

CENTRAL TIMISKAMING PLANNING BOARD

Bylaw Number 2013- 02

**Being a bylaw to adopt the policy that sets out roles, responsibilities,
duties and operations of the Central Timiskaming Planning Board**

WHEREAS the Central Timiskaming Planning Board is a local board made under Section 9 of the Planning Act, R.S.O. 1990 and so defined by order of the Minister of Municipal Affairs and Housing; and

WHEREAS the Central Timiskaming Planning Board further deems it appropriate and desirable to establish certain policies with respect to Board authority and responsibility;


**NOW THEREFORE THE CENTRAL TIMISKAMING PLANNING BOARD ENACTS
AS FOLLOWS:**

1. **THIS** Bylaw shall be known as the "Board Authority and Responsibility Bylaw" of the Central Timiskaming Planning Board.
2. **THAT** the policy with respect to Board Authority and Responsibility , a copy of which is attached hereto as Schedule "A", forms part of this By-law.
3. **THAT** all other By-laws and resolutions or parts thereto, contrary hereto or inconsistent herewith, be and the same are hereby repealed.
4. **THAT** this By-law comes into force and effect on the day of passing thereof.

READ A FIRST and SECOND TIME this 8th day of October, 2013

READ A THIRD and FINAL TIME this 8th day of October, 2013
and enacted as of this date.





Chair



Secretary-Treasurer

CENTRAL TIMISKAMING PLANNING BOARD POLICY 1

Town of Englehart
Township of Evanturel
Township of Chamberlain
Municipality of Charlton-Dack

Policy: Board Authority, Structure & Responsibility	Board Approval: Date: <u>October 08 2013</u>
By-Law No. <u>2013-02</u>	Revised Date: _____ Authority: _____

1) Purpose:

The general purpose of this policy is to set out the roles, responsibilities, duties and operations of the Central Timiskaming Planning Board and ensure that all planning and land use related decisions concerning the municipalities within the Planning Area are free from any real or perceived conflicts of interest and to maintain public confidence in the integrity of the Municipalities and the decisions of the Planning Board.

2) Application:

This policy applies to the representatives, elected officials and all staff of the member municipalities, where applicable.

3) Policy Statement/Guidelines:

This policy shall be exercised in accordance with the following:

- a) Planning Act, RSO 1990, the Provincial Policy Statements and all other Provincial interests.
- b) Central Timiskaming Official Plan and associated policies.
- c) Municipal interests of the Town of Englehart, Township of Evanturel, Township of Chamberlain and the Municipality of Charlton and Dack.

4) Definitions

- a) Administrative Municipality means the municipal office where the Secretary-Treasurer conducts Planning Board business.

5) Planning Board Funding and Operations

- a) The Central Timiskaming Planning Board derives its operational funding from a combination of planning fees and member municipality apportionments. Municipality apportionment would cover the costs of Audit and Secretary-Treasurer wages. The fee is set at the beginning of the fiscal year. The intention is to remain financially revenue neutral
- b) A planning consultant is on retainer for questions arising during the year and for preparation and representation of any Ontario Municipal Board hearings.
- c) Accounting functions will be the responsibility of the administrative municipality and the municipal auditor will be requested to review the CTPB accounts at the same time as the municipal accounts.
- d) Application forms to be standardized and available at all municipal offices, as well as on the municipal websites.

6) Administration fee

- a) The Administrative Municipality shall receive an administration fee set in accordance with the budget. This amount shall be reviewed annually and included in the annual budget, to be approved each year by the Board and Councils. The fee shall be adjusted accordingly.
- b) Payments for the administration fee shall be paid in two installments on the last day of the month in June and December payable to the respective municipality. The Secretary-Treasurer of the Planning Board shall be compensated by the administrative municipality through the annual remuneration. The administrative municipality shall record the activities of the Secretary-Treasurer for annual review of the administrative fee.

7) Remuneration/Salary

- a) As identified above the Secretary-Treasurer shall be compensated by the administrative municipality through the annual administrative fee.
- b) No remuneration shall be paid to any board member or Secretary-Treasurer directly and the remuneration/salary shall be deemed the responsibility of the administrative municipality and in accordance to the remuneration policy of the member municipality.

8) Training and Education

- a) All planning board members, secretary-treasurer of the board and municipal administrative staff are encouraged to participate in training and education.
- b) Each municipality will be responsible for the cost associated with training and education of their board members and municipal administrative staff.
- c) Training specific to the duties of the Secretary-Treasurer of the Board shall be funded through the administrative fee of the Board shared amongst the member municipalities and shall be estimated in the annual budget and subject to board approval annually.

9) Duties of the Administrative Municipality & Secretary-Treasurer of the Planning Board:

The Administrative Municipality and Secretary-Treasurer of the Planning Board shall provide and/or ensure:

- a) An appropriate and secure office space for records and files;
- b) Proper organization and indexing of all records and files;
- c) The timely response to all applications within the timeframes provided in the Planning Act;
- d) The proper tracking and payment of all invoices, revenues and expenses related to the operation of the Planning Board. This will include the disbursements of expenses and other financial outlays made on behalf of the Planning Board;
- e) The provision of a dedicated set of accounts for the Planning Board, within their accounting system;
- f) The provision of an annual audit of the Planning Board accounts, during the municipal audit. The audit fees derived from the annual review will be at the expense of the administrative municipality and offset through the remuneration received as the Administrative fee. The audit review shall be circulated to the member municipalities upon completion.
- g) Tracking and collection of all application fees.
- h) The provision of semi-annual statements of all financial records such as balance sheet, revenues and expenditures of the Planning Board. Upon acceptance of the Planning Board, the statement will be forwarded to all member municipalities;
- i) Any other duties or responsibilities deemed necessary by the Board.

