

*Parks and Recreation Division
Community Input and Feedback
Advisory Council - By Community Election
Operating Procedures
Option 3
Revised 2009 by the High Park*

General

On January 28th, 2009, the High Park Community Advisory Council adopted the following motion

The High Park Community Advisory council adopts these revised terms of reference and accompanying changes to better reflect the unique and historical nature of the council and its role in the preservation and protection of the cultural, natural and recreation environment of High Park for future generations

The council shall operated under these revised terms of reference and operating procedures, replacing any existing procedural documents set forth by Parks, Forestry and Recreation or previous councils until such time as the City develops new guidelines. When new guidelines are introduced to the City, the council recommends the City consider adopting these revised terms of reference and operating procedures.

Revised Advisory Council Operating Procedures

Article 1 Name and Description

1. **Name:** The name of this group shall be the **High Park Community Advisory Council**, operating within the City of Toronto Parks and Recreation Division, herein referred to as the Advisory Council.
2. **Description:** an Advisory Council is a mechanism of the Parks and Recreation Division used to secure community input and feedback concerning the services and activities within a given community. Further, it is a voluntary membership group of individuals interested in working with the Parks and Recreation Division, in an advisory capacity, to enhance the quality of service provided to the community. (refer to Purpose, Goal, Guiding Principles and Accountability sections of Community Advisory Council Terms of Reference)

3. **Definitions:**

City Council: The Toronto City Council, the governing body of the City of Toronto

Elected Member-at-large: Any person who resides, owns or rents property, or owns or operates a business within the City of Toronto and who is willing to abide by the Community Advisory Council Terms of Reference and these Operating Procedures. Anyone meeting the above criteria and receiving sufficient votes at an Annual General Meeting as to

be duly elected. Each elected member shall have one vote in person at Advisory Council meetings.

Officer Member: A duly elected member-at-large who is elected to one of the positions of Chair, Vice Chair, Secretary, or Treasurer.

Local Community Group Representative: A duly formed group having an interest in, or connected to, the activities or business of the Parks and Recreation facility to which this document relates. This group will have achieved agreement between the Advisory Council, the Local Community Group and the Parks and Recreation Division that membership on the Advisory Council would be mutually beneficial. The group shall put forth the name of one of their members in good standing to represent the group and vote, but not hold office, at Advisory Council meetings. (Example: local soccer group, residents association, special interest group etc)

Agency / Organization Representative: A recognized, registered agency /organization, business having an interest in or connected to, the activities and business of the Parks and Recreation facility to which this constitution relates. This group will have achieved agreement between the Advisory Council, the agency / organization, business, and the Parks and Recreation Division that membership on the Advisory Council would be mutually beneficial. The agency / organization, business shall put forth the name of one of their members in good standing to represent them and vote, but not hold office, at Advisory Council meetings. (Example: Toronto District School Board, Toronto Public Library, a United Way Agency, a business or corporation etc)

Parks and Recreation Representative: A full time employee of the Parks and Recreation Division at the Supervisor level (or their designate). An employee of the Parks and Recreation Division shall not be eligible to sit as an Elected Member, Local Community Group representative or Agency / Organization representative on any Advisory Council within the City of Toronto.

Article 2. Objectives

Refer to Purpose, Goal, Guiding Principles, Accountability and Roles and Responsibilities of Advisory Councils

Article 3. Membership

1. **The number of members-at-large** on a given Advisory Council may vary by community. Generally speaking a viable Advisory Council will consist of between 8 and 20 members-at-large. The membership should reflect the Parks and Recreation Division's commitment to Access and Equity thereby making every effort to reflect the demographics of the area served by the facility.
2. **The term of membership** shall be two (2) years, with approximately one half of the Advisory Council positions being open to elections and appointments each year at the Annual General Meeting. The length of membership for voting members, in any and all capacities, shall be six consecutive years (three consecutive terms) at which time the member will step down for at least one two year term. The membership by a local City Councillor or designate shall be

continuous for the term they hold elected office on Toronto City Council. Membership by Parks and Recreation Division staff shall be continuous.

