

## Headline: **Committee Operations and Development**

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Committees may perform a valuable role in a strata corporation. They can ease the burden of responsibility from the strata council, increase the involvement from the ownership and assist in the implementation and long term planning of the strata corporation.

A common example of a committee is a landscaping or garden committee. To understand the structure of the committee, we first have to understand the structure of the corporation. The strata corporation is the collective interests of all the owners. They all have an undivided interest in the common property assets and facilities of the corporation, thereby, they also have an interest in how those areas are maintained and operated. Each year the strata corporation approve an operating budget which in turn establishes the strata fees for the coming year. Additionally the strata corporation may also pass a special levy or resolution for monies to be spent from the contingency reserve fund for additional projects that do not normally occur each year. Once those amounts have been approved, the elected strata council have the obligation to proceed with the maintenance and repairs of the common facilities, property and assets of the corporation, in accordance with the approved budget or special expenditures.

Take for example an approval of a budget of \$25,000.00 for landscaping. In a large townhouse complex this may be a common amount for annual maintenance. What to do with those funds becomes the decision of the strata council if the expenditures are not stipulated in the budget, or this is where the opportunity of a committee could play a role. If the council elects to approve a committee, the procedure is set out in Standard Bylaw 20 of the Strata Property Act.

### **Delegation of council's powers and duties**

**20** (1) *Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.*

(2) *The council may delegate its spending powers or duties, but only by a resolution that*

*(a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or*

*(b) delegates the general authority to make expenditures in accordance with subsection (3).*

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*(3) A delegation of a general authority to make expenditures must*

*(a) set a maximum amount that may be spent, and*

*(b) indicate the purposes for which, or the conditions under which, the money may be spent.*

*(4) The council may not delegate its powers to determine, based on the facts of a particular case,*

*(a) whether a person has contravened a bylaw or rule,*

*(b) whether a person should be fined, and the amount of the fine, or*

*(c) whether a person should be denied access to a recreational facility.*

Once the corporation has approved the amount of \$25,000.00 for landscaping, the decision process begins. Before you start the checklist of obligations how are you selecting members of the committee? Who is on the committee? Who is eligible? Do your bylaws have any stipulations for the committees? If the committees hold meetings, does the council set any guidelines? Time, location, notifying the owners? What about minutes of the committee meetings?

Now comes the task of what to do with the \$25,000.00 landscape budget and how to instruct the committee.

1. Is the council supervising this contract or has council delegated these duties to a committee?
2. Who is performing the contract work? Is it resident owners, or is the work being contracted?
3. What is the breakdown of the costs? Is there a percentage of allocation for maintenance? A portion for replacement of plants and materials? Any upgrades to landscaping?
4. Who is responsible for administering the contract? Is the work tendered each year? Who performs monthly reviews? Who is the supervisor of the contractors or volunteers?
5. If there is a problem with the landscaping who is the contact person?
6. If the duties have been delegated, what authority is the committee granted? Supervision ? Budget allocations? Alterations? Maintenance and repairs?
7. What system of reporting is undertaken? Financial reports, maintenance reports, or alteration requests?
8. Does the council require a monthly report from a representative of the committee? If so, in what form?
9. What obligation does the committee have for long term planning and budget planning for subsequent years?

For council or committees that are undertaking implementation of budgets or special projects, these are all critical questions to be answered before the undertakings can begin. If your committee is reviewing a contract for recommendation to the council it is important to remember that the council will sign for the contracts and

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consider whether the contract for servicing or construction and goods should undergo a legal review prior to completing the agreement.

### **Committee Delegation for Building/ Remediation Committee (Sample)**

- (1) The council , by delegation in accordance with Standard Bylaw 20 of the Strata Property Act, hereby establish the building repairs and renewals committee.
- (2) The committee shall consist of a maximum of \_\_\_\_\_ owners, including \_\_\_\_\_ council members.
- (3) The committee must meet weekly/monthly /as required ( select one )
- (4) The purpose of the committee is solely in an advisory capacity. The committee will meet to review the course of remediation of the building envelope renewal process.
- (5) Recommendations to council will be reached by majority consensus of the committee members, and minuted to be addressed at the subsequent council meeting. The minutes shall form part of the minutes of the subsequent council meeting.
- (6) The chair person of the committee will be selected from amongst those members on the committee.
- (7) The council, in their capacity shall remain and continue to act on behalf of the corporation to authorize the scope of work, contracts, work order changes and or amendments and all negotiations on behalf of the corporation. The committee in their capacity may make recommendations to the council; however, the council is not bound by any of the recommendations, and may as they deem necessary in the best interest of the strata corporation, and in compliance with the Strata Property Act, Regulations, Bylaws of the Corporation and any other enactment of law.
- (8) The committee are indemnified from any legal actions or claims that may arise, as a result of performing their duties, provided they act only within the limitations set out by this committee delegation, and within the limitations set out by the Strata Property Act, Regulations, Bylaws of the Corporation and any other enactment of law.

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