

THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 1551-2023

BEING A BY-LAW TO AMEND BY-LAW NUMBER
1527-2023

WHEREAS the Municipal Council of the Corporation of the Town of Cochrane has enacted By-Law Number 1527-2023, to adopt the Terms of Reference for the Cochrane Recreation and Special Events Board;

AND WHEREAS the Municipal Council of the Corporation of the Town of Cochrane passed Resolution No. 251-2023 to amend the composition of the Board;

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

1. **THAT** Section 2.1 be amended by replacing the word “seven (7)” to “**eleven (11)**”; and
2. **THAT** a Section be added after Section 2.3 as follows:
“Section 2.4 The Board and Council, when appointing Board members shall ensure that a youth and elderly representative be appointed.
3. **THAT** Appendix “A”, as amended, is attached herewith and forms part to this By-Law.
4. **THAT** in all other aspects, By-Law Number 1527-2023, as amended, is approved and confirmed.
5. **THAT** this By-Law shall come into full force and effect upon the passing thereof.

READ a first and second time this 23rd day of May, 2023

MAYOR

CLERK

READ a third and final time this 23rd day of May, 2023.

MAYOR

CLERK

APPENDIX “A” TO BY-LAW NUMBER 1551-2023

THE CORPORATION OF THE TOWN OF COCHRANE COCHRANE RECREATION & SPECIAL EVENTS BOARD

TERMS OF REFERENCE

1. Cochrane Recreation and Events Board

- 1.1 A municipal Board to be known as the “**Cochrane Recreation & Special Events Board**” hereinafter referred to as “the Board” is established as a hybrid Municipal Board and Community Council in accordance with several sections of the Municipal Act, including Section II
- 1.2 The Board shall abide by and be subject to all Municipal Policies, rules and regulations.
- 1.3 The mandate and purpose of the Board are:
 - 1.3.1 To have the people of the community serve as the strategic planners and as an oversight body for the recreation and special events they desire and expect.
 - 1.3.2 To oversee in a governance role similar to the municipal council all municipally-led recreation and special events in Cochrane, while reporting to and respecting Council’s ultimate authorities and obligations. For further clarity, to:
 - 1.3.2.1 directly oversee the planning, developing, and maintaining of all recreation programs and special events, the respective municipality’s recreational facilities being used, and that make use, where feasible, of school properties and other community facilities.
 - 1.3.2.2 Oversee the development of, bring forward of, plan of, initiatives and ideas for policy implementation and policies; to make recommendations when required on specific issues to Council; and to ensure appropriate community involvement and public participation on applicable programs, special events and policies.
 - 1.3.2.3 assist other private and/or separately organized recreation and special events programs by providing assistance with the coordination and promotion of sponsored special events and recreational programs.

- 1.3.2.4 lead as a Municipal Board and Community Council as provided through the Municipal Act 2006, recreation and special events within the context of this terms of reference.

2. Composition

- 2.1 Subject to section 2.1.1 below, The Board shall consist of **eleven (11)**, members recommended by the Board and appointed by Council resolution.
- 2.2 At the discretion of Council, up to **two (2)** members may be a **Council members**.
- 2.3 The Board and Council, when appointing Board members shall ensure that a balance exists with the membership between user groups and citizens of the community.
- 2.4 The Board and Council, when appointing Board members shall ensure that a youth and elderly representative be appointed.
- 2.5 The **Chair** of the Board shall 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.

3. Term of Office

- 3.1 With the exception of appointments to the first 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

4. Number of Meetings Each Year

- 4.1 The Board shall meet at least twelve (12) times every calendar year and, in addition, at any time at the request of a majority of the members of the Board or at the call of the Chair, or the Mayor.

5. Vacancies; Removal

- 5.1 Subject to subsection 3.2 above, each member of the Board serves at the pleasure of the both the Board and the appointing Council.
- 5.2 A member of the Board who is a member of Council ceases to be a member of the Board if he or she ceases to be a member of Council.
- 5.3 A member of the Board may resign from office by providing notice in writing to the Board.

- 5.4 If the seat of a member of the Board becomes vacant, the 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 nominate another possible appointee and forward a copy of its declaration to Council for consideration and re-appointment at the earliest opportunity. If the Board doesn't have the minimum required members to function, the Board and Council will expeditiously appoint a new member to the Board, in accordance with this terms of reference.
- 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 Board who fails to attend two successive scheduled meetings of the Board, with no just cause, shall be subject to forfeiting his or her appointed seat at the discretion of the Board, and if such is the case, the Board and Council shall appoint a person to fill the vacancy in accordance with section 5.5 above.

6. Reappointment

- 6.1 A member is eligible for reappointment on the expiration of his or her term if he or she 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 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 Board constitutes a quorum.
- 7.4 The Board proceeding shall be as outlined and in accordance with Council's Procedural By-law.
- 7.5 All Board members shall adhere to Council's Code of Conduct.

