

Humberstone Landfill Public Liaison Committee (PLC)

Terms of Reference

1.0 General

The Region of Niagara (Niagara Region) is committed to managing its landfill sites in accordance with regulatory requirements and environmental protection best practices. In addition, Niagara Region is committed to undertaking landfill management activities in the spirit of collaboration and cooperation with the communities in which these facilities are located. These Terms of Reference establish the mechanism for such communication and collaboration with the respective communities for each landfill site.

The term “Landfill Site” shall include all activities that are conducted within the boundaries of the facility (e.g. composting facilities, leachate collection systems, filtrations systems, etc.)

2.0 Mandate

- 2.1 The mandate of the PLC is to advise and assist Niagara Region with the identification and resolution of issues (including those raised by the community) related to the operation, monitoring and closure of the Humberstone Landfill Site located in the City of Welland in accordance with these Terms of Reference.
- 2.2 The PLC shall act as an advisor/assistant to Niagara Region Council. Pursuant to Niagara Region Procedural By-law, as updated from time to time, these Terms of Reference do not give the PLC the power to commit Niagara Region to any particular action or to give specific direction to any Niagara Region staff member without the approval of Council.

3.0 Purpose

The primary purpose of the PLC is to work in collaboration with and assist Niagara Region through the following:

- i) Serve as the focal point for the collection, review and exchange of information to facilitate Niagara Region’s efforts to continuously improve its landfill site operations, maintenance and monitoring;
- ii) Provide a means for ongoing, public input into Niagara Region activities related to the operations and use of the Humberstone Landfill Site;

- iii) Assist the Region in identifying any impacts of the Humberstone Landfill Site on the surrounding community;
- iv) Provide input to the development of measures to mitigate these impacts;

Examine and comment on site designs, operations, maintenance, monitoring programs, potential environmental issues, closure and end use plans;
- v) Examine and advise on landfill site issues brought forward by members of the general community, including businesses, residents, institutions, area municipalities and local organizations;
- vi) Building a strong liaison with the Ministry and the Niagara Region in order that public is kept up to date on procedures, policy and plan developments and revisions; and,
- viii) Provide comments on materials to be distributed to the public when appropriate.

4.0 Composition

4.1 The Public Liaison Committee shall be composed of the following members:

- (i) A maximum of six (6) members representing residents, institutions or businesses of the area surrounding the Humberstone Landfill Site;
- (ii) Two (2) Area Municipal Councillor from any ward within the municipality in which the landfill site is located. If the landfill site is adjacent to the boundary with a neighbouring municipality, then one (1) additional Area Municipal Councillor from the neighbouring municipality may be appointed to the PLC;
- (iii) One (1) Regional Councillor.

4.2 The Public Liaison Committee shall also include the following advisory members:

- (i) One (1) staff member from the Niagara Region who shall be the designated PLC Coordinator.

In addition, other Niagara Region staff and representatives from the Ministry of the Environment (MOE), the Niagara Escarpment Commission (if the landfill site is located within the NEC Planning Area) and other

relevant agencies may attend meetings depending on need and the issues to be resolved.

4.3 Each member (except for advisory members) shall satisfy the following:

- (i) The member shall be a resident of the Regional Municipality of Niagara and reside in the vicinity of the landfill site or represent a business or institution located in the vicinity of the landfill site;
- (ii) The member shall be at least 18 years old;
- (iii) Membership will accept the rules governing the procedure and conduct outlined in the Niagara Region Procedural By-law.
- (iv) Membership is voluntary;

5.0 The Term of the PLC

- 5.1 The Committee's membership shall be approved by Council at the start of each new term of Council. The term of the PLC members shall end with the term of Council and Niagara Region shall advertise for volunteers to serve on the PLC for the new term.
- 5.2 Notwithstanding Clause 5.1, at the end of the current term of Council, the PLC membership shall continue to serve until the new Niagara Region Council appoints the PLC membership for the new term.
- 5.3 At the end of the term of Council, members of the outgoing PLC who are interested in continuing to serve shall submit a written request to the PLC Coordinator for consideration by Niagara Region. Continuation of membership on the PLC is not guaranteed. Membership will be based on the merits of each application in relation to all received, with Niagara Region Council retaining discretion for membership approval.
- 5.4 In the event that a Committee member is to be replaced during the term of the PLC, Niagara Region will advertise for potential replacement candidates, and the new member will be nominated by Niagara Region staff, in collaboration with the Public Liaison Committee, in accordance with composition requirements as set out in Clause 4.0.
- 5.5 In the event that the landfill site closes during the current tenure of the PLC, the term of the PLC may continue. The PLC would then advise on post-closure monitoring and activity.

- 5.6 Notwithstanding clause 5.5, results of the post-closure monitoring shall be made available to interested residents in the vicinity of the landfill site and members of the PLC.

