

THE CORPORATION OF THE MUNICIPALITY OF SOUTH BRUCE BY LAW #2023-06

BEING A BY-LAW to Update the Terms of Reference for the Adaptive Phased Management (APM) Deep Geological Repository Site Selection Community Liaison Committee for the Municipality of South Bruce

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 201, c. 25, as amended, in part provides that a lower-tier municipality may pass by-laws respecting the governance and structure of its local boards;

AND WHEREAS By-law Number 2013-08 provided for the establishment of an Adaptive Phased Management (APM) Deep Geological Repository Site Selection Community Liaison Committee;

AND WHEREAS Council further adopted By-Law 2014-96 being a revised Schedule "A" - Terms of Reference for the Adaptive Phased Management (APM) Deep Geological Repository Site Selection Community Liaison Committee, in place of the Schedule "A" terms forming part of By-law Number 2013-08;

AND WHEREAS on November 22, 2022, Council passed Motion M22-630 instructing staff to further amend the Terms of Reference of the Community Liaison Committee to add an additional two (2) community members;

AND WHEREAS housekeeping items, including clarification of the calculation of quorum and majority and reflection of the creation of the Project Manager role, were identified;

AND WHEREAS the Council of the Corporation of the Municipality of South Bruce deems it expedient to update the Terms of Reference for the Adaptive Phased Management (APM) Deep Geological Repository Site Selection Community Liaison Committee "South Bruce Community Liaison Committee";

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF SOUTH BRUCE ENACTS AS FOLLOWS:

1. That the Adaptive Phased Management (APM) Deep Geological Repository Site Selection Community Liaison Committee, established in the Municipality of South Bruce by By-Law 2013-08, be continued;
2. That the Committee's mandate, goal statements and Terms of Reference as set out in Schedule "A" attached hereto are adopted and shall form part of this By-Law;
3. That By-law Number 2013-08 be amended to delete its Schedule "A", and replace it with Schedule "A" attached hereto;
4. That By-Law 2014-96, being a by-law to amend By-Law 2013-08 to revise the Committee's Terms of Reference is hereby repealed.

5. That this by-law shall come into force and take effect on its date of passage.

That this by law be READ, ENACTED, SIGNED AND SEALED this 24th day of January, 2023.



Mark Goetz, Mayor



Leanne Martin, CAO/Clerk

SEAL.



**BY-LAW NUMBER 2023-06
SCHEDULE A**

**Adaptive Phased Management (APM)
Deep Geologic Repository Site Selection Community Liaison Committee**

A. DEFINITIONS

APM shall mean Adaptive Phased Management, Canada's approach for the long-term management of Used Nuclear Fuel.

Chief Administrator Officer shall mean the Administrator of the Municipality of South Bruce.

Chairperson shall mean the person chairing any meeting of the Committee as selected by a majority of the Committee.

CLC shall mean the Adaptive Phased Management Community Liaison Committee

Clerk shall mean the Clerk of the Municipality of South Bruce.

Committee shall mean the Adaptive Phased Management (APM) Community Liaison Committee.

Council shall mean the Council of The Corporation of the Municipality of South Bruce.

Current Voting Member shall mean all members of the CLC who have voting privileges as set out in the attached Appendix I. This only includes appointed members.

Majority shall mean more than half of the Current Voting Members present and voting on an issue. The count shall include only those present including the Chairperson of the Meeting.

Member shall mean a person appointed by the Consolidated Appointment By-law to the APM Community Liaison Committee.

Municipality shall mean the Corporation of the Municipality of South Bruce.

NWMO shall mean the Nuclear Waste Management Organization.

South Bruce Community Liaison Committee Project Coordinator shall mean an employee or designate of the Municipality of South Bruce appointed to assist the APM Committee as they learn about Adaptive Phased Management and the Deep Geologic Repository Site Selection Process.

Procedural By-law shall mean the most current By-law on Proceedings of Council and Committees as adopted by Council.