10) Annual Budget:

- a) The Planning board shall prepare an annual budget for the operations of the Planning Board. The budget is subject to the approval of the member municipal councils.

11) Budget Shortfalls:

- a) In the event there is a shortfall, each municipality shall be responsible for their share as determined in the following cost apportionment formula:

25% of the shortfall will be shared equally amongst all municipalities

75% of the shortfall will be shared on a percentage basis as determined by the following calculation:

<p>Number of applications in individual municipalities in the preceding year</p> <p>Divided by</p> <p>Total Number of applications submitted in the preceding year and multiplied by 100 to equal the percentage share to be covered by the individual municipality</p>
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12) Budget Surplus

- a) In the event there is a budget surplus, the amount of the surplus shall be transferred to reserve, intended to be used for the Joint Central Timiskaming Official Plan Review or mutual joint studies as determined by the Board and/or approved by the member municipalities

13) Planning Roles & Authority of the Planning Board

The specific authority and roles of the Board shall be:

- a) Pursuant to Ministerial Order, the Planning Board shall be the approval authority for the following:
- i) Consent granting under Section 53 of the Planning Act
 - ii) Subdivision of land (and condominium) under Section 51 of the Planning Act; and
 - iii) Validation of title certificates under Section 57 of the Planning Act
 - iv) Foreclosure or exercise of power of sale under Section 50(18)
- b) Zoning Bylaw Amendment: provision of comment as to whether the proposed zoning by-law amendment conforms to the Official Plan
- c) Official Plan Amendment:- administrative services for receipt and processing of applications
-provisions of comment on proposed amendments to the Official Plan
- d) Implementation of the mandatory review of the Official Plan, as required and upon approval of the member municipalities.
- e) Community Improvement Planning under Section 28 of the Planning Act upon approval of the member municipalities in accordance with Regional Strategic plans, Official Plan or any other formal municipal policy.
- f) Business Improvement Area Planning upon approval of the member municipalities and in accordance with Regional Strategic Plan, Official Plan or any other formal municipal policy.

- g) Coordination of annual review of planning application fees across the planning area to encourage consistency
- h) Attend council meetings to explain specific applications, planning reports, official plan and zoning interpretations, complex planning issues etc., at request of council.
- i) Representation at O.M.B. Hearings along with planning consultant and other named persons.

14) Planning Roles & Authority of the Member Municipalities

Member municipalities shall retain full authority of the following:

- a) Official Plan amendments decisions
- b) Zoning By-laws and amendments
- c) Site plan control
- d) Minor variances
- e) Letters or Certificates of Compliance
- f) Any other planning tools under the planning act not delegated to the Planning Board above.

15) Optional Services

The member municipalities shall keep the Planning Board informed where appropriate. Excepting that if any municipality wishes to enter into an agreement for the provision of administrative services for Zoning By-law amendments, or any other planning service, they may do so individually at a fee determined by the Board. This optional service shall not be funded by the Board and the total cost of the service shall be invoiced to the respective municipality for payment in full in the event of a cost overrun. Any surplus revenue derived for the services shall be used at the discretion of the Board.

16) Planning Consultant to the Board:

A planning consultant for the Board is on annual retainer for questions, assistance and guidance arising during the year in respect to Planning.

The Planning Consultant shall be called upon at the discretion of the Secretary-Treasurer and/or majority vote of the Board for any planning services deemed necessary and in the best interest of the Municipalities involved.

The planning consultant, at their discretion, shall be involved with any preparation and representation of any Ontario Municipal Board hearings.

17) Planning Applications:

- a) Application forms shall be standardized and available at all municipal offices, as well as on municipal websites.
- b) The administrative process shall be set out in a policy of the Board.
- c) Member municipalities shall receive planning applications along with the required fee, payable to the Central Timiskaming Planning Board. The package shall be submitted in a timely manner to the Secretary-Treasurer of the Board whereupon the application will be date stamped.
- d) Alternatively, the applicant may attend the administering office of the CTPB to submit a completed application along with the required fee.

18) Application Fees:

- a) Application fees shall be formed to cover the cost of the service.
- b) For the services under the authority of the Board, the fees shall be determine by the Board and set out in a By-law of the Board.
- c) Recognizing the joint planning area, all other planning fees of the member municipalities shall be set by the member municipality by By-law at the rates determined mutually by the Board and councils to ensure coordination and consistency within the Planning Area.

19) Other

- a) Member municipalities are urged to liaise and provide early consultation and general land use planning information to the general public and developers within their municipalities.
- b) The Central Timiskaming Planning Board encourages the public to pre-consult with the Planning Board and technical agencies to assure themselves that their application meets the requirements.

20) INDEMNITY PROVISION: the parties agree not to hold the other party responsible for any loss, damage, or legal liability. In effect, this clause indemnifies the parties on a unilateral or reciprocal basis (as the case may be).