

THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 1350-2019

BEING A BY-LAW TO ADOPT THE TERMS OF REFERENCE FOR THE COCHRANE RECREATION, EVENTS AND CULTURE BOARD

WHEREAS the Municipal Act, RSO, 2001 Part II S. 10(2) 1. States that a single-tier municipality may pass by-laws respecting the governance structure of the municipality and its local boards;

AND WHEREAS the municipality deems it expedient and advisable to adopt terms of reference governing the Cochrane Recreation, Events and Culture Board;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cochrane enacts as follows:

- 1. THAT** the Terms of Reference for the Cochrane Recreation and Special Events Board be adopted and are attached hereto as Schedule "A";
- 2. THAT** By-Law Number 880-2012 is hereby repealed.
- 3. THAT** this by-law comes into force on the final day of passing thereof.

READ a first and second time this 5th day of March, 2019.

MAYOR

CLERK

READ a third time and finally passed this 5th day of March, 2019.

MAYOR

CLERK

SCHEDULE "A" – FORMING PART OF BY-LAW NUMBER 1350-2019

THE CORPORATION OF THE TOWN OF COCHRANE

COCHRANE RECREATION, EVENTS & CULTURE BOARD

TERMS OF REFERENCE & MANDATE

1. Cochrane Recreation Events & Culture Board

- 1.1 A municipal Board to be known as the "**Cochrane Recreation, Events & Culture Board**" hereinafter referred to as "the REC Board" is established as a Municipal Board in accordance with the Municipal Act.
- 1.2 The REC Board shall abide by and be subject to all Municipal Policies, rules and regulations.
- 1.3 The purpose of the REC Board are:
 - 1.3.1 To ensure appropriate community involvement and public participation on applicable social, cultural and recreational programming and to support and/or recommend related policy development
 - 1.3.2 To assist other private and/or separately organized recreational, social and cultural and special events programs by providing assistance with the coordination and promotion of sponsored special events and programs.
 - 1.3.3 To lead as a Municipal Board under the Municipal Act 2006, recreation and special events within the context of these terms of reference,

2 Composition

- 2.1 The REC Board shall consist of **nine (9)**, members recommended by the REC Board 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.
- 2.2 At the discretion of Council, up to **two (2)** members may be a **Council member**.
- 2.3 The **Chair** of the REC Board shall be recommended by the REC Board to be appointed by Council, annually. The Chair does not have to be a Council member and appointment shall take place during the first meeting after November 1 every year.
- 2.4 The Council, when appointing REC Board members shall strive to ensure that a balance exists with the membership between user groups and citizens of the community.

2.5 The REC Board composition will ensure a balance cross-section of the community with its membership. The following are recommended areas of representation:

- Arts/Artists/Visuals Artists
- Events Planning
- Sports and Leisure
- Food Service
- Music/Dance
- Cultural Diversity
- Community Partnership Development

3. Term of Office

3.1 With the exception of appointments to the REC Board, 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.

3.2 For the purposes of continuity, the non-council members will have a term equal to the term of the appointing Council, unless the Council rules otherwise on a case by case basis, under recommendation

4. Number of Meetings Each Year

4.1 The REC Board shall meet at least twelve (10) times every calendar year and, in addition, at any time at the request of a majority of the members of the REC Board or at the call of the Chair.

5. Vacancies; Removal

5.1 Subject to subsection 3.2 above, each member of the REC Board serves at the pleasure of both the REC Board and the appointing Council.

5.2 A member of the REC Board who is a member of Council ceases to be a member of the REC Board if he or she ceases to be a member of Council.

5.3 A member of the REC Board may resign from office by providing notice in writing to the REC Board.

5.4 If the seat of a member of the REC Board becomes vacant, the REC Board 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 recommend another possible appointee and forward a copy of its declaration to Council for appointment at the earliest opportunity. If the REC Board doesn't have the minimum required members to function,

the REC Board and Council
new member to the REC Board.

will expeditiously appoint a

5.5 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.

5.6 Any member of the REC Board who fails to attend two successive scheduled meetings of the REC Board, with no just cause, shall be subject to forfeiting his or her appointed seat at the recommendation of the REC Board and Approval of Council, and if such is the case, the REC Board and Council shall appoint a person to fill the vacancy in accordance with section 5.5 above.

6. Reappointment

6.1 At the discretion of Council, 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, Boards, Commissions and Special Purpose Bodies.

7. Open Meetings; Quorum

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

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

7.3 A majority of the members of the REC Board constitutes a quorum.

7.4 The REC Board proceeding shall be as outlined and in accordance with Council's Procedural By-law.

7.5 All REC Board members shall adhere to Council's Code of Conduct.

8. Minutes; Records

8.1 The REC Board shall ensure there is a process in place to keep minutes (as per the Procedural Bylaw), of its meetings and shall forward copies of the minutes and proceedings to be posted on the Civic Web and if requested, to every member of the REC Board, to the Municipal Council and the Chief Administrative Officer,

8.2 The REC Board shall be assigned a resource person who shall retain and

preserve the records of the REC Board including resolutions, minutes, and proceedings of regular or special Board meetings. Such records will be retained and preserved in accordance with the record retention period established by Council and approved by the Auditor.

9. Administration, General Manager, and Other Persons

9.1 The Town will hire a Director of Community Services who reports directly to the CAO.

9.2 The Director will work collaboratively with the REC Board and ensure all recreation matters that go before Council are first discussed with the REC Board. The Director will direct all services in the Community Services Department and all municipal Community Services Department staff, while meeting the direction set and approved by the REC Board and Council as per this mandate.

9.3 Administrative support for the REC Board shall be provided through the office of the Director of Community Services

9.4 The REC Board reserves the right to include additional resource people(s) to support and guide initiatives and programming

10. Powers and Duties; Limitations on Delegation; Consents

10.1 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 to be provided only by the Director, or their delegate. 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 staff.