Project Manager shall mean the Project Manager for the South Bruce Nuclear Exploration Team of the Municipality of South Bruce.

Quorum shall be the number equal to a majority of Current Voting Members, save ex-officio members, of the whole Committee.

Residency shall mean a person who is the owner or tenant of land in the Municipality and resides in the Municipality in a permanent or a seasonal residence.

Treasurer shall mean the Treasurer for the Municipality of South Bruce.

Vice-Chairperson shall mean the person who has been selected to the position by a majority of the Committee and shall have all the powers of the Chairperson in the absence of the Chairperson.

Voting Member shall mean all members of the CLC who have voting privileges as set out in the attached Appendix I.

B. MANDATE

1. To engage, educate, and listen to the community of South Bruce 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 the Council of the Municipality regarding the NWMO's Site Selection Process and Adaptive Phased Management.
4. In addition to items 1, 2, and 3 outlined above, the Committee Members will:
 - a. Be a positive catalyst for the community as it applies to learning more about the Deep Geological Repository in South Bruce.
 - b. Act as one body and speak as one body after the committee has made a decision or motion.
 - c. Liaise with NWMO representatives, members of the community, independent consultants and other advisors to obtain information which will assist in making recommendations for a clear and concise plan of action.
 - d. Interact with other associations and interest groups.

- e. Identify, discuss, and explore issues related to the establishment of a long-term high level nuclear waste storage facility and make recommendations to Council based on those findings.
- f. Assist with hiring of consultant(s) for the third party review process.
- g. Facilitate learning for the community in an open-minded, unbiased manner while respecting the diverse views of others.

5. The mandate of the Nuclear Waste Management Organization, 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. 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 APM Community Liaison Committee shall consist of no more than twelve (12) voting members appointed through by-law, including the Mayor ex-officio.
- 2. The up to twelve (12) members of the Committee shall be comprised of no more than two (2) Members of Council, up to seven (7) members who shall be residents of the Municipality of South Bruce, and up to two (2) student members, who shall be a secondary or post-secondary school student, and a resident of the municipality of South Bruce.
- 3. The Mayor shall sit on the Committee as ex-officio and shall have voting rights in accordance with the most current Procedural By-law for the Municipality of South Bruce.
- 4. The Project Manager, in conjunction with the Chair, shall act a liaison between the Committee and the Council of the Municipality and will attend all meetings as a non-voting staff resource.
- 5. The APM Community Liaison Committee shall consist of representatives offering a diversified cross-section of the community as the Mayor and Council see fit.
- 6. The Chairperson and Vice-Chairperson of the Committee shall be appointed by the Committee at the first meeting of a new term of Council.
- 7. The South Bruce Community Liaison Committee Project Coordinator will attend all meetings as a non-voting staff resource.

8. The Committee Composition is outlined in the attached Appendix I.
9. The Responsibilities and Reporting Relationships are outlined in the attached Appendix II.

D. RECRUITMENT

The Council of the Municipality of South Bruce shall invite participation on the Committee by placing an advertisement in the local newspapers and on the Municipal website inviting residents of the Municipality to submit an Expression of Interest to the Project Manager or South Bruce Community Liaison Committee Project Coordinator. The Expression of Interest should include a summary of skills and experiences that would be an asset to the Committee; the reasons for the individual wishing to serve on the Committee; a summary of the current knowledge of the project; and what they hope to achieve as a Member of the Committee. Council and the Mayor reserves the right to select the Members of the Committee based on who they feel will best be able to fulfill the mandate of the Committee.

E. TERM

1. The office term of the Members of the APM Community Liaison Committee shall expire at the completion of the term of Council in an election year. Upon written request, every member of the Committee shall be eligible for re-appointment to the Committee. Council has the right to not re-appoint without just cause and seek out new members.
2. If Council decides to exit the Nuclear Waste Management Organization's Site Selection Process, the term of office shall end immediately upon a Council Resolution directing the Corporation to end involvement in the Site Selection Process.
3. Midterm vacancies shall be filled as per the Recruitment section of this document, and the discretion of Council.

