

Terms of Reference

Name: Kawartha Lakes Cultural Centre Feasibility Task Force

Date Established by Council: January 28, 2020

Date of Deferral of the Task Force: September 15, 2020

Date of reactivation of Task Force: April 1, 2021*

Task Force Completion/Reporting Date: March 31, 2022*

*Revised September 15, 2020 CR2020-261 (CW2020-114)

Mission:

The Kawartha Lakes Cultural Centre Feasibility Task Force is established to provide advice and recommendations to Council and Staff to:

- Participate in the RFP process(es)
- Assess the proposed model(s) of a Cultural Centre/hub
- Recommendations for a proposed site(s) following up on the City's Core Services review
- Recommendations for associated capital and operating model(s)
- Review and recommend potential funding sources
- Recommend potential governance models

Roles and Responsibilities:

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct for Task Force Members
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

No individual member or the Task Force as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Task Force will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Task Force business in keeping with the Task Force's Terms of Reference and established Policies.

Activities:

The following represent the general activities of the Task Force:

- a) Representatives (up to 3) from the Task Force, inclusive of the Chair and Vice Chair, will sit on the hiring committee with Staff to select the qualified Consultant.
- b) Will provide information, contacts, suggestions to ensure a fulsome stakeholder and public consultation to gather information related to the tasks as outlined in the RFP
- c) Provide written feedback to the recommendations related to the tasks as outlined in the RFP
- d) To make recommendations to Council and Staff on the study recommendations received from the consultant(s) at the end of the project.
- e) To make recommendations to Council and Staff on strategy, policies and various issues to achieve Council's strategic priorities relating to the Task Force's established scope of work as defined in the Terms of Reference.

Composition:

The Task Force shall be comprised of a maximum of 7 members consisting of up to 5 members of the public.

Composite of members is, where possible:

One representative from Kawartha Lake Arts Council;

One representative of Culture & Heritage Network;

One representative of the “Creative Economy”; and,

Two representatives of the public at large.

Two Council representative(s) all of whom will have full authority to debate and vote.

The Task Force shall consist of a minimum of 5 members. Task Force members will be appointed by Council in accordance with established policy.

All appointed voting members may be represented at meetings by a designated alternate (if applicable). A designated alternate must be formally designated by an appointed member in writing to the Task Force to represent them. Designated alternates must be approved by the Task Force and are subject to all of the requirements and criteria set out in the Terms of Reference.

Appointment of Officers:

The Task Force shall, at its first meeting, elect from its membership a Chair, and Vice-Chair. It is acknowledged that there are no per diems for any Task Force positions and it is acknowledged that none of the above positions shall be paid for their services. All Task Force members are considered volunteer positions.

Term of Appointment:

Task Force members will be appointed for a term ending upon final recommendation to Council/Staff and prior to December 31, 2020. Any extension to this Term shall be recommended to Council via the liaison department through a report to Council prior to the expiration date with the final decision being that of Council.

Resources:

The Development Services Department will provide support in the form of advice, day-to-day liaison with the City and information sharing.

A member of staff shall be designated as Recording Secretary by the liaison department. The Recording Secretary shall prepare and publish agendas; attend all formal business Task Force Meetings for the purpose

of taking Minutes; and prepare and publish minutes in an accessible format acceptable to the City Clerk's Office.

The Recording Secretary shall ensure that a current Terms of Reference for the Task Force has been provided to the City Clerk's Office and is posted on the City website.

Timing of Meetings:

Meetings will be held on a set day and time as may be determined by the Task Force or at the call of the Chair.

Location of Meetings:

The location of the meetings will be set by the Task Force and must be held in an accessible City facility.

Meetings:

The Task Force shall hold a minimum of 3 meetings during their term. The Chair, through the liaison department, shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Task Force and posted to the City website a minimum of three (3) business days prior to the date of each meeting through the Recording Secretary. Quorum for meetings shall consist of a majority of the members of the Task Force. No meeting shall proceed without quorum.

At the first meeting of the Task Force, an Orientation Session shall be held for members.