3. Membership shall cease:

- (a) If the member submits a resignation in writing or otherwise conveys such intent to the Advisory Council or an Officer Member or the Parks and Recreation representative.
- (b) For a Local Community Group representative or Agency / Organization representative when the group or agency advises the Advisory Council that another member in good standing had been selected
- (c) If the member fails to attend 3 consecutive meetings without prior notification of absence satisfactory to the Advisory Council. The member must be contacted and allowed to clarify the status prior to being notified in writing of the decision.
- (d) If the member is deemed to have consistently acted in a manner contrary to the Community Advisory Council Terms of Reference and / or the Operating Procedures, or whose actions are considered not in the best interest of the Parks and Recreation Division or its constituency.
- (e) If a member continues, after reasonable warning, to behave in an abusive, derogatory, unprofessional manner towards any member(s) of the Advisory Council, City Councillor, Parks and Recreation employee or volunteer, or member of the public.
- (f) If a member publicly discloses confidential information with respect to staff, participants or other matters obtained by virtue of being a member of the Advisory Council or otherwise.

Process for Cessation of Membership:

In the case of Section 3 (d, e, f,) the following processes are to be used:

The membership in question shall cease by a two-thirds vote of the members of the Advisory Council and / or a decision by the Management representative of the Parks and Recreation Division and the elected City Councillor for the Advisory Council concerned. This latter process must be in consultation with the Advisory Council.

The member must be given the opportunity to present their position at a meeting of Parks and Recreation Management, the local City Councillor and an Officer Member of the Advisory Council (optional at their discretion) prior to the decision being formalized.

4. In all cases where membership has ceased, the Advisory Council Minutes shall reflect the action taken and the ex – member shall be advised in writing, by registered mail, of the decision.
5. Where membership has ceased as a result of Article 3 (d), (e), or (f), the individual ex-member shall not be compensated or indemnified by the Advisory Council or the City of Toronto, for any actions, suits, claims, demands or any losses, costs or damages whatsoever arising out of membership in the Advisory Council. Nor shall the individual be eligible to seek election on a Parks and Recreation Advisory Council within the City of Toronto hereafter.
6. In the event that any member cannot fulfil their term, the Advisory Council may appoint a replacement, who fulfils the terms and conditions of membership, as outlined in the

Community Advisory Council Terms of Reference and the Constitution. The replacement member's term shall be until the next Annual General Meeting.

7. **Conflict of Interest and Personal Information**

(a) **General**

- (i) No member shall engage in any activity, financial or otherwise, which is incompatible with the proper discharge of her/his duties.
- (ii) No member, except the Parks and Recreation representative, shall at any time be directly involved in the administration, operations or management of a Parks and Recreation facility as a paid staff, or under contract to provide a service at or for any Parks and Recreation facility
- (iii) No member shall at any time give direction to, or have authority over, a Parks and Recreation employee

(b) **Specific**

Without limiting the generality of (7) (a), the following behaviour is prohibited:

- (i) No member shall seek or advance any personal interest including the interest of a spouse, child or parent by granting preferential treatment or special consideration to any person.
- (ii) No member shall accept any gift, fee, or personal benefit, including a benefit to a spouse, child or parent that is connected directly or indirectly with the performance of his or her duties as member, except where the gift, fee or personal benefit is received as an incident of the protocol or social obligations that accompany the responsibilities of the member.
- (iii) No member shall use, or permit to be used, City property of any kind for activities not associated with the performance of her / his duties, unless otherwise permitted by the Parks and Recreation Division.
- (iv) No member shall disclose confidential information concerning the property, government or affairs of the City, information that the city considers confidential, or use confidential information to advance his or her interests or the interests of others.