6.0 Election of Chair

- 6.1 The Chair shall be elected annually from and by the members of the Public Liaison Committee at the first meeting of each year. The term of the Chair shall be for one (1) year.
- 6.2 Nominations shall be received from the membership body. The nominated individuals will have the opportunity to accept or decline the nomination. Members will be allowed to vote for the individuals who accept the nomination. The person receiving the largest number of votes shall be elected for the respective position.

7.0 Role of the Chair

The role of the Chair is as follows:

- (i) To preside over meetings of the PLC, in accordance with Niagara Region Procedural By-law #120-2005, as amended from time to time;
- (ii) Encourage balanced and professional discussions;
- (iii) Enforce on all occasions the observance of order and decorum among members;
- (iv) Adjourn meeting when business is concluded;
- (v) In the absence of the Chair, one (1) of the members of the PLC shall be designated as "Acting Chair" for that meeting and shall assume the role and rights of the Chair;
- (vi) The Chair shall be the primary contact for the PLC Coordinator for ongoing liaison, correspondence and solicitation of input from the PLC membership;
- (vii) The Chair or designated PLC members may be requested to attend one (1) or more Planning and Public Works Committee (PPWC) and/or Waste Management Planning Steering Committee (WMPSC) and/or Waste Management Advisory Committee (WMAC) meetings on an as-required basis;

- (viii) Attend a meeting (to be arranged by the PLC Coordinator) with the Chairs of the other PLCs and the Waste Management Advisory Committee (WMAC) once a year to facilitate collaboration amongst the PLCs and the WMAC;
- (ix) The Chair may request the PLC Coordinator to schedule additional meetings as required; and,
- (x) The Chair may provide the PLC Coordinator with assistance on creating the agenda.

8.0 Role of the PLC Coordinator

- 8.1 Niagara Region staff (the PLC Coordinator) will coordinate the activities and business of the PLC including meetings and be the primary resource to the PLC. The primary role of the PLC Coordinator shall be to:
- (i) Provide administrative and procedural direction, and/or independent technical assistance to the PLC;
 - (ii) Coordinate requests for items to be included on the meeting agendas;
 - (iii) Prepare and distribute the meeting agendas and related background information to the PLC membership ten (10) days prior to proposed meeting;
 - (iv) Co-ordinate the involvement of the outside agencies, as necessary;
 - (v) Prepare and forward PLC minutes to the Planning and Public Works Committee and/or WMPSC for information purposes once approved by the PLC;
 - (vi) Prepare an annual report on behalf of the PLC summarizing the year's activities of the PLC for submission to the PLC prior to submitting to Regional Council for information;
 - (vii) On PLC related matters, act as the contact between the PLC, Niagara Region and the regulatory agencies;
 - (viii) Keep PLC members informed prior to submissions to the MOE;
 - (ix) Coordinate and follow-up on matters arising from meeting discussions;

- (x) Advise the Chair on the observance of order and decorum among members; and
- (xi) Provide the PLC with any proposed updated information that could affect these Terms of Reference (i.e. updates of the Niagara Region Procedural By-law).

9.0 Budget

- 9.1 The Public Liaison Committee shall have an annual budget to be used for the retention of consultants. The Committee shall submit a budget request each year to Niagara Region for the consideration and approval of Niagara Region. The maximum funding available in any calendar year is \$6,000.00 unless approval from Regional Council for additional funding is obtained.
- 9.2 The PLC may hire the consultant of their choice, provided they stay within their budget and the services provided are within the mandate of the committee and provided that the procedure for retention of consultant shall adhere to Niagara Region's Procurement By-law as amended from time to time.
- 9.3 There shall be no compensation payable to the members of the Committee.

10.0 Meeting Schedule, Time & Location

- 10.1 During the operating life of the landfill site, the PLC will meet quarterly each year; however, additional meetings may be scheduled if the PLC Chair and PLC Coordinator agree it is warranted.
- 10.2 Following closure of the landfill site, the PLC will cease to exist except in cases where post closure PLC meetings are specified by the respective landfill site Certificate of Approval.
- 10.3 In cases where the PLC would continue during post closure as specified by the conditions of the Certificate of Approval, meetings will be held annually; however additional meetings may be scheduled if the PLC Chair and PLC Coordinator agree it is warranted.
- 10.4 Notwithstanding Clause 10.2, the PLC Coordinator may arrange meetings with one (1) or more of the former PLC members if such meetings are deemed necessary by Niagara Region.

- 10.5 The meeting schedule will be established through collaboration of the PLC Coordinator and the PLC members and adopted by the PLC for one (1) year.
- 10.6 The PLC meetings will be held on Wednesday from 7:00 p.m. to 9:00 p.m. at locations agreeable to the PLC and shall not exceed two (2) hours. Wednesdays offer the least potential for conflict with Regional and Area Municipal Council Meetings. Meetings may be held earlier in the day if so, decided by the PLC.
- 10.7 Niagara Region may also schedule one (1) meeting each year for the Chairs or designated representatives from each of the PLCs and the Chair of WMAC to meet for collaborative purposes.