Working meetings throughout the term to advance the efforts of the work plan shall be held at the call of the Chair with the Chair providing notice of the working meetings to all members of the Task Force a minimum of three (3) business days prior to the date of each meeting through the Recording Secretary. No formal minutes are required to be taken at working meetings; however, notes shall be taken.

Procedures:

Procedures for the formal business meetings of the Task Force shall be governed by the City's Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

Electronic Participation:

The following procedural rules are established for electronic participation meetings:

1. City Council, Local Board or Committee members may participate in an open or closed session by electronic participation and be counted for the purpose of establishing quorum.
2. In the case of an interruption in the communication link to the member(s) participating electronically, the meeting will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s).
3. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
4. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
5. If a member loses electronic connection temporarily to the meeting, that member shall be treated as if they left the physical room of a traditional meeting and the time noted by the City Clerk or Recording Secretary.
6. All votes shall be by show of hands or by verbal consent (yes or no).
7. That subject to direction from the Head of Council or Chair to the City Clerk or Recording Secretary, the meeting will proceed without deputations. Written correspondence received from the public may be circulated to Council members prior to the start of the meeting electronically;
8. For public notice purposes, the location of the meeting published on the agenda shall be the physical location of the City Clerk or Recording Secretary during the meeting; If the location of the City Clerk can not be open to the public, the City Clerk shall provide notice to the electronic location of where the meeting can be viewed;
9. Members shall be provided instruction by the City Clerk, Recording Secretary, Chief Administrative Officer, or their delegate how to access the meeting by means of electronic participation.
10. A recording of the open session of the meeting shall be preserved for a period of time determined by the Records Retention by-law for the public record.
11. All electronic meetings will be available on Livestreaming or other video technology.

*Enacted through By-law 2020-056, July 28, 2020

Closed Meetings:

The Task Force shall not be permitted to hold Closed Meetings.

Agendas and Minutes:

A copy of the Agenda shall be provided to the City Clerk's office at the same time it is provided to Task Force Members. The City Clerk's office will distribute the agenda to Council members as per established procedures.

Minutes of all formal business meetings and notes from working meetings of the Task Force shall be forwarded to the liaison department, and to the City Clerk's Office, not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the Development Services Department at that time. The City Clerk's Office will electronically circulate the formal business meeting minutes to all members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

The Recording Secretary shall ensure that all Task Force Agendas and Minutes are posted to the City website at the same times as they are circulated to the City Clerk's Office.

Reports:

The Task Force recommendations shall be brought forward to Council via the liaison department through a report to Council.

It will be the responsibility of the Task Force Chair to provide a memo to the liaison department identifying the Task Force recommendations for final preparation of the report.

Purchasing Policy:

Up to three (3) members of this Task Force, inclusive of the Chair and Vice Chair, will participate in the Request for Proposal (RFP) hiring committee following the City's Purchasing Policy.

Insurance:

The City of Kawartha Lakes' General Liability Policy and Errors and Omissions Liability Policy will extend to this Task Force and its members. The applicable insurance policies extend to Task Force members while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including the Terms of Reference.

The Task Force must provide, via the liaison department an annual updated listing of all members, including member positions, to the City of Kawartha Lakes to ensure the applicable insurance coverage remains in force.

Task Force members are not entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario ("WSIB") and are responsible for their own medical, disability or health insurance coverage.

Expulsion of Member:

Any member of the Task Force who misses three consecutive formal business meetings, without being excused by the Task Force, may be removed from the Task Force in accordance with adopted policy.

Any member of the Task Force may be removed from the Task Force at the discretion of Council for reasons including, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, The Municipal Conflict of Interest Act or the Code of Conduct for Task Force Members; disrupting the work of the Task Force; or other legal issues. The process for expulsion of a Task Force member is outlined in the City's **Council Committee, Board and Task Force Policy**.

Terms of Reference:

The Recording Secretary shall ensure that a current Terms of Reference for the Task Force has been provided to the City Clerk's Office and is posted on the City website.

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at

its discretion, change the Terms of Reference for this Task Force at any time. Any changes proposed to these Terms of Reference by the Task Force shall be recommended to Council via the liaison department through a report to Council.

At the discretion of Council the Task Force may be dissolved by resolution of Council.