

<i>The Town of Fort Frances</i>	SECTION ADMINISTRATION AND FINANCE
BOARDS AND COMMISSIONS	REVISED
<u>POLICY</u>	December 1978
Resolution No.	Supercedes Resolution No.
Policy Number 1.4	PAGE 1 of 2

The following is the procedure that should be followed by boards and commissions of the Town of Fort Frances:

Generally, any board or commission should follow certain rules or regulations to govern the actions of such board or commission. It is recognized that the members of a board act similar to the members of a Council. That is, they are a policy-making body that set out policy for the operation of the responsibility given to such board and then such policy is to be carried out by the administrative staff. Administration then follows such policy as laid down in the day-to-day operations of the board. If any question arises concerning the administration of the policies laid down by the board, any individual member may, at a board meeting, raise such question and request information to either seek rectification of a problem or, if necessary, to amend policy. It is possible for a board member to approach the administrator (for that particular board) and request information, which should be provided by the administrator to the board member.

If each Councillor, or Mayor, were to exercise the power of his / her office and carry out free access to all the ledgers, tax rolls, files, vaults, etc., it may prove to be most difficult to carry out the normal day-to-day administration and accounting procedures as is required to carry out the monthly cycle of accounting and record keeping that is necessary according to statute law. Certainly any records under control of the administrator to that board or commission are available for inspection by any board member upon request. In fact, to emphasize this, The Municipal Act states: "Except as otherwise provided in any Act, any person, at all reasonable hours, may inspect any records, books, accounts and documents in the possession or under the control of the Clerk, Administrator, or other responsible employee of the board".

The Provincial Statutes have interpreted this legislation so that it should apply not only to Council but also to all boards and commissions.

Basically, the courts upheld that no individual member of a council or a board should proceed to carry out certain acts or things unless such board, by resolution, delegates all member of such boards to carry out a specific matter. In one instance that comes to mind, a councillor had requested an auditor to carry out an audit of a certain faction within a municipality without the knowledge or approval of the entire council. When it came to payment for services rendered in the amount of some \$5,000.00, the council refused to pay the amount. The courts held that the individual councillor, in this instance, was responsible for the origin of the account and was therefore liable for its payment.

In concluding this particular aspect, I would suggest that the board function as a unit and thus avoid any action, which may be contrary to statutory provisions.

There has been some misunderstanding concerning appointments of members to a board. Under the recent amendment to The Municipal Elections Act, all local board members hold office up to the 30th day of November of the year to which they are appointed. However, the Act states: "The holders of offices hold office until their successors are appointed. " This section of the statutes allows for a board to continue in office, if for any reason, the council has been unable to act to appoint members to that certain board. This particular section should only be exercised in the event an emergency situation arises prior to the appointment or re-appointment of new members to a board.

The question has also arisen as to who should call the first meeting of a newly appointed board. In my opinion, the person to call the first meeting should be the employee who is responsible for the administration of that board's responsibilities. For example, the Librarian of the Public Library Board. At this first meeting, the board then elects from amongst its members, the chairman, vice-chairman, and would appoint a secretary to record the minutes and proceedings of each board meeting.