

Appendix "A"

Terms of Reference North Bay Downtown Waterfront Advisory Committee

The City of North Bay commissioned the Downtown Waterfront Master Plan Study during the spring of 2016. The study findings are based on 10 months of extensive consultation with the public, youth and Indigenous communities. The North Bay Downtown Waterfront Master Plan concepts, guiding principles and recommendations reflect over 2,000 points of contact with community members who participated in workshops, focus groups and the on-line questionnaire.

The City of North Bay commissioned the King's Landing Wharf Municipal Class Environmental Assessment in May of 2016. The project was structured in accordance with the planning and design process for a Schedule C project as outlined in the Municipal Engineer's Association Class Environmental Assessment Guidelines. Over the past 10 months several reports have been completed studying the environment around the existing wharf. During that same period, the project team contacted the public, agencies and stakeholders on five separate occasions soliciting comments in regards to the project and information presented. Indigenous communities were invited to the various Public Information Centers and were also contacted directly to discuss the various alternatives for the King's Landing Wharf.

The North Bay Downtown Waterfront Master Plan and King's Landing have a solid foundation of public participation and input. It is anticipated that the repair, rehabilitation and/or redevelopment of King's Landing has the potential to have a significant impact on the future of the downtown and waterfront. And as such was its study was completed in alignment with the Downtown Waterfront Master Plan.

Guiding Principles

The North Bay Downtown Waterfront Master Plan with a solid foundation of public participation and input and is anchored in the following guiding principles:

1. Celebrate North Bay's history and Indigenous culture
2. Introduce new year-round destinations
3. Support a mixed use downtown
4. Focus design on environmentally sustainable buildings, parks and streetscapes
5. Encourage diversity in building design and form
6. Create a connected downtown circulation network
7. Follow an economically feasible approach to implement the vision

Vision Statement

North Bay's Downtown Waterfront will be unified in a comprehensive long-term vision that brings together economic strength, social parity, environmental sustainability and cultural vibrancy.

“Think Big, Start Small”

A Master Plan is comprehensive, wide-ranging and long-term in nature and scope. **It does not represent a plan to invest, all at once, large sums of money** immediately, any time soon or even within the typical ten-year horizon of municipal capital investment plans. In fact, Master Plans usually contain many phases spanning up to 20 years or more. However, as is usual for community development plans and initiatives, it is highly appropriate to think big and, by necessity, start small.

The Downtown Waterfront Master Plan and King’s Landing Environmental Assessment merely provides guidance for the further development of North Bay’s Downtown Waterfront and any future redevelopment or development. The Downtown Waterfront Master Plan represents a multi-year concept plan, which will not be precisely followed but will evolve over time to reflect needs, opportunities and resources (including funding) available in the short-term (up to 5 years), medium-term (5 to 10 years) and long-term (10 to 20 years).

The North Bay Downtown Waterfront Master Plan promotes **management by fact** and **evidence-based thinking, deliberation and decision-making**, all of which address whether we can “afford our future” by ensuring that public investments:

- Are planned and implemented in phases over many years;
- Directly link to, follow, partner with, and/or leverage private sector investments;
- Meet asset management principles and criteria (e.g. life-cycle cost); and
- Comply with eligibility criteria, agreement rules and conditions, and reporting requirements of Canada and Ontario infrastructure and other funding programs.

Key Criteria for Evaluating Capital Project Options and Alternatives

- Maximizes external funding available to the project.
- Fit with eligibility criteria for application based funding and/or formula based funding.
- Time required for each alternative to make project “shovel ready” for special or “one-time” funding opportunities.
- Life cycle costs, including periodic capital maintenance or upgrading costs that can be reasonably anticipated and quantified.
- Ability to meet “resiliency” (e.g. design, construction or modification to withstand severe weather events) or other climate change adaptation requirements.
- Analysis of cost/benefit and risk (i.e. operational, financial and legal/liability risks).
- Relative ability to create or maintain conditions conducive to business.
- Fit or consistency with Downtown Waterfront Master Plan guiding principles.
- King’s Landing Environmental Assessment.