8. Minutes; Records

- 8.1 The Board shall keep minutes of its meetings and shall forward copies of the minutes and proceedings to every member of the Board, to the Municipal Council and the Chief Administrative Officer,

- 8.2 The Director of Community Services (or relevant Department Head) shall act or delegate someone to act as the Board Secretary who shall retain and preserve the records of the Board including resolutions, minutes, and proceedings of regular, special or 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, Resource Person, and Other Persons

- 9.1 The Town will provide the Board a resource person who will act as the operational link between the Board and the municipal operation.

The resource person will be the Director of Community Services

- 9.2 The resource person will liaise between the Board and the Town and direct municipal recreation staff, while meeting the directions and oversight set by the Board as per this mandate.

- 9.3 Municipal recreation staff will remain under the jurisdiction of the Town and the resource person for the purposes of employment and direction. The resource person will remain under the jurisdiction of the Town and the CAO for the purposes of the employee/employer relationship. The board assumes no direct supervision over town staff and employees with the exception of the relationship defined herein between the board and the resource person.

- 9.4 Administration for the Board shall be provided by the Town.

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 only to be provided by the resource person, 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.

- 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 provision of all recreation programs and special events and recreation monetary accounts are delegated to the Board, to be exercised, in all respects, in accordance with this mandate:

- (1) Manage a municipal "Special Events" reserve account set aside for the purposes of the Board fulfilling this mandate that is subject to the conditions of this mandate.

- (2) The Board's financial administration functions will be performed by the Town, in accordance with this mandate.
- (3) The Board, acting in accordance with the Municipal Act, and in accordance with this mandate, will plan how finances are expended and how revenues are generated, in consultation with the Town, and receive approval of this plan from council.
- (4) The Board and the Town shall work together to determine financial reporting protocols and shall have these protocols confirmed by the CAO and Council.
- (5) All revenue, net of expenses generated by the Board with respect to "special events" will be placed into this "Special Events" reserve account and managed in the discretion of the Board in accordance with the annual work plan as approved by Council and this mandate. "Special events" will be identified and approved by Council, as part of the annual work plan and budgeted submitted to Council or through post budget reporting and resolution approved by Council.
- (6) Consider, plan and oversee all matters concerning recreational programs, special events and related facilities.
- (7) In an annual plan confirmed by Council, set fees and charges associated to recreation and special events and their respective facilities.
- (8) Any fees and charges changes that fall outside of the annual plan will require vetting by the CAO and if required (as determined by the CAO), confirmation of Council.
- (9) The development of annual and long-range visions, strategies and plans, that require annual confirmation by Council.
- (10) In conjunction with the municipal marketing resources and procedures and, in accordance with the municipal procedural by-law and any municipal policies, plan and oversee all marketing associated to recreation and special events,
- (11) In accordance with this mandate and the requirements of Council, consider, plan, and oversee all policy matters, with respect to Recreational Programs Special Events, and facilities as per the annual plan.
- (12) Any changes required outside of the annual plan require vetting by the CAO and if required (as determined by the CAO), confirmation of Council.
- (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.

- (14) Consider and report on such matters as may from time to time be referred to the Board by Council.
- (15) All Board members must act in the best interest of the community as a whole.
- (16) To look at all recreation facilities, activities, programs, projects and services to evaluate their value, to the Municipality. On the basis of this evaluation, the Board shall make recommendations for the expansion, modification, or addition of such facilities, activities, programs, projects and services.

The Board shall also take a lead role in providing input for capital improvements projects for such facilities, activities, programs, projects and services.

- (17) Board members shall work 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.
- (18) Board shall speak with one voice and all decisions arising from Board meetings and approved by Council shall be supported as decisions of Board.
- (19) Submit operating and capital plans and budgets developed in accordance with this terms of reference, 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:
 - 15.1 An annual calendar of recreation activities and special events, including; projected capital costs, projected sources of funding and revenue, and projected budget from the Town.
 - 15.2 Operational plans, including financial and human resources matters;
 - 15.3 Strategic directions for the coming five (5) years;
 - 15.4 A multi-year capital plan;
 - 15.5 Five-year Business Plan when required as determine by either the Town, the Board or Council;
 - 15.6 Asset management and capital plans;
 - 15.7 Report addressing the efficiency and effectiveness in the delivery of recreational programs and special events provided;

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

15.9 Any other information required to fulfill this mandate.

(20) The Board shall, at the 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.

10.3 The Board Chair will meet with Council on council's regularly scheduled boards and Committees update itinerary, and provide the following:

- (1) A progress and financial report,
- (2) A projection of upcoming events and any revisions to the events calendar
- (3) Any updates or discussions required for the Board and Council to implement this mandate.

10.4 The resource person will meet regularly with the Town CAO and provide the following:

- (1) A projection of upcoming events and any revisions to the events calendar
- (2) Any updates or discussions required for the Board and Council to implement this mandate
- (3) Any requests for staffing assistance and involvement in implementing this mandate.

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

11.1 Notwithstanding Section 12, the Board shall submit its annual operating and capital budget in the form, and at the time, required by the CAO. The Board shall also provide oversight with respect to grants, fees and charges necessary to support relates expenditures, in accordance with this terms of reference.

12. Review

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