

## **APPENDIX “A” TO BY-LAW NUMBER 1181-2016**

### THE CORPORATION OF THE TOWN OF COCHRANE

#### **COCHRANE CEMETERY COMMITTEE**

#### **TERMS OF REFERENCE & MANDATE**

##### **1. Preamble**

- 1.1 A municipal Committee to be known as the “**Cochrane Cemetery Committee**” hereinafter referred to as “the Committee” is established as a Municipal Committee in accordance with the Municipal Act.
- 1.2 The Committee shall abide by and be subject to all Municipal Policies, rules and regulations.

##### **2. Mandate**

- 2.1 The Committee has been established to make recommendations to Council on matters related to perpetual care, maintenance and infrastructure needs of the various cemeteries within the Town of Cochrane.
- 2.2 Plan and administer all development of the cemeteries
- 2.3 Sell and maintain all lots and the grounds of the cemeteries
- 2.4 Set the rules and regulations for movement within the cemeteries.

##### **3. Composition**

- 3.1 The Committee shall consist of **nine (9)**, members recommended by the Committee and appointed by Council resolution, each of whom shall be a person qualified to be elected or to hold office as a member of Council.
- 3.2 At the discretion of Council, Up to **two (2)** members may be a **Council member**.
- 3.3 Two (2) representative from the local clergy
- 3.4 Two (2) representative from funeral homes
- 3.5 Up to Three (3) representative from the community at large
- 3.6 The **Chair** of the Committee shall be appointed by council, in accordance with the Procedural By-law, annually. The Chair does not have to be a Council member.

#### **4. Term of Office**

- 4.1 With the exception of appointments to the first Committee, the Council member(s) shall have a term subject to the Municipal Procedural By-Law but in any event shall not extend past the end of the term of office of the appointing Council.
- 4.2 For the purposes of continuity, the non-council members will have a term equal to the term of the appointing Council, unless the Committee rules otherwise on a case by case basis.

#### **5. Number of meetings**

- 5.1 The Committee shall hold a minimum of six (6) meetings in each calendar year and, in addition, at any time at the request of a majority of the members of the Committee or at the call of the Chair.

#### **6. Administration**

- 6.1 Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the Town of Cochrane. Council may, at its discretion, change the Terms of Reference for this Committee at any time. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the Directors through a report to Council.

#### **7. Vacancies; Removal**

- 7.1 Subject to subsection 3.2 above, each member of the Committee serves at the pleasure of the both the Committee and the appointing Council.
- 7.2 A member of the Committee who is a member of Council ceases to be a member of the Committee if he or she ceases to be a member of Council.
- 7.3 A member of the Committee may resign from office by providing notice in writing
- 7.4 If the seat of a member of the Committee becomes vacant, the Committee shall:
- (1) Declare the seat to be vacant at its next meeting or, if the vacancy occurs as a result of the death of a member, at either of its next two meetings; and
  - (2) Immediately nominate another possible appointee and forward a copy of its declaration to Council for re-appointment at the earliest opportunity. If the Committee doesn't have the minimum required members to function, the Committee and Council will expeditiously appoint a new member to the Committee.

7.5 In the case of a vacancy for any cause, the person appointed to fill the vacancy shall be qualified to be appointed and shall hold office for the balance of the term for which his or her predecessor was appointed.

7.6 Any member of the Committee who fails to attend two successive scheduled meetings of the Committee, with no just cause, shall be subject to forfeiting his or her appointed seat at the discretion of the Committee, and if such is the case, the Committee and Council shall appoint a person to fill the vacancy in accordance with section 7.5 above.

## **8. Reappointment**

8.1 A member is eligible for reappointment on the expiration of his or her term if he or she continues to be a person qualified to be elected as a member of Council and meets the requirements of any applicable policies adopted by Council with respect to appointments to Town of Cochrane Agencies, Committees, Commissions and Special Purpose Bodies.