Municipalities and HST

Unfortunately, the North Bay Downtown Waterfront Master Plan has been unfairly called into question, criticized and/or ridiculed for not including HST in capital cost estimates. Some presenters at Council alleged capital costs are understated by 13%. Regrettably, municipal staff was not contacted in advance by the presenters. There has also been no subsequent contact by the presenters or media fact checkers.

Municipalities receive a rebate of 100% of the Federal portion of the HST and Ontario municipalities receive a rebate of 78% of the Provincial portion of the HST. **Net HST payable by Ontario municipalities is 1.76%**, which is not material for preliminary estimates of capital costs. It is also negligible relative to contingency allowances (up to 30%) that are included in some cost estimates until better information is available at a future point in the capital budgeting process (e.g. detailed design and engineering).

Summary

The Downtown Waterfront Master Plan King's Landing Environmental Assessment establishes a comprehensive vision for the downtown and waterfront to provide for: economic development through private investment; additional recreational amenities; and Main Street revitalization and Waterfront development and/or redevelopment.

The vision will be implemented over a long period of time. It will require a variety of partnerships with the Governments of Canada and Ontario, private developers and not-for-profit organizations.

The North Bay Downtown Waterfront Advisory Committee is hereby established with Terms of Reference as follows.

1.0 NATURE OF COMMITTEE, REPORTING AND RELATIONSHIPS

- 1.1 The Advisory Committee is intended to be a short-term, Ad Hoc Committee to be established effective April 21, 2017 and will provide recommendations to the Council not later than June 27, 2017.
- 1.2 Notwithstanding the above, the Committee may be reorganized from time to time or dissolved as the Council deems appropriate.
- 1.3 The Committee shall exist only for the purposes of providing advice and making recommendations to the Council on matters as set out herein.

2.0 MANDATE OF THE COMMITTEE

- 2.1 The overall purpose of the Committee is to review the North Bay Downtown Waterfront Master Plan, examine the implementation plan (steps and phases) and cost estimates set out in Section 6 of the Downtown Waterfront Master Plan, and make recommendations to Council for adopting or revising actions identified in the implementation plan.

- 2.2 The specific objectives of the Committee include, but are not limited to:
- a. Receive a presentation by staff covering the Environmental Assessment and options for the King's Landing Multi-Use Pier and Breakwater;
 - b. Receive a presentation by staff that addresses the Planning Processes set out in Section 6.2 of Downtown Waterfront Master Plan and make a recommendation to Council concerning the order and/or priority of the planning matters which, upon adoption by Council, will provide overall direction, policy tools and specific measures for implementing the Master Plan;
 - c. Review Section 6.5 of the Downtown Waterfront Master Plan, Next Steps, and make recommendations to Council regarding adoption or revision;
 - d. Review Section 6.6 of the Downtown Waterfront Master Plan, Master Plan Phasing, and make recommendations to Council regarding adoption or revision; and
 - e. Review Section 6.7 of the Downtown Waterfront Master Plan, Cost Estimates, and make recommendations to Council regarding adoption or revision, including addressing the adequacy of the 30% contingency allowance built into the cost estimates.

3.0 COMMITTEE COMPOSITION

- 3.1 The Committee shall be comprised of Council and Citizen members as follows:
- a. Council may appoint up to two (2) Council members to the Committee;
 - b. The Mayor is a member and will Chair the Committee;
 - c. Council may appoint up to four (4) Citizen Members to the Committee;
 - d. The Chief Administrative Officer shall attend meetings of the Committee and may authorize the attendance of such other municipal staff as may be necessary or appropriate;
 - e. The Managing Director of Engineering, Environment and Works and the Managing Director of Community Services or a person designated by each of them shall attend meetings of the Committee; and
 - f. Staff attending meetings serve in a resource and/or advisory capacity and are not voting members of the Committee.

4.0 RULES OF PROCEDURE/ORDER/CONDUCT

- 4.1 Members of the Committee shall observe the Rules of Procedure outlined in Council's Procedural By-Law.
- 4.2 A quorum shall be the majority of the members appointed by Council.
- 4.3 Motions shall only require a Mover and may be presented verbally.