With respect to section (7) (a) and (b), any member accused of any of the above shall be eligible for one warning to cease. Such warning will come from the Management representative of the Parks and Recreation Division following consultation with the individual, the Chair or Vice-Chair of the Advisory Council and the local City Councillor. Failure to comply with the warning will result in removal of the member as in (3 d, e, and f)

(c) **Collection and Disclosure of Personal Information**

- (i) The *Municipal Freedom of Information and Protection of Privacy Act* applies to personal information collected, used and disclosed by the Parks and Recreation facility in accordance with that Act and made available to the Advisory Council.
- (ii) Personal information shall be used only for the purposes for which the collection was made, and shall not be disclosed by the Advisory Council.

ARTICLE 4 – Officers

- (1) The officers of the Advisory Council should include the following: Chair, Vice-Chair, Past-Chair, Secretary, Treasurer (if applicable)
- (2) **Duties of officers** (see also Community Advisory Council Terms of Reference Roles and Responsibilities):

(a) Past Chair

- i. shall extend the benefits of his or her experience to the Chair and Advisory Council
- ii. shall be a non-voting Member
- iii. shall not be a signing officer
- iv. shall receive nominations for elections for the AGM and work with Parks and Recreation staff to organize the election and AGM

(b) Chair

- i. shall direct the activities of the Advisory Council so as to achieve its objectives
- ii. shall function as the official representative of the Advisory Council
- iii. shall preside at Advisory Council meetings
- iv. shall act as an ex officio Member of all committees
- v. shall recommend Committee Chairs for appointment
- vi. shall be a Signing Officer
- vii. shall work in partnership with Parks and Recreation Staff to ensure a successful Council and AGM
- viii. shall only vote when it is necessary to break a tie

(c) Vice-Chair

- i. shall perform the function and discharge the duties of the Chair whenever the Chair is absent or unable to attend to the duties of the office, or whenever so requested
- ii. shall perform any other duties, as may be assigned
- iii. shall be a Signing Officer

(d) Secretary

- i. shall maintain a record of proceedings of Annual General Meetings, Special Meetings, and Council Meetings
- ii. shall attend to all official correspondence, communications, posting of notices and filing of records
- iii. shall read previous meeting minutes at Advisory Council meetings and Annual General Meetings and/or distribute the minutes

(e) Treasurer

- i. shall be responsible for all financial matters and transactions of the Council
- ii. shall receive all monies of the Advisory Council and deposit them to the credit of the Advisory Council in a bank approved by the City of Toronto
- iii. shall pay all bills authorized by the Advisory Council
- iv. shall be a Signing Officer for all financial matters and sign all cheques under the signature of one other Signing Officer
- v. shall maintain full accounts and present a statement of accounts at Advisory Council meetings and the Annual General Meeting

- vi. shall present the Financial Report to the Finance Committee prior to the Annual General Meeting in preparation for audit
- vii. shall partner with Parks and Recreation in the keeping of all financial records
- viii. shall prepare financial records for Audit by city officials annually

(f) Parks and Recreation Division Representative (see roles and responsibilities Community Advisory Council Terms of Reference):

- i. shall be appointed by the Parks and Recreation Division and shall be present or send a designate to each meeting of the Advisory Council
- ii. shall represent the Division and provide such information, support, training and other resources within the means of Division, as required, to support the objectives of the Advisory Council
- iii. shall be a non-voting Member
- iv. shall not be a Signing Officer
- v. shall organize the Annual General Meeting in co-operation with the Past Chair and Chair
- vi. shall chair the Annual General Meeting and oversee the Advisory Council election process and announce results

(g) Local City Councillor

- i. shall be member for the duration of their term as City Councillor
- ii. shall represent Toronto City Council at Advisory Council meetings at their discretion
- iii. shall be a non-voting member
- iv. shall not be a Signing Officer

ARTICLE 5 – Meetings

- 1) The Advisory Council shall hold regular or special meetings as set out below and shall maintain an accurate record of meetings for public viewing.

