

Town of Whitby

Staff Report

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Report Title: Member of Council Organized Community Events Policy

Report to: Committee of the Whole

Date of meeting: January 20, 2025

Report Number: CLK 01-25

Department(s) Responsible:

Office of the Town Clerk
Office of the Chief Administrative Officer
Financial Services Department
Community Services Department

Submitted by:

C. Harris, Town Clerk

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

C. Harris, Town Clerk

1. Recommendation:

That Council adopt the Member of Council Organized Community Events Policy appended to Staff Report CLK 01-25 as Attachment 1.

2. Highlights:

- The draft Member of Council Organized Community Events Policy is intended to assist Members of Council in understanding the corporate resources available to support community events that they organize and their responsibility to obtain the necessary Town permits and approvals.
- Given the increasing number of community events organized and hosted by Members of Council, approval of the draft Policy is necessary to ensure consistency in corporate support and awareness of Staff and Council's responsibilities.

3. Background:

The Municipal Act identifies the role of Council through Section 224 and the role of the Mayor through Sections 225 and 226.1. Part VI.1 of the Municipal Act provides additional powers and responsibilities to the heads of council of municipalities identified by the Province through what is known as strong mayor powers. The responsibilities of

the Mayor and Councillors identified through the Municipal Act are fulfilled through the following three broad functions:

- legislative - the policy and decision-making function of Council as a body and the Mayor through strong mayor powers;
- representative - representing the issues and concerns of residents for matters under consideration by Council and to act as community leaders; and
- administrative - ensuring at a high level that the municipality is functioning in a manner that allows for the effective implementation of Council decisions, in compliance with all financial requirements.

In fulfilling their representative function, some Members of Council have elected to organize and host community events. These events are generally hosted on Town property, publicly advertised, are open and free to the public, and offer activities, food, and/or entertainment. Staff understand that the purpose of these events is to foster community building and/or promote the awareness of the Member's role as an elected official and community leader.

A memorandum dated February 9, 2024 from the Manager, Events, Tourism and Culture was sent to Members of Council to provide information on the process to host community events. The memorandum provided an overview of the Special Events Policy, facility permitting, external agency approvals (e.g. Durham Health for serving food), eligible Council Expenses, and corporate resources available to support events. Further to the processes outlined in the memorandum, Members of Council worked with Staff over the course of 2024 to ensure their events had the necessary permits and approvals in place. In some instances, additional requests for corporate resources to support a Member's event were made to the Chief Administrative Officer in accordance with the Council-Staff Relations Policy G 080. The approval or denial of these requests were made based on precedent, the scope of the request, and the Town's operational requirements.

4. Discussion:

There are a number of considerations Members of Council need to be aware of when organizing a community event on Town property. Accordingly, the Member of Council Organized Community Events Policy appended to this report as Attachment 1 is being presented for Council's consideration and recommended adoption. The intent of the Policy is to include all the information Council and Staff require on this topic in one centralized document.

While the Policy generally mirrors the current practice, several provisions in the draft Policy that are noteworthy and/or new are highlighted below.

Special Events Policy and Facility Permits

Members of Council are requested to contact Staff at least 60 days prior to the community event they are organizing to ensure that their preferred Town facility or park is available. Staff will also work with Members of Council to obtain the relevant details of the event and advise of the provisions of the Special Events Policy that will need to be complied with, including requirements for vendor insurance and external agency

approvals. Where food is being served, a Member must contact and obtain the necessary approvals from Durham Health.

Insurance

Members of Council who organize and host a community event as outlined in the draft Policy are considered to be acting in their official capacity as an elected official for the purpose of the Town's insurance policy, and as such will have insurance coverage from The Corporation of the Town of Whitby for their actions in relation to hosting the community event. However, this insurance coverage does not extend to vendors providing goods or services at the event and Members of Council remain responsible for obtaining proof of insurance from each vendor.

As an alternative that will avoid the need to collect proof of insurance from individual vendors, the Town maintains a roster of vendors it uses for Town run special events. These vendors have been confirmed to meet the Town's requirements, including having the necessary insurance coverage. Should Members wish to use vendors on the Town's roster, a list is available from Staff but in all instances the Member will remain responsible for the coordination with and payment of the vendor.

Funding the Event

All costs associated with organizing a community event are the Member's responsibility. An exception is that Members can charge the cost of obtaining a permit to use a Town park or facility to their Council expense budget in accordance with the Council Expense Policy. New in the draft Policy is the proposal that each Member of Council would have one facility or park permit waived per year up to a maximum of \$500 to organize and host a community event. The waiving of the permit fee would not count towards a Member's annual expense budget limit.