F. ADMINISTRATION

1. In carrying out the provisions of this By-law, the Committee shall at all times be the agent of the Municipality 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; however, providing nothing in the paragraph contained shall authorize or empower the Committee to incur any debt, liability, or obligation for which the Municipality shall become liable, without having previously obtained the consent of Council.
2. The Committee shall be responsible for advising Council on issues related to the NWMO's Site Selection Process as defined in the Mandate for the Committee.
3. The Committee shall hold Regular Meetings and Special Meetings from time to time as deemed necessary. Minutes shall be kept of all Meetings and forwarded to the CAO and/or Clerk by the South Bruce Community Liaison Committee Project Coordinator once adopted.
4. Within fifteen (15) minutes after the hour appointed for a Meeting, and if the Chairperson does not attend, the Vice-Chairperson or designate shall call the members to order if a quorum is present, and shall preside during the Meeting or until the arrival of the Chairperson.
5. Where the Chairperson has advised the South Bruce Community Liaison Committee

Project Coordinator that he/she will not be present at the Meeting, the Vice-Chairperson shall be advised as soon as practicable.

6. A quorum of Current Voting Members shall be required to conduct any Committee business.
7. If no quorum is present within fifteen (15) minutes after the hour appointed for a Meeting, the South Bruce Community Liaison Committee Project Coordinator shall record the names of those present and the Meeting shall stand adjourned until the next Regular Meeting.
8. Council, on the recommendation of the Committee, may declare vacant the seat of any Committee Member missing three (3) consecutive Meetings without just cause.
9. The most current Procedural By-law shall apply to Committee Meetings.
10. In the case of a disagreement between this By-law and the Municipality of South Bruce Procedural By-law, this By-Law shall govern.
11. A person who would like to appear as a Delegation or Presentation in a Meeting of the Committee must submit a copy of their Delegation Report/Presentation Report to the Project Manager or South Bruce Community Liaison Committee Project Coordinator by 1:00 p.m. one week prior to a Committee Meeting.
12. The subject matter of the Delegation/Presentation must be a matter within the Committee's area of responsibility as defined in Section B- Mandate as determined by the Project Manager.
13. No person other than the designated spokesperson may speak on the matter and not for more than ten (10) minutes, except that 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.
14. Notwithstanding Subsection 13, presentations such as consultants' reports or deputations which are made at the request of the Committee are not considered to be same as Delegations and not subject to the time limit.
15. The Committee shall not make a decision in response to a Delegation/Presentation during the Delegation/Presentation. Members of the Committee may seek clarification from the presenter(s), but shall not enter into a debate on the subject matter.
16. A written response will be provided as a follow-up to each presenter or group.
17. 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 Project Manager.
18. The Project Manager shall have the discretionary authority to determine whether sufficient detail has been provided in preparation for the subject Delegation/Presentation and to request additional information as required from the presenter.
19. The Project Manager shall have the authority to determine the Meeting at which a Delegation/Presentation will be scheduled, having regard to time sensitive issues.
20. The Project Manager, in consultation with the CAO, reserves the right to deny a Delegation/Presentation request where the subject matter includes content which falls within Section 239 of the Municipal Act, 2001 or matters covered by the Municipal Freedom of Information and Protection of Privacy Act.
21. The Project Manager may refuse a delegation request when the subject matter of the

delegation is beyond the jurisdiction of the Committee.

G. PERSONNEL

1. The Committee will be assisted by the South Bruce Community Liaison Committee Project Coordinator by preparing Committee Agendas and Minutes or for other requirements as approved by the Clerk.
2. All staff providing assistance to the Committee shall report directly to the Project Manager.