2) Annual General Meetings

Shall be conducted once annually for the purpose of reporting to the public and for the election or appointment and installation of Advisory Council Members and Officers. A printed notice and proposed agenda will be made available to Members and the general public for viewing no later than three (3) weeks prior to the date of the Annual General Meeting. The public notice shall advise of the Annual General Meeting day, date, time and location, invite participation and explain the function of the Advisory Council. The notice should reflect the various languages of the community.

Any person, who resides, owns property or owns or operates a business within the City of Toronto and who is eligible for membership is entitled to vote at the Annual General Meeting. Documentation verifying eligibility must be provided in order to vote or be nominated to hold office. Nominees should be present to accept nomination or, if absent, should send a letter of acceptance of the nomination to the Past Chair.

Nominations from the public are submitted to the Advisory Council Secretary the Friday prior to the AGM. If nominations received do not meet the required complement of vacancies pending, nominations will be taken from the floor. It is not a requirement that the nominee be present at the time of the AGM; however, the nominee must be seconded from the floor and then his/her designate shall read a written statement on behalf of the nominee

Parks and Recreation shall organize the Annual General meeting in co-operation with Past Chair and Chair. Shall be chaired by Parks and Recreation Staff.

It is the role of the park supervisor to ensure the nominations reflect the diversity of Park users

3) Advisory Council Meetings

The members and staff shall meet at least six (6) times during the year. Notice of Advisory Council meetings shall be provided to the members and staff no later than (7) days prior to the meeting and posted for public information. Meetings of the Advisory Council are open to the public for the purpose of observation.

Deputation to the Advisory Council, by any member of the public, may be made by requesting to be included on the agenda of an upcoming Advisory Council meeting no later than ten (10) days prior to Advisory Council meeting or at the discretion of the Advisory Council Chair.

A maximum time limit of __minutes discussion per item shall be imposed on all agenda items. A vote of two-thirds of the Members present must be obtained for any item to be discussed beyond the maximum time limit. The extension of time cannot exceed ___minutes. The Chair may call for the question or for the next item at any time, but at the ___minute mark it must be called. The item may be deferred to a future meeting.

Robert's Rules of Order is recommended to govern matters of meeting procedure.

4) Special Meetings

- i. A joint meeting of the past and present Advisory Councils shall be held within (30) days of the Annual General Meeting for the purpose of transferring all related documents to the new officers. It is important that a smooth transition between the Advisory Councils takes place.
- ii. May be called by an Officer Member(s) to address a particular issue providing that member has 10 signatures from Advisory Council members and the public combined, requesting the meeting. Notice of the meeting must be distributed to Advisory Council Members, Parks and Recreation Staff and City Councillor a minimum of fifteen (15) days prior to the meeting, outlining the purpose date, time and location of the meeting. The Secretary shall record the proceedings of the meeting and include them in the report to the next Advisory Council meeting

ARTICLE 6– Voting

- 1) To be accorded a vote at the council, individuals must belong to one of the following three groups:
 - (1) Members-at-large: up to 20 members-at-large, 4 of which will be Officers;
 - (2) Representatives: local community group representative and agency/organization representatives;
 - (3) Core Committees: can be Chair, co-chair or designate.
- 2) Each eligible Member is accorded one (1) vote and the member must attend the meeting in order to exercise their vote. No proxy voting shall be allowed.
- 3) In the case of a tie, the Chair shall vote to break the tie.

- 4) Advisory Council Members must declare any conflict of interest and abstain from voting on that particular item. Any member may raise concern over another member not declaring a conflict of interest prior to a vote. In this situation, both the challenged Member and the challenging Member will abstain from voting.
- 5) The council in conjunction with City of Toronto shall determine the necessary membership required for quorum.