11.0 Quorum

- 11.1 Quorum of a Committee shall be a majority of its members.
- 11.2 As soon as there is quorum after the time set for the meeting, the Chair shall call the meeting to order.
- 11.3 If a quorum is still not present within thirty (30) minutes after the time set for the meeting, then the names of the members present shall be recorded, and the meeting shall be adjourned until the date of the next meeting.
- 11.4 If a quorum is lost during a meeting and is not regained within fifteen (15) minutes, the meeting shall be adjourned until the date of the next meeting.
- 11.5 The PLC may decide to replace a member if that member misses two (2) consecutive meetings. The decision to replace the member shall be based on a majority vote of current PLC members. In such case, Niagara Region shall replace the member in accordance with Clause 5.4.

12.0 Conduct of PLC Business

- 12.1 Niagara Region staff will prepare committee meeting agendas in collaboration with the PLC Chair. When possible, agendas and related documents will be forwarded to each member at least ten (10) business days prior to the meeting. At the meeting, the Chair may grant requests for discussion of items not on the agenda.
- 12.2 Discussion of agenda items shall recognize the two-hour duration set for PLC meetings.

- 12.3 Meetings will be open to the public. A maximum of ten (10) minutes of each meeting shall be allocated to presentations from members of the public on each agenda item.
- 12.4 Consultants may be asked to attend Committee meetings at the discretion of Niagara Region's Director of Waste Management and/or the PLC Coordinator.
- 12.5 Members are allowed to make motions in an advisory capacity for consideration by Niagara Region. Motions cannot be passed if a quorum is not achieved.
- 12.6 The PLC Coordinator shall keep members informed of any pending submissions to the MOE related to the design, operation and closure of the landfill site. The submissions will be provided to the MOE and PLC concurrently whenever possible.
- 12.7 Upon review of a pending submission to the MOE, if the PLC feels that the submission is lacking information, the PLC members shall express such concerns to the PLC Coordinator. Any correspondence with the MOE shall be submitted by the PLC Chair and include the Niagara Region on the distribution.
- 12.8 The PLC may also choose to retain a consultant as outlined in Clause 9.0 to assist with its review of information provided by Niagara Region. All correspondence to any agency prepared by the consultant or a PLC member shall include the Niagara Region on the distribution.
- 12.9 Members shall disclose to the PLC any direct or indirect pecuniary conflicts of interest related to agenda items prior to discussion of such items.
- 12.10 Discussions will be based on the principle that everyone has a right to express his or her opinion. Motions will generally be on a consensus basis. If consensus cannot be achieved, then motions will be made by a vote of 50% plus one (1).
- 12.11 In the event that a member is absent from a meeting and does not agree with the advice or recommendations from the meeting, his/her dissent may be registered in person or by proxy with another member at the following meeting.

- 12.12 All follow-up required as a result of the discussions at PLC meetings shall be undertaken through the PLC Coordinator who shall respond to the PLC members within fourteen (14) days of the meeting.
- 12.13 Meeting notes shall be recorded by a secretary designated by the PLC Coordinator or by a senior staff member present. Meeting notes shall be taken in accordance with Niagara Region Procedural By-Law, as amended from time to time. The meeting notes shall be submitted by the PLC Coordinator to the PLC members for review no later than three (3) weeks following the meeting.
- 12.14 In order to facilitate timely submission of the PLC meeting notes to Niagara Regional Council, all PLC meeting notes shall be approved via e-mail or facsimile within two (2) weeks of finalizing the meeting notes. Members shall advise staff in advance (within two (2) weeks of receiving the meeting notes) of any amendments which they believe are required to the meeting notes.
- 12.15 Following approval of the meeting notes via email, staff will forward the meeting notes to the Planning and Public Works Committee and/or WMPSC to be received for information.
- 12.16 Once received by the WMPSC and Planning and Public Works Committee meeting notes will be posted on Niagara Region's website.
- 12.17 The PLC Coordinator shall continue to liaise with members of the PLC between regular meetings, as deemed necessary.
- 12.18 One (1) member of the PLC (other than a Regional or Area Municipal Councillor), as selected by the PLC, may be requested to attend one (1) or more Planning and Public Works Committee (PPWC) and/or Waste Management Planning Steering Committee (WMPSC) meetings on an as-required basis if so, requested by the PLC Coordinator.
- 12.19 One (1) public member of the PLC (other than a Regional or Area Municipal Councillor), as selected by the PLC may be requested to attend a meeting (to be arranged by the PLC Coordinator) with the representatives of the other PLCs and WMAC once a year to facilitate collaboration amongst the PLCs.
- 12.20 In cases where the landfill site Certificate of Approval requires that the PLC continue during the post closure period, and a "Stewardship Committee" is established by Niagara Region for the specific landfill site,

one (1) member of the PLC, as selected by the PLC, may be requested to sit on the “Stewardship Committee”.

13.0 Amendments to the Terms of Reference

Amendments to the Terms of Reference shall require the approval by a majority of the Committee members. Proposed amendments to the Terms of Reference shall be submitted to Council through the Planning and Public Works Committee for approval and shall take effect only upon the approval of Council.