

Lower Kootenay Band Housing Committee

Terms of Reference

(Approved by Chief & Council on January 18, 2010)

Mission Statement

The Lower Kootenay Band Housing Committee will work in partnership and cooperation with Chief and Council and the community members to provide safe, healthy and affordable housing choices for Lower Kootenay Band members; and to implement the housing program through the fair, equitable and efficient application of housing policies.

1. Preamble

WHEREAS: The Chief and Council has an objective of providing safe and affordable housing choices on reserve to the members within the means of the Lower Kootenay Band; and

WHEREAS: The Chief and Council has established a Housing Committee to assist in the delivery and operation of all on reserve CMHC and band-owned housing;

THEREFORE BE IT RESOLVED: These Terms of Reference shall define the Lower Kootenay Housing Committee, its structure and proceedings; its responsibilities; and the authorities that Chief and Council have delegated to the Housing Committee to enable it to carry out its mandate.

2. Definitions

2.1. Housing Committee (the Committee)

A permanent committee established by Council to assist in the delivery and operation of all on reserve CMHC and band-owned housing.

2.2 Nuclear Family

Means:

Grandparents, parents and adult children living in a household. (See Section 7.2)

2.3 Immediate Family

Means:

Spouse (including common-law)

Father and Mother (natural, step or common-law)

Child, stepchild, ward

Brother or Sister

Grandmother or Grandfather

2.4 Chief

Means the duly elected Lower Kootenay Band Chief.

2.5 Councillor

Means a person duly elected, in good standing, pursuant to the applicable sections of Lower Kootenay Band Custom Election Regulations.

2.6 Housing Department

Personnel hired by Lower Kootenay Band (LKB) to perform duties related to housing.

2.7 Good Financial Standing

Means that the applicant does not have any debts to the Band or Housing; or if the applicant is in debt to the Band or Housing, the person is current in their arrears repayments to the Lower Kootenay Band or Housing. (see Section 7 & 11.4)

2.8 *In Camera* Meetings

An in camera meeting is a meeting held behind closed doors where only Committee members may be present. A Committee meeting may only go *in camera* when matters of a confidential nature are to be discussed. Minutes at an *in camera* meeting are taken by a Committee member, and held separate from the regular minutes of the Committee.

2.9 Social Sector Councillor

Lower Kootenay Band Council member that has the Social Sector Portfolio.

3. Mandate

The Lower Kootenay Housing committee is responsible supporting the Chief and Council and LKB Housing Department in the safe, effective and fair delivery and operation of all on-reserve housing.

4. Responsibilities of the Housing Committee

In order to fulfill its mandate, the Housing Committee has the following responsibilities delegated to it by Chief and Council:

4.1 New Housing Issues

In collaboration with the Housing Coordinator; the investigation, review and resolution of matters brought before the Committee by the Housing Department or by Band members. The Committee will resolve the issues by making decisions where the decision is within the Committee's authority; developing policy to deal with the issue; or by referring the matter to Chief and Council with a recommendation by the Housing Committee.

4.2 Reporting

Submitting copies of all Committee meeting minutes to the Director of Operations and Council. Housing Committee will report as needed to Chief and Council.

Reporting to the Band membership at General Band meetings as requested by Chief and Council; or as required by current issues; or at least once annually.

All information from *in camera* meetings will be kept confidential.

4.3 Policies & Agreements

The Committee is responsible to Chief and Council for the development of Housing policies and agreements. These policies and agreements are then submitted to Chief and Council for approval. Once approved, the Committee is responsible for the implementation and **enforcement** of the policies and agreements through the Housing Department. The Committee is also responsible for the ongoing review of established policies. Policies and agreements shall include, but not be limited to:

1. Home Ownership
2. Housing & Tenant Selection
3. CMHC Social Housing Program
4. Section 10 Housing Program (Assisted Mortgage Program)
5. Lower Kootenay Band Rental Housing Program
6. Operation Charges
7. Housing Emergencies
8. Insurance
9. Maintenance and Repairs
10. Home Renovations
11. Residential Community Planning.
12. Appeals
13. Infrastructure
14. Sub-lease

4.4 Five Year Housing Plans

The Housing Coordinator will develop five year capital housing plans with input from the Committee. The capital plan will be approved by the Committee.

4.5 Finances

The Committee is responsible to review the annual housing budgets before they are submitted to Chief and Council for approval.

4.6 Physical Development Plan

The Committee is responsible for working within the existing Physical Development Plan.

4.7 Distribution of Information

The Committee members will be responsible for the distribution of Committee

communications and information to the community.

4.8 By-laws

The Committee is responsible for assisting Chief and Council in developing residential by-laws.