ARTICLE 7 – Elections

- 1) Nominations from the public are submitted to the Advisory Council Secretary the Friday prior to the AGM. If nominations received do not meet the required complement of vacancies pending, nominations will be taken from the floor.
- 2) In the election of Advisory Council Members, all Members and eligible members of the public as set out in Article 5(2) (Annual General Meeting) shall be eligible to vote. Voting shall be by ballot, or by show of hands, with no quorum required. When there is only one candidate for a particular office, eligible voters may, by unanimous vote, decide to dispense with the vote for that particular office.
- 3) Staff of the Parks and Recreation Division will collect, count, and report election results at the Annual General Meeting. A maximum of 3 scrutineers shall be present.
- 4) In the case of a tie for a particular office, the current Officer Members shall vote on whether the Advisory Council can be expanded to accommodate the election of both candidates. Should that not be possible, votes for this position will be cast again. In the event of a subsequent tie, the current Officer Members shall vote the deciding vote where accommodation cannot be made.
- 5) If insufficient Members are nominated or elected to fill the Advisory Council positions, the Advisory Council shall appoint a person (or persons), eligible for membership, to serve a Member until the next Annual General Meeting.

ARTICLE 8 – Finance (see also Bookkeeping Guidelines for Advisory Councils)

- 1) The fiscal year shall be established by the Advisory Council and the Parks and Recreation Staff representative and co-ordinated with the scheduling of the Annual General Meeting
- 2) Independent bank accounts in the name of the Advisory Council are to be established whenever fundraising or similar activities are undertaken.
- 3) The Chair, Vice-Chair, and Treasurer are to be authorized signing officers. Signatures from the Treasurer and any one other signing officer are required for all cheques and disbursements.
- 4) All requests for funds must be accompanied by a receipt, invoice or expenditure voucher and submitted to the Treasurer.

- 5) All requests for funds over one hundred (\$100), must have prior Advisory Council approval and receipts, vouchers, invoices, must be submitted to the Treasurer for inclusion in the next Advisory Council financial report.
- 6) All requests for funds under one hundred (\$100) dollars may be made by two Signing Officers and reported at the next Advisory Council Meeting and recorded in the minutes of the meeting.
- 7) Fifty per cent (50%) of funds generated within the fiscal year are to be expended within the same fiscal year. The remaining 50% may be expended in the same fiscal year or be retained for multi-year fundraising goals for projects that have received approval at the Annual General Meeting and from the Parks and Recreation Division, in keeping with the priorities of the Division and the interests of the community.
- 8) The Treasurer's accounts shall be audited annually by the Compliance section of the EDCT Administration and Support Services Division.

ARTICLE 9 – Committees

- 1) The council shall appoint four core committee to handle long-term interest of the park and adhoc committees to address specific areas of interest. Committee participation can include members of the public as well as Advisory Council members. They may also be used as a training ground for potential Advisory Council members..
- 2) A Finance Committee is to be created as a sub committee of the Advisory Council when fundraising and other financial activities are undertaken. This committee shall consist of the Treasurer, Parks or Recreation and Facilities Supervisor, and one other individual eligible for membership on the Advisory Council but not currently a member of the Advisory Council. The role of the committee is to assist the Treasurer with bookkeeping and the development of monthly and annual financial reports; prepare statements and records for the Audit and report to the Annual General Meeting.
- 3) Committees shall submit reports and recommendations to the Advisory Council and shall implement such recommendations in accordance with the Advisory Council.
- 4) Committee Chairs shall submit reports to the Annual General Meeting and to such other meetings as required.
- 5) The size, composition, terms of reference and duration of each Committee shall be determined by the Advisory Council.
- 6) The respective Committee Chair shall call meetings as required.
- 7) A committee representative (chair, co-chair or designate) of each core committee shall be accorded a vote for that committee on the HPCAC council. Adhoc committees shall not have voting privileges. Members shall not be accorded more than one vote regardless of the member-at-large status or representation.