H. FINANCIAL

1. Annually, by December 1st, the Committee shall submit to the Council any financial requirements for its approvals, and shall make to Council such other financial reports as required.
2. The Committee shall not have its own bank account. All deposits and payments will be made through the Treasurer as regulated by the Municipal Act, 2001.
3. All accounting shall be centralized in the office of the Treasurer and all purchasing, handling or revenue and the issuing of cheques will be done according to established Municipal procedures.

I. REPORTING

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

J. ACCESS TO INFORMATION FOR COMMITTEE MEMBERS

1. Members of the Committee shall have access to information through the Project Manager in order to fulfill their mandate as a Member, provided he/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 Clerk and, under no circumstances, shall such material be removed from the Municipal 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) will govern.

APPENDIX I

ADAPTIVE PHASED MANAGEMENT COMMUNITY LIAISON COMMITTEE
COMPOSITION

Committee Composition	Number of Representatives
<u>Voting Members</u>	
Council Member (Alternate votes in absence of Council Member)	2
Resident Members	Up to 7
Student Members	Up to 2
<u>Mayor (ex-officio)</u>	<u>1</u>
Total	Up to 12
<u>Non-Voting Member/Staff Resource</u>	
South Bruce Community Liaison Committee Project Coordinator	1
Project Manager	1
CAO/Clerk (as deemed necessary)	1

APPENDIX II

RESPONSIBILITIES AND REPORTING RELATIONSHIPS

THE CHAIR

1. The Chair is the head of the Committee.
2. The Chair of the APM Community Liaison Committee in conjunction with the Project Manager and/or CAO 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 Project Manager and/or CAO and South Bruce Community Liaison Committee Project Coordinator 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.

THE SOUTH BRUCE COMMUNITY LIAISON COMMITTEE PROJECT COORDINATOR

1. The South Bruce Community Liaison Committee Project Coordinator in conjunction with the Project Manager and/or CAO shall prepare the agenda and supporting materials for the meetings.
2. The South Bruce Community Liaison Committee Project Coordinator shall record the time, place, and date of each meeting held by the Committee.
3. The South Bruce Community Liaison Committee Project Coordinator 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 South Bruce Community Liaison Committee Project Coordinator shall record the decisions of the Committee.
5. The South Bruce Community Liaison Committee Project Coordinator is the primary staff support person for the Committee.
6. The South Bruce Community Liaison Committee Project Coordinator shall ensure notice of each meeting is provided by the posting of the agenda.
7. The South Bruce Community Liaison Committee Project Coordinator shall attend the committee meetings with non-voting privileges.

THE MEMBERS

1. Members shall report to the South Bruce Community Liaison Committee Project Coordinator any issues that they feel should be addressed by the Committee. The South Bruce Community Liaison Committee Project Coordinator, in consultation with the Chair, 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 the meetings in a mannerly fashion.
4. Members should report to the Chair or South Bruce Community Liaison Committee Project Coordinator their concerns or issues.

THE PROJECT MANAGER

1. The Project Manager of the APM Community Liaison Committee in conjunction with The Chair and/or CAO shall be the primary liaison between Council and the Committee.

2. The Project Manager shall, in conjunction with the Chair and/or CAO and South Bruce Community Liaison Committee Project Coordinator shall develop agendas for the regular meetings of the Committee.
3. The Project Manager shall strive to ensure that the Committee is fulfilling the Mandate of the Committee.

THE CAO/CLERK

1. The CAO/Clerk is the administrative head of the Municipality and as such all staff, part-time, full-time, contract, or otherwise fall under this position.
2. The Project Manager and/or CAO in conjunction with the Chair of the APM Community Liaison Committee shall be the primary liaison between Council and the Committee with non-voting privileges.

THE MAYOR

1. The Mayor is the executive head of the Municipality and as such is a member of all Committees by virtue of office, with voting privileges as set out in the most current Municipality of South Bruce Procedural By-law. The Mayor is not considered when calculating quorum.