

WATERFRONT DEVELOPMENT COMMITTEE

Section:

Short Title

1. This by-law may be cited as the Shelburne Waterfront Development Committee By-Law. In all events it shall govern the activities of this Committee to the extent it does not contravene the By-laws of the Town of Shelburne, in which event the By-laws of the Town of Shelburne shall be predominant. As well, in the event that the Committee is involved with land and/or activities in the Municipal District of Shelburne the By-laws of the Municipal District of Shelburne shall be predominant to the By-laws of the Committee.

Definitions

2. In this by-law, unless the context otherwise requires, the expression:

- (a) “Committee” means the Committee created under this by-law;
- (b) “Council” means the Town Council of the Town of Shelburne;
- (c) “Councillor” means a member of the Town Council of the Town of Shelburne;
- (d) “Mayor” means the Mayor of the Town of Shelburne;
- (e) “Town” means the Town of Shelburne;
- (f) “Area” means the geographical area served by the Shelburne Waterfront Development Committee.

Composition of
Committee

3. There shall be a Committee which shall consist of 9 voting members appointed in the manner hereinafter set out which shall be known as the “Shelburne Waterfront Development Committee”. There may also be 3 nonvoting ex-officio representatives appointed in the manner hereinafter set out. An ex-officio representative shall not have a vote.

Appointment
of Council
members to
Committee

4. (1) The members of the Committee shall be as follows:
(a) 2 voting members from Shelburne Town Council
1 voting member from Municipal District of Shelburne Council
6 other voting members who are either residents of the Town of Shelburne or Agents of businesses existing in the Town of Shelburne
2 of these 6 members shall be residents of, or agents of businesses who are residents of, the Dock Street and/or Waterfront Area of Shelburne.
Total 9 members.

Membership in the Waterfront Development Committee may also include 1 non-voting ex-officio representative from each of:

*EDT

*ACOA

*RDA

Or successor, or substitute, as determined by the majority of the voting members of the Committee.

Term of Appointment

(2) All members of the Committee shall be appointed for a term of one year. All appointments shall be made at the November meeting of the Shelburne Town Council and shall be effective December 1 of the same year. In the event of a vacancy occurring, the Committee shall recommend a replacement, which recommendation shall be put before the Shelburne Town Council for its decision. This appointment shall be with the purpose of filling the particular vacancy and the person so appointed shall hold office for the remainder of the term of the member in which place the new member was appointed. All appointments to the Committee at any time shall be at the sole discretion of Town Council.

Appointment in case of vacancy

(3) In the event of a vacancy occurring on the Committee, other than by reason of the expiration of the term of a member thereof, the Council shall appoint, in the event that the member was a Councillor, a Councillor; or in the event that the member was other than a Councillor, a member other than a Councillor, to fill the vacancy and the person so appointed shall hold office for the remainder of the term of the member in whose place he was appointed.

Notification

(4) Where a vacancy occurs before the expiration of the term of office of any member of the Committee, the secretary shall notify the Council in writing of such vacancy.

Members to hold office until successor appointed

(5) The members of the Committee, notwithstanding the foregoing provisions of the Section, shall hold office until their successors are appointed as hereinbefore set forth.

Remuneration

(6) Each member of the Committee shall serve without remuneration but may be paid such expenses as are necessarily incurred by such member in the discharge of his duties and which are ratified by the Committee.

Dismissal

(7) Where any member of the Committee has failed to attend three consecutive meetings of the Committee of which due notice has been given, without having been excused from such meetings by the Committee, which excuse may be granted either before, during or after such meeting, such member shall therefore forthwith vacate his seat as a member of the Committee and shall be deemed to have resigned. The remaining members shall at the next meeting of the Committee declare the seat to be vacated and the secretary shall forthwith notify the Council in writing, which shall proceed to fill the vacancy.

Quorum

5. A quorum of the Committee shall be at least the majority of the voting members of the Committee. There being 9 voting members of the Committee, therefore a quorum is at least 5 voting members.

Appointment of Chairman, Vice-Chairman and Secretary

6. (a) At the first meeting of the Committee held following the appointment of the members thereof, the members shall elect a Chairman, two Vice-Chairmen and recording Secretary, who shall hold office until the first meeting of the Committee held in the next following Month of January, or the first meeting of the Committee immediately following the appointments by Council of Committee Members.