With respect to the draft Policy, the Town Clerk sought input from the Town's Integrity Commissioner, Principles Integrity, on two questions that had been previously raised by Members with the Clerk's Office. The first question was regarding Members receiving and handling funds donated by sponsors or the community to offset the cost of the community event, and the second was regarding who could handle funds on the Member's behalf.

With respect to Members organizing and hosting community events, the Integrity Commissioner recognizes that such activities serve a valuable purpose given the role of Members of Council as community leaders. When it comes to securing sponsors, in kind donations, or other monetary support for their community events, the Integrity Commissioner recommends transparency. The best way to avoid any accusations of impropriety is to publicly disclose how the event was funded and what donations and sponsorships were received, if any. To reflect the Integrity Commissioner's recommendation, Section 3.2 was included in the draft Policy:

- 3.2 To promote accountability and transparency, Members of Council are encouraged to submit a statement to the Office of the Town Clerk on the prescribed form showing how their community event was funded. Upon submission, the form will be maintained as a public record in the Clerk's

Office and, until its destruction, may be inspected by any person at a time when the Clerk's Office is open.

Subject to approval of the draft Policy, the Clerk's Office will work with the Integrity Commissioner to develop a form for Members to use when submitting a disclosure statement. Understanding that some Members have chosen to personally fund their event and not accept any sponsorships or donations, Staff will investigate the option of having a check box on the form to indicate this for simplicity of reporting.

With respect to how donation and sponsorship funds should be handled, the Integrity Commissioner has strongly recommended that Members avoid handling funds and cash personally. Instead, and consistent with previous advice provided by Town Staff, Members should identify a qualified financial professional to undertake the handling of funds on their behalf. This advice has been included in the draft Policy as Section 3.3:

- 3.3 When accepting monetary donations, it is strongly recommended that Members of Council do not handle cash or manage funds through their personal accounts, and instead have sponsors pay vendors directly or designate a financial professional to manage the funds on their behalf. Examples of a designated financial professional include an accredited bookkeeper, certified accountant, and a treasurer of a registered corporation, registered charity, or religious organization.

The Council Code of Conduct does not speak directly to how Member of Council organized community events or the funding thereof should be handled. While sponsorships and donations for a Member's community event would not generally be considered a gift or benefit, Members should have regard to the gift and benefit provisions in the Code and consult with the Integrity Commissioner when in doubt.

Election Period

Town support for community events organized by Council members is prohibited during election periods, and any campaigning at these events will result in the withdrawal of Town support and reimbursement of resources. Should a Member choose to hold a community event when seeking re-election and during a municipal election period, it is recommended that the Member consider whether such events could be a campaign activity and thus be considered a campaign expense in accordance with the Municipal Elections Act. If in doubt, it is recommended that a Member obtain legal advice.

5. Financial Considerations:

The proposed Policy minimizes tax-funded Corporate resources allocated to Community Events organized by Members of Council. As noted in this report, Staff will assist with guiding Members of Council through the booking/insurance process in accordance with the Town's Special Events Policy. Further, relatively low direct-cost in-kind corporate support for a Member of Council organized community event, such as additional trash receptacles in a park for the day of the event, may be provided by the Town. Finally, the Policy proposal where Members can elect to have the Town rental cost (up to a maximum of \$500) waived once per year may result in limited forgone rental revenues for the Town as rental permits cannot be booked by the public while the event is

occurring. Overall, the financial impact of Member of Council organized community events to the Town is limited.

6. Communication and Public Engagement:

Subject to Council approval, the Member of Council Organized Community Events Policy will be posted to the Town's [Policy Manual](#) on the website.

The advertising and promotion of a Member's community event remains the Member's responsibility, with the Town available to assist with promotion through the Whitby.ca community calendar and social media posts.

7. Input from Departments/Sources:

The development of the draft Member of Council Organized Community Event Policy was a joint effort between the Office of the Town Clerk, Strategic Initiatives, Financial Services, and Community Services Departments. A copy of the draft Policy was circulated to the Town's Integrity Commissioner, Principles Integrity, and they provided input with respect to the acceptance of sponsorships and donations to offset or cover the costs of organizing a community event.

8. Strategic Priorities:

Providing clarity on the process for Members of Council to organize community events and what corporate resources are available to support these events aligns with Pillar 4 of the Whitby Community Strategic Plan to promote accountable and responsible government, and specifically action item 4.3.4 to implement opportunities for Council to engage with the community.

9. Attachments:

Attachment 1 – Member of Council Organized Community Events Policy