10.2 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 authorities and privileges of the Council with respect to the control and operations of the provision of all recreation programs and special events and recreation monetary accounts are delegated to the REC Board, to be exercised, in all respects, in accordance with this mandate:

10.2.1 Manage a special municipal account set aside for the purposes of the REC Board fulfilling this mandate.

10.2.2 All revenue provided to the REC Board specifically or generated by the REC Board will be placed into this account and managed solely by the REC Board in accordance with this mandate, a financial management policy and an annual plan.

10.2.3 The REC Board's financial administration functions will be performed by

The Town, taking direction from the REC Board in accordance with this mandate.

- 10.2.4 The REC Board, acting in accordance with the municipal act, and in accordance with this mandate, will direct how finances from the special account are expended and how revenues are generated, in accordance with a financial management policy.
- 10.2.5 The REC Board and the Town shall work together to determine financial reporting protocols, and shall have these protocols confirmed by Council.
- 10.2.6 Consider, plan, and support all matters concerning recreational, social, and cultural programs, and special events and related facilities;
- 10.2.7 Review the setting of fee and charges associated to recreational, social, cultural and other special events and their respective facilities in an annual plan which is approved by council
- 10.2.8 Any fees and charges changes that fall outside of the annual plan will require confirmation of Council,
- 10.2.9 To collaborate and provide input to annual and long-range visions, strategies and plans, that require annual approval by Council;
- 10.2.10 In conjunction with the Director of Community Services and Economic Development Officer, and in accordance with the municipal procedural by-law, support and recommend in the planning and implementation of all marketing associated to recreational, social, cultural and other special events;
- 10.2.11 In conjunction with the Director of Community Services and in accordance with this mandate and the requirements of Council, consider, plan, recommend and implement administrative policy matters with respect to recreational, social, cultural and other special events facilities as per the annual plan.
- 10.2.12 Any changes required outside of the annual plan require approval of Council
- 10.2.13 In accordance with this mandate, to advise and make recommendations to the Town with regard to staffing associated to the administration and delivery of facilities, programs and services, provided or to be provided by the municipality;
- 10.2.14 Consider and report on such matters as may from time to time be referred to the REC Board by Council;
- 10.2.15 All REC Board members must act in the best interest of the

community as a whole;

10.2.16 To collaborate with and assist the Director of Community Services with their duties

10.2.17 To look at all recreation facilities, activities, programs, projects and services to evaluate their value, to the community life of the municipality. On the basis of this evaluation, the REC Board shall make recommendations.

The Director, with input from the REC Board will develop a report addressing the efficiency and effectiveness in the delivery of recreational, social, and cultural programs and special events provided from time to time.

The REC Board shall assist the Director of Community Services in providing input for capital improvement projects for such facilities, activities, programs, projects and services;

10.2.18 REC Board members shall work with the Director to identify, create and promote partnerships and liaise with community groups, organizations and individuals in the delivery of services, programs and initiatives in recreation, special event opportunities for the community;

10.2.19 REC Board shall speak with one voice and all decisions arising from REC Board meetings and approved by Council shall be supported as decisions of REC Board.

10.3 The Director will submit operating and capital plans and budgets, having first been reviewed and approved by the REC Board, to be provided by, or before, the 31st day of October of each year or as otherwise directed by the CAO from time to time, which includes the following:

10.3.1 An annual calendar of recreational, social and cultural activities and special events, including; projected capital costs, projected sources of funding and revenue, and projected budget from the Town.

10.3.2 Operational plans, including financial and human resources matters; Strategic directions for the coming five (5) years; A Multi-year capital plan; Five-year Business Plan when required; Asset management and capital plans;

10.3.3 Report addressing the efficiency and effectiveness in the delivery of recreational programs and special events provided;

10.3.4 Explanations and information regarding any material variances between actual results from operations and the current Business plan; and

10.3.5 Any other information required to fulfill this mandate.

10.4 The REC Board shall, at times and in the form requested, promptly provide the Council of the Town of Cochrane with information requested by the Town relating to its purposes.

10.5 The REC Board Chair will meet once per month with Council and provide the following:

10.5.1 A progress and financial report,

10.5.2 A projection of upcoming events and any revisions to the events calendar

10.5.3 Any updates or discussions required for the REC Board and Council to implement this mandate.

11. Dispute Resolution

11.1 When issues arise that are not able to be resolved between the Stakeholders (the REC Board, the Director of Community Services and/or Council) related to Recreation, Events and Culture as described in this document, one of the following options will be utilized. It is agreed that a decision to move forward will be made within 30 days of it being noted that the issues discussed cannot be resolved amongst the Stakeholders. Options include:

- CAO will be requested to resolve any outstanding issues between the Director and the REC Board or the CAO can provide advice to help resolve outstanding issues between the REC Board and Council
- If the issue is between the REC Board and Council, the CAO and/or a third party, that is mutually acceptable to the parties involved, will be utilized to resolve any impasse or facilitate/mediate discussions to reach a resolution.
- If no resolution can be reached, between Council and the REC Board, Council has the 'right to govern' as per the Municipal Act.

12. Budget; Business Plan; Annual Report; Fees and Charges

12.1 Notwithstanding Section 12, the REC Board shall submit its annual operating and capital budget in the form, and at the time, required by the Treasurer. Through the Director, the REC Board shall also provide recommendations with respect to grants, fees and charges necessary to support relative expenditures.

13. Review

13.1 The Municipal Council of the Corporation of the Town of Cochrane shall, by November 30th of each and every year (starting November 30, 2012) conduct a review of the REC Board's mandate and by January 31st approve its annual budget.