- Regular Meetings (b) Regular meetings of the Committee shall be held at least once per month and be open to the public. All other meetings may be called by the Chairman or a quorum of the Committee on one day's notice.
- Minute Book (c) A Minute Book shall be kept and minutes of all regular and special meetings shall be recorded therein by the Recording Secretary of the Committee or the Secretary pro-tem.
- Vote (d) The Chairman of the Committee shall have a vote on any question and in the event of a tie, the motion shall be lost.
- Appointment of Officers 7. The Town Clerk shall be the Treasurer of the Committee. The Council shall appoint to the Committee's use such officers, servants, managers or workmen as it deems necessary and shall fix their salaries or their remunerations, if any, and such officers, servants, managers or workmen shall be deemed to be the employees of the Town.
- Amendment of Regulation 8. (1) The Committee may from time to time make, amend, alter or repeal regulations in respect of:
- (a) the duties and discipline of the members and employees of the Committee;
 - (b) the conduct of business at the meetings of the Committee;
 - (c) any other matter incidental to the carrying out and performance of the powers and objects of the Committee.
- Certified copy of regulation to be submitted to Council (2) When any regulation has been made by the Committee it shall be signed by the Chairman and Secretary and a certified copy thereof sent to the Clerk of the Town to be by him submitted to the Council for approval.
- Coming into force of regulations (3) Every regulation and every amendment or alteration or repeal of an existing regulation shall come into effect only upon approval of the same by Council.
- Fiscal Year 9. The fiscal year of the Committee shall begin April 1 and end March 31 of the next year.

- Audited Statement 10. The Committee shall not later than the first day of March in each year submit to the Council an audited statement for the fiscal year immediately preceding showing:
- (a) the revenue of the Committee from all sources during the fiscal year;
 - (b) the expenditure by the Committee during the fiscal year;
 - (c) a revenue fund balance sheet as of the close of the fiscal year;
 - (d) a continuity of surplus or deficit accounts;
 - (e) such other information and accounts as the Committee or the Council may request;
 - (f) a certificate of the auditors stating whether or not they have obtained all the information and explanations required by them and whether in their opinion the balance sheets and the statements of revenue and expenditure are properly drawn up so as to exhibit clearly the true and correct financial position of Committee according to the information and explanations given to them and as shown by the books and records of the Committee.
- Commission Estimates 11. (1) The Committee shall yearly, not later than the thirty-first day of January, submit to the Council for approval an estimate of the amount required for the purposes of the Committee for the current year.
- Council's approval required (2) The Council may approve such estimate or may amend, reduce, or otherwise alter the same as it may determine and the amount of such estimate as so approved, amended, reduced or altered shall be included in the estimate of the amount to be rated and collected by the Town for the current year.
- Payment of Committee expenses by Treasurer of Town (3) The Committee shall be restricted in its expenditures to the amounts and purposes shown on the statement as approved by Council, provided that with the approval of Council amounts shown on the statement as intended to be expended for specific purpose may be used in whole or in part for some other purpose within the jurisdiction of the Committee .
- Restriction on expenditures (4) Neither the Committee nor any member thereof shall have power to pledge the credit of the Town in connection with any matter whatsoever, nor shall the Committee nor any member of it have any power to authorize any expenditure to be charged against the Town.

Appointment of
standing committees

12. The Committee may at the first meeting thereof or at any other meeting, appoint such standing or special committees as it shall from time to time deem necessary and may assign to such committees such powers and duties as the Committee may determine. The members of such committees shall hold office until the first meeting in the next following year unless at the time of such appointment the Committee shall determine that the term of office shall be for a lesser period.

Objects of Committee

13. The objects and priorities of the Committee shall be:

- (a) to enhance, beautify and promote the whole of Shelburne Harbour and adjacent area, through the creation and encouragement of an atmosphere, attributes and developments that increase the use of Shelburne Harbour by visitors and residents alike;
- (b) to identify, encourage and promote economically viable and environmentally responsible projects for physical, economic and social environment of Shelburne and adjacent area while promoting job creation;
- (c) to protect, preserve and enhance the integrity of the Historic District for the betterment of the Town of Shelburne and its citizens;
- (d) these priorities should be defined by the Committee, through public consultation and workshops, and the appointed Consultant's evaluations.

The first priority should be seen to have an immediate economic, visual and social impact to gain the necessary momentum for the work.

Power of Committee

14. The Committee is empowered to:

- (a) lay out, improve, use, equip, manage and control real and personal property in furtherance of the objects;
- (b) provide apparatus, fixtures, games and equipment suitable for recreational purposes in furtherance of the objects;
- (c) to do all such things as may be incidental to the exercise of the above powers in furtherance of the objects.

Annual Report

15. The Committee shall within two months after the end of each fiscal year submit to the Council a report covering the activities of the Committee for such year.

Ownership of Property

16. The ownership of all real or personal property hereinafter acquired for the purposes of the Committee shall be vested and remain in the name of the Town.

Rules of Parliament

17. In all cases not specifically provided for herein, Robert's Rules of Assembly shall govern the proceedings of Committee.

Repeal

18. All former Waterfront Committee By-laws for the Town of Shelburne are hereby repealed and this By-law substituted therefor.

CERTIFICATE

THIS IS TO CERTIFY that the By-law, of which the foregoing is a true copy, was duly passed at a duly called meeting of the Council of the Town of Shelburne duly held on the day of A.D., 2006.

GIVEN UNDER THE HAND of the Town Clerk, and under the corporate seal of the Town of Shelburne this day of , A.D., 2006

C. Wilmont Hardy, Town Clerk