5.0 DISCLOSURES OF PECUNIARY INTEREST

- 5.1 If a Committee member has any pecuniary interest, direct or indirect, in any matter in which the Committee is concerned and the member is present at a Meeting at which the matter is the subject of consideration, the member shall disclose the member's interest and the general nature thereof and shall not take part in the consideration or the discussion of the matter nor vote on any Motion in regard to the matter. If a member is not present and has any pecuniary interest, the member shall disclose the member's interest at the next meeting attended.
- 5.2 Notwithstanding the quorum requirements, when a majority of the Committee members have disclosed an interest in accordance with Section 5.1 above and the *Municipal Conflict of Interest Act*, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than one-third of the members appointed by Council.

6.0 SCHEDULE/LOCATION OF MEETINGS

- 6.1 The day, time and location of the Meetings will be at the call of the Chair.
- 6.2 The Committee shall hold meetings when business is required to be dealt with.
- 6.3 Notice of Meetings shall be provided by the Clerk's office.

7. ACCESS TO MEETINGS

- 7.1 Except as provided in this Section, all meetings shall be open to the public.
- 7.2 The Chair or other presiding Officer may expel any person for improper conduct at a Meeting.
- 7.3 A Meeting or a part of a Meeting may be closed to the public (Closed Meeting) if the subject matter being considered is:
- the security of the property of the municipality or local board;
 - personal matters about an identifiable individual, including municipal employees or local board members or a resident(s);
 - a proposed or pending acquisition or disposition of land by the municipality or local board;
 - labour relations or employee negotiations;
 - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
 - the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- 7.4 A meeting of the Committee may be closed to the public if the following conditions are both satisfied:
- the meeting is held for the purpose of educating or training the members; and
 - at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Committee.
- 7.5 Before holding a Closed Meeting or part of a Meeting, the Committee shall state by Resolution:
- the fact of the holding of the Closed Meeting;
 - the general nature of the matter to be considered at the Closed Meeting; and
 - in the case of a meeting under Section 7.4, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that section.
- 7.6 A Meeting shall not be closed to the public during the taking of a vote except if:
- Subsection 7.3 or 7.4 permits or requires a Closed Meeting; or
 - the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee or persons retained by or under contract with the municipality or local board.
- 7.7 All deliberations while in Closed Session shall remain confidential unless otherwise approved by the Committee in Open Session.
- 7.8 Minutes of Closed Sessions shall be recorded, without note or comment and remain confidential.

8.0 MEETING STRUCTURE, AGENDA AND MINUTE FORMATS

- 8.1 Attendance at all meetings shall be recorded. Members shall notify the Clerk's office if they are unable to attend.
- 8.2 Agendas and Minutes for Committee meetings may include any or all of the following components:
- a) Date, time, location of meeting
 - b) Members present and absent
 - c) Guests present
 - d) Disclosure of Pecuniary Interest
 - e) Presentations
 - f) Deputations
 - g) Adoption/Correction of Previous Minutes of the Committee
 - h) Business arising

- i) Staff Reports
- j) New business
- k) Other Business
- l) Communications
- m) Closed Session
- n) Next Meeting
- o) Adjournment

8.3 Minutes of the Committee shall be forwarded as soon as possible following the meeting for circulation to Council in a timely manner on the next available Agenda for their information. Staff will be required to prepare a report for any recommendation of the Committee requiring action of Council. Minutes of all meetings shall be recorded.

9.0 POLICIES AND PROCEDURES

9.1 The Committee shall adhere to the policies and procedures of the City of North Bay.

10. PROVISION FOR ACCESSIBILITY AND DIVERSITY

10.1 Adequate provision shall be made by the Chair of the Committee and relevant staff to ensure that meeting locations, agenda and minute formats, communications and conduct of meetings is accessible, to ensure maximum participation and quality customer service. Reference may be made to the provisions of the *Ontarians with Disabilities Act* and similar legislation, policies and guidelines. Membership that reflects the diversity of the City of North Bay community will be encouraged in the recruitment, selection and appointment process.