## **9. Open Meetings; Quorum**

9.1 All meetings of the Committee shall be open to the public except where a meeting may be closed to the public by the *Municipal Act*, or applicable legislation.

9.2 A person may be expelled from a meeting for improper conduct at a meeting.

9.3 A majority of the members of the Committee constitutes a quorum.

9.4 The Committee proceeding shall be as outlined and in accordance with Council's Procedural By-law.

9.5 All Committee members shall adhere to Council's Code of Conduct.

## **10. Minutes; Records**

10.1 The Committee shall keep minutes of its meetings. The minutes shall be posted on the municipal website where every member of the Committee, Public and Council may have access.

10.2 The Town Clerk shall retain and preserve the records of the Committee including resolutions, minutes, and proceedings of regular, special or Committee meetings. Such records will be retained and preserved in accordance with the record retention period established by Council and approved by the Auditor.

## 11. **Resources**

- 11.1 The Town Clerk, Director of Operations and Infrastructure Department or alternates shall be the Committee's support staff and liaison.

## 12. **Powers and Duties; Limitations on Delegation; Consents**

- 12.1 The members, while carrying out their mandate shall have regard for the organizational structure of the municipality and shall not provide specific direction to the Town staff. Such direction is only to be provided by the Directors of the Town of Cochrane, or the CAO. In addition, members shall not become involved in staff work or direct staff in the performance of their duties. Such direction is to only be provided by the Town.

- 12.2 Subject to the limitations and conditions in this section (including Municipal Act conditions relating to matters requiring the consent and approval of Council) the following terms are to be exercised, in all respects, in accordance with this mandate and all legal requirements, including those of the Municipal Act and Procedural By-law. In the event of a conflict, the Municipal Council will have final discretion:

- (1) Manage a municipal account set aside for the purposes of the Committee fulfilling this mandate that is subject to the conditions of this mandate.
- (2) The Committee's financial administration functions will be performed by the Town, taking recommendation from the Committee.
- (3) The Committee will recommend to the Town how finances are expended and how revenues are generated.
- (4) The Committee and the Town shall work together to determine financial reporting protocols, and shall have these protocols confirmed by Council.
- (5) All revenue generated by the Committee will be placed into this account and managed collaboratively between the Committee and the Town in accordance with this mandate.
- (6) To make recommendations to Council on various issues related to the Committee's mandate.
- (7) The Committee will be responsible for the development of cemetery by-laws. The Committee will serve in an advisory capacity for the management and operation of the cemetery and to ensure that the provisions of the Cemeteries Act and the regulations thereto are observed and enforced.
- (8) Consider and report on such matters as may from time to time be referred to the Committee by Council.

- (9) All Committee members must act in the best interest of the Town and the community as a whole, without conflicting, circumventing, or discrediting the authorities and credibility of the town and Council.
- (10) Committee members shall work to identify, create and promote partnerships and liaise with community groups, organizations and individuals in the delivery of the obligations of this mandate.
- (11) Committee shall speak with one voice and all decisions arising from Committee meetings and approved by Town shall be supported as decisions of Committee.

### **13. Budget**

- 13.1 If operating and capital plans and budgets are required, to provide such by, or before, the 1st day September of each year or as otherwise directed by the Director of Operations and Infrastructure.
- 13.2 The Committee shall also provide direction with respect to grants, fees and charges necessary to support related expenditures.
- 13.3 All expenditures must be pre-approved by Council through the annual budget or by Council resolution in accordance with the Town of Cochrane Procurement Policy.

### **14. Reporting**

- 14.1 The Committee Chair will meet semi-annually with Council and provide the following:
  - (1) A progress and financial report;
  - (2) Any updates or discussions required for the Committee and Council to implement this mandate.

### **15. Insurance**

- 15.1 As the Cochrane Cemetery Committee is a Committee of Council, coverage is extended under the Town's general liability insurance and Errors and Omissions policy.