loss of quorum, or if a member has declared an interest in one of the requests, the remaining members shall adjourn the meeting. The secretary of the Committee shall convene the members to resume proceedings later.

ARTICLE 3.2.2 DECLARATION OF INTEREST

A member must refrain from any activity incompatible with their duties, avoid any conflict of interest, and prevent any situation that could call into question their objectivity or impartiality.

A member must declare any conflict of interest or appearance of conflict of interest in an application submitted to the Committee. During the review of the application, the member with an interest must withdraw and may not participate in the Committee's discussions and recommendations regarding that application. The declaration of interest and the member's withdrawal must be recorded in the minutes of the meeting by the secretary.

ARTICLE 3.2.3 COMMITTEE CHAIR

The municipal council shall appoint a chairperson from among the two (2) elected officials by resolution. The chairperson's term of office shall be two (2) years or shall expire at the end of his or her term as a member. The chairperson's term of office may be renewed.

ARTICLE 3.2.4 VICE-CHAIR OF THE COMMITTEE

The municipal council shall appoint a vice-chair of the meeting from among the two (2) elected officials by resolution. The term of office of the vice-chair shall be two (2) years or shall expire at the end of his or her term as a member. The term of office of the chair may be renewed.

In the absence of the chair at a Committee meeting, the vice-chair shall chair the Committee at that meeting.

ARTICLE 3.2.5 MEMBER VOTING

The Committee's recommendations are adopted by a majority vote of the members present. In the event of a tie vote on a recommendation, it is deemed rejected.

Each member present has the right to vote and is required to exercise that right on each of the requests submitted to them, except in cases of conflict of interest. Only the chair may abstain from voting. The chair does not have a casting vote in the event of a tie.

ARTICLE 3.2.6 CONFIDENTIALITY

Committee members and persons attending Committee meetings must maintain the confidentiality of information, documents, and discussions that take place during the meeting.

Committee members and persons attending Committee meetings must maintain the confidentiality of information and documents provided for review.

ARTICLE 3.2.7 CONVENING OF MEETINGS

Committee meetings shall be convened as necessary. Notice of a meeting shall be sent to members at least three (3) days before the meeting is held or work is resumed in the event of an adjournment.

ARTICLE 3.2.8 CONDUCT OF MEETINGS

The general rules governing the conduct of meetings are as follows:

1. Meetings shall be chaired by the Chair of the Committee or, in his or her absence, by the Vice-Chair.
2. In the absence of the Chair or Vice-Chair, the Committee meeting may not be held. In such cases, the Secretary shall convene another meeting at a later date.
3. Committee meetings shall be held in camera.
4. In addition to the items on the agenda, an item may be added to the agenda with the approval of a majority of the members present.
5. Committee members may adjourn a meeting.
6. The minutes of a meeting must be adopted by the members present at that meeting at a subsequent meeting. Once adopted, the minutes shall be signed by the chair and the secretary.

ARTICLE 3.2.9 COMMITTEE EXPENSES

The Town Council may make available to the Committee the funds it needs to carry out its duties.

ARTICLE 3.2.10 INTERNAL RULES OF PROCEDURE

The Committee may establish the internal rules of procedure necessary for its operation in accordance with this bylaw, such rules being subject to approval by resolution of the Municipal Council before coming into force.

CHAPTER 4 FINAL PROVISIONS

SECTION 4.1 FINAL PROVISIONS

ARTICLE 4.1.1 REPEAL

This regulation repeals Regulation No. 165, as amended by Regulation 215, as well as any incompatible provisions of any other regulation.

ARTICLE 4.1.2 ENTRY INTO FORCE

This regulation shall come into force in accordance with the provisions of the Act.

Adopted at the _____ Council meeting

Luc Trépanier, mayor

Martin Paul Gélinas, Director general

- Notice of motion :
- Adoption of the project :
- Final adoption :
- Entry into force :
- Notice of entry into force: