

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. CAO-2017-0001

**FOR THE CONSIDERATION OF
COUNCIL
JANUARY 11, 2017**

**SUBJECT: TERMS OF REFERENCE FOR THE LAKE DRIVE SHORELINE
JURISDICTION AD-HOC COMMITTEE COMPREHENSIVE POLICY SUB-
COMMITTEE**

1. RECOMMENDATION:

1. That Council receive Report No. CAO-2017-0001 prepared by the CAO, CAO Department dated January 11, 2017 respecting the Terms of Reference for the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee ("LDSJAHC") Comprehensive Policy Sub-Committee.
2. That the Terms of Reference for the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee ("LDSJAHC") Comprehensive Policy Sub-Committee be adopted by Council.

2. PURPOSE:

To receive Council approval respecting the Terms of Reference for the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee ("LDSJAHC") Comprehensive Policy Sub-Committee.

3. BACKGROUND:

On November 22, 2016 Council received a memo from the Committee Services Coordinator which forwarded Resolution No. LSDJAHC-2016-0040 (Attachment 1). The following resolution was adopted by Council:

That the Lake Drive Shoreline Jurisdiction Ad-Hoc Advisory Committee recommend to Council to create a Sub-Committee of three members to draft a comprehensive policy.

And that the following persons be appointed to form the sub-committee:

- a) One Member of Council to be named by Council
- b) Alan Direnfeld
- c) Dave Szollosy

And that the following person be appointed as staff support:

Andrew Biggart, Town Solicitor.

And that additional staff attend and provided assistance as deemed necessary.

4. ANALYSIS:

Attached please find the proposed Terms of Reference (Attachment 2) for Council's consideration. The Terms of Reference were drafted by staff and have been reviewed by the Lake Drive Shoreline Jurisdiction Ad Hoc Advisory Committee membership.

5. RELATIONSHIP TO STRATEGIC PLAN:

This report addresses the following strategic goal(s):

GOAL 4: "Provide Exceptional Municipal Service" – ORGANIZATIONAL & OPERATIONAL EXCELLENCE.

Action 4.15: Continue the collaborative efforts for resolution of Lake Drive shoreline jurisdiction issues.

6. FINANCIAL AND BUDGETARY IMPACT:

None.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

None.


8. CONCLUSION:

The LDSJAHC has been progressing in its mandate as mandated by Council. Appointment of the sub-committee will further the efforts of the Ad Hoc Committee.

Prepared by:

Winanne Grant, B.A., AMCT, CEMC
Chief Administrative Officer

Approved by:



Winanne Grant, B.A., AMCT, CEMC
Chief Administrative Officer

for



Memo

To: Council
From: Sarah Brislin, Committee Services Coordinator
C.C.: John Espinosa, Town Clerk
Date: 15/12/2016
Re: RESOLUTION NO. LDSJAHC-2016-0040

On November 8, 2016, the Lake Drive Shoreline Jurisdiction Ad Hoc Advisory Committee (the "Committee") discussed moving ahead with drafting a policy that would address the details of the Committee's intent to recommend a proposal to Council in relation to the formalization of exclusive use for the owners abutting the Shoreline.

RESOLUTION NO. LDSJAHC-2016-0040

That the Lake Drive Shoreline Jurisdiction Ad-Hoc Advisory Committee recommend to Council to create a Sub-Committee of three members to draft a comprehensive policy.

And that the following persons be appointed to form the sub-committee:

- a. One Member of Council to be named by Council
- b. Alan Dientfeld
- c. Dave Szollosy (subject to his availability and acceptance of the position)

And that the following person be appointed as staff support:

Andrew Biggart, Town Solicitor.

And that additional staff attend and provide assistance as deemed necessary

Carried.

Please note the comments and resolution are provided from the un-adopted draft minutes.

Thank you.

TERMS OF REFERENCE

TOWN OF GEORGINA LAKE DRIVE- SHORELINE JURISDICTION AD HOC SUB-COMMITTEE

PART 1: PURPOSE OF SUB-COMMITTEE

To draft a proposed Comprehensive Policy for the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee (“LDSJHC”) to review and, if appropriate, modify and to subsequently propose to Town Council on the recommendation of the LAKE DRIVE- SHORELINE JURISDICTION AD HOC COMMITTEE regarding:

1. The identification of all lands along the Lake Drive shoreline that are to be subject to the Comprehensive Policy.
 - a. In undertaking the above, the Sub-Committee shall examine the limits of the Lake Drive road allowance.
 - b. In undertaking the above, the subcommittee shall examine the Lake Drive Shoreline that is already deeded to eligible property owners and also consider the Lake Drive Shoreline that is already subject to municipal taxation.
2. The process to be established to create lots along the Lake Drive Shoreline.
 - a. In undertaking the above, the Sub-Committee shall; (i) ensure the protection of shoreline aesthetics/vision of the lakefront; (ii) ensure the protection of the environment and the protection of the shoreline from erosion (iii) ensure the protection of the health, safety and well being of persons using the road allowance; (iv) ensure the protection of the integrity of the travelled portion of the road allowance; (v) address who shall bear the cost of creating the lake side lots, as well as the method and timing of any payment; and (vi) address whether owners of lake side lots that have already been validly deeded to eligible property owners should be exempt from any of the costs in 2(a)(v).
3. The process to be established to ensure eligible property owners maintain continued and exclusive use of a lake side lot that has been previously validly deeded to the eligible property owner.
 - a. In undertaking the above, the Sub-Committee shall examine; (i) standards for reasonable use of, maintenance of and improvements to the lake side lot.
4. The process to be established to transfer, lease or license the lake side lots from the Town to ‘eligible property owners’, as that term will be defined in the Comprehensive Policy (to consist primarily of the owners of property across the traveled portion of the road allowance from the lake side lot).

- a. In undertaking the above, the Sub-Committee shall examine; (i) methods to provide continued exclusive use of the untraveled portion of the lake side road allowance (i.e. the lots to be created as referenced in 2., above) to property owners immediately opposite the lot to be created; (ii) liability issues associated with the transfer of the lake side lots; (iii) standards for reasonable use of, maintenance of, and improvements to the lake side lots; and, (iv) the costs, if any, to be paid by the eligible property owner related to the transfer of the lot, including the method and timing of any payment.
5. The process to be established to allow eligible property owners to maintain continued and exclusive use of the lake side lot (e.g. lease or license) in the event that the eligible property owner does not wish to take title to the lake side lot.
 - a. In undertaking the above, the Sub-Committee shall examine; (i) methods to provide continued exclusive use of the untraveled portion of the lake side road allowance (i.e. the lots to be created as referenced in 2., above) to property owners immediately opposite the lot to be created; (ii) liability issues associated with the leasing or licensing of the lake side lots; and (iii) standards for reasonable use of, maintenance of, and improvements to the lake side lots; and, (iv) the costs, if any, to be paid by the eligible property owner related to the continued and exclusive use of the lot, including the method and timing of any payment.
 6. The process to be established for lake side lots that are not transferred or leased/licensed to an eligible property owner and what use should be made of such lots.
 - a. In undertaking the above, the Sub-Committee shall examine; (i) liability issues associated with the existing lot; and, (ii) standards for the reasonable use of, maintenance of, and improvement to the lake side lots.

PART 2: MEETINGS

1. The Sub-Committee shall meet as it deems appropriate throughout the year and at least monthly unless the subcommittee votes in favour of not meeting at the immediately preceding meeting
2. Quorum for the Sub-Committee shall be all members of the Sub-Committee.
3. The Sub-Committee shall prepare Minutes of each meeting to be approved by the Sub-Committee at its subsequent meeting.
4. Members of the Sub-Committee who are unable to attend a regular meeting are required to report their absence prior to the meeting date and/or time.

5. A member shall not be absent for three (3) consecutive meetings without notice. For any anticipated lengthy absence (3 meetings or more), the member shall submit a request for leave of absence to the LDSJAHC in order to preserve membership standing.
6. Without a reason that is acceptable to the LDSJAHC for having missed three (3) consecutive meetings, a member' appointment to the Sub-Committee will be revoked by the LDSJAHC.
7. In addition to the appointed members of the Sub-Committee, identified in Part 6 of these Terms of Reference, the Town's lawyer shall be in attendance at every meeting of the Sub-Committee and other Town staff who may be able to assist the Sub-Committee may be in attendance at any meeting of the Sub-Committee.

PART 3: AGENDA

1. The Sub-Committee will prepare an Agenda for each of its meetings at least three (3) days prior to any meeting and notify members of meetings dates no less than 14 days in advance of any scheduled meeting.
2. The Agenda of the Sub-Committee may contain the following items:
 - Call to Order
 - Approve/Amend Agenda
 - Declaration of Pecuniary Interest
 - Deputations/Presentations if required
 - Adoption of Minutes
 - Unfinished Business
 - New Business
 - Correspondence
 - Information Next meeting date: _____
 - Adjournment

PART 4: RESPONSIBILITIES

The Sub-Committee will elect and appoint a Chair and Vice Chair at its first meeting and shall conduct business as necessary and arrange future meetings as necessary to:

- i. prepare and draft Comprehensive Policy in accordance with the Purpose of the Sub-Committee as set out in 'Part 1: Purpose' of these Terms of Reference;
- ii. consider Town policies and reports related to Lake Drive shoreline issues when preparing the Comprehensive Policy;

- iii. consider staff recommendations with respect to existing structures and modifications to the lake side of the traveled portion of the road when preparing the Comprehensive Policy;
- iv. implement the directions of the LDSJAHC when so directed; and
- v. report to the LDSJAHC at its next meeting first after a meeting of the Sub-Committee.

PART 5: REPORTING AND RECOMMENDATIONS TO THE LDSJAHC

1. When requiring a matter to be considered by the LDSJAHC, the Sub-Committee shall make recommendations to the LDSJAHC, by reporting in a format that includes:
 - background information relevant to the matter reported upon
 - a brief synopsis or history of relevant issues
 - options for consideration which may include financial and policy implications
 - a recommendation for the LDSJAHC's consideration
2. The report will be separate from the Minutes. However, information in the Minutes pertinent to the recommendation will be summarized in the report to the LDSJAHC.
3. Reports for consideration to LDSJAHC shall be provided to the Clerk for processing.
4. The Sub-Committee shall be permitted to provide a deputation to the LDSJAHC when presenting any report to the LDSJAHC.

PART 6: MEMBERSHIP

1. Appointed by the LDSJAHC, the Sub-Committee shall consist of:
 - One (1) member of Council to be named by the Council
 - LDSJAHC Member: Alan Direnfeld,
 - LDSJAHC Member: David Szollosy,
2. Resignations from the Committee must be in writing to the LDSJAHC.
3. If a member resigns from the Sub-Committee, the LDSJAHC shall, at its next meeting after having been made aware of the resignation, appoint a member of the LDSJAHC to the Sub-Committee.

PART 7: LENGTH OF TERM / VACANCIES

The Sub-Committee shall be appointed until a Comprehensive Policy has been submitted and accepted by the LDSJAHC or as otherwise determined by the LDSJAHC.

PART 8: MEMBER IN GOOD STANDING

The rules governing the procedure of Council and the conduct of members shall be observed by this Sub-Committee. All members should reflect appropriate conduct when attending meetings and/or representing the Sub-Committee in public.

Consequences:

Upon any infraction of the above (which infers a negative impact upon the effectiveness of the Sub-Committee's work), a member can be put on probation for a two-meeting period with a letter from the Chair and/or a vote from members. If the conduct of the member continues to impact negatively upon the Sub-Committee's work, during and following the probation, then the Sub-Committee may make recommendation to the LDSJAHC to remove the member from the Sub-Committee.

PART 9: USE OF TOWN LOGO / LETTERHEAD

1. The Sub-Committee has the ability to draft correspondence and make contacts with external organizations/individuals to solicit information to/from the public, to carry out its mandate.
2. The Sub-Committee shall adhere to the Town logo policy in carrying out the mandate of the Sub-Committee.

PART 10: AUTHORITY

1. The Sub-Committee shall work within the scope of its responsibilities as set out in this Terms of Reference.
2. The Sub-Committee has no decision-making authority. Recommendations to the LDSJAHC in the form of resolutions are required.
3. Any information or action that binds the Corporation will require Council's approval.

PART 11: CONFIDENTIALITY

The *Municipal Act* shall bind the members of the Sub-Committee as it relates to confidentiality, conflict of interest, closed sessions, and any other requirements under the *Act*, which pertain to the conduct of officials.

PART 12: PROCEDURAL BY-LAW

The rules and regulations contained in the procedural by-law shall be observed in all proceedings of the Sub-Committee and shall be the rules and regulations of the dispatch of business by the Sub-Committee.