4.9 Overall Responsibilities:

- 4.9.1 Committee members will **NOT** have a direct day to day authority for responsibility for operations and program management. Committee members' responsibility is as per above, and more related to development and changes to policy, and recommendation of tenant selection. All recommendations are forwarded to Chief and Council for their discussion and ratification. Reports to Council are prepared by the Housing Coordinator for discussion at Council meetings.
- 4.9.2 The Housing Coordinator in cooperation and consultation with the **Director of Operations** shall be responsible for all administration, contracting (tendering and/or awarding) and day to day operation of the housing program.
- 4.9.3 Persons appointed to the Housing Committee understand and commit to the time and participation requirements of committee members.
- 4.9.4 At least once a year the Committee will review its own performance, housing policies and Terms of Reference to ensure it is operating at maximum effectiveness and recommend any changes it considers necessary to the Council for approval.
- 4.9.5 Keep up to date and fully informed about strategic issues and changes affecting the band housing program.
- 4.9.6 The Housing Committee will be responsible for identifying and nominating for the approval of the Council, candidates to fill Committee vacancies as they arise.
- 4.9.7 The Committee will give full consideration to succession planning for Committee members taking into account the challenges and opportunities facing the community housing program, and what skills and expertise may be required on the Committee in the future.

5. Authority of the Housing Committee

In order to execute its responsibilities in a timely manner, Chief and Council

provide the following authority to the Lower Kootenay Housing Committee:

5.1 Housing Policies & Agreements

The Committee has the authority to implement and **enforce** all Housing Policies and Agreements which have been approved by Chief and Council.

5.2 Finances

The operational funds derived from rental housing and other housing revenues may be expensed to deliver the housing program, through the Housing Department, as outlined by housing policies. These funds will be included in the Housing Department annual budgets, which must be approved by Chief and Council.

6. Accountability

6.1. The Housing Committee is accountable to the Lower Kootenay Band Council.

6.2. An annual report of activities of the Committee shall be presented to Council.

6.3 The Committee members must keep up-to-date on all relevant housing issues by reading all materials that are required reading.

6.4 The Committee members must be able to read financial statements (if not, take training, education, board development).

7. Composition of the Housing Committee

7.1. The housing Committee shall be comprised of three (3) voting members; the **Director of Operations**, the Director of Social Services, the Housing Coordinator and the Social Sector Councillor shall sit as *ex officio* (non-voting) members.

OPTION 2

7.1 bThe housing Committee shall be comprised of five (5) voting members; the **Director of Operations**, the Director of Social Services, the Housing Coordinator and two (2) citizens. The Social Sector Councillor shall sit as an *ex officio* (non-voting) member.

7.2. No more than one member from an Immediate Family shall sit on the Committee.

7.3. The officers of the Committee shall be:

- i. Chairperson – held by the Housing Coordinator.
- ii. Vice-Chairperson – held by the Social Sector Councillor.

7.4 Internal or external persons may be invited to attend the meetings at the request of the Chairperson to provide advice and assistance where necessary. They have no voting rights and may be requested to leave at any time by the Chairperson.

The meeting proceedings will be recorded by a recording secretary.

8. Eligibility of Citizen Members

8.1. Be Lower Kootenay band members 18 years of age or older

8.2. For nominees to be eligible to sit on the Committee, they must be in good financial standing with the Band and the Housing Department.

8.3. Live within LKB on-reserve housing.

8.4. Not have been removed from a board, committee or other body for a breach of confidentiality

8.5. Council will be represented on the board by the Social Sector Councillor as an *ex officio* (non-voting) member

9. Term and Selection of Citizen Committee Members

Citizen Committee members will sit for (4) year terms. At the time of the initial appointment, one citizen member will be appointed for a 4 year term and one for a two (2) year term. Subsequent appointments will all be for 4 year terms.

10. Method of Selection:

Notice will go out to the membership in a newsletter to request letters of interest to sit on the Housing Committee. Letters are to be submitted to the Housing Coordinator for review and then reviewed by the **Director of Operations** and Social Sector Councillor for short-listing. Letters must be submitted within (30) days of the date that the notice is posted.

All Nominees must attend a housing orientation workshop. The Housing Coordinator will review the eligibility of the applicants who have attended the workshop. Nominees should be able to read and understand financial reports and statements. The letters of Nominees who have been declared eligible will be forwarded to Chief and Council.

Within thirty (30) days of the close of nominations, Chief and Council will review the applicants' letters and appoint the Committee member(s).

All nominees will be notified of the appointments and the results will be posted in public locations.

11. Resignation, Removals, and Vacancies

11.1. Resignations

Resignations will be submitted in writing to the Committee Chairperson who will forward such to the Committee, and will then be placed on the next Committee meeting agenda.

A resignation cannot be withdrawn after its submission to the Chairperson and is effective immediately upon being tendered.

The vacancy shall be posted in the community newsletter, interested persons can forward their letter of interest to the Housing Coordinator for review with the Social Sector Councillor.

11.2 Absenteeism

If a Committee member is absent from **three (3)** consecutive meetings except due to illness or with leave, the Committee member is disqualified from serving on the Committee.

11.3 Breach of Confidentiality

If a Committee member breaches the “Oath of Confidentiality”, as set out in **Section 20**, the member shall be removed immediately from the Committee and prohibited from sitting on the Committee in the future.

11.4 No Longer in Good Financial Standing

If a Committee member falls out of good financial standing as defined in Section 2, the member shall be removed from the Committee.

11.5 Breach of the Code of Conduct

If a Committee member breaches the Housing Committee “Code of Conduct” regularly so that his/her actions interfere with the operation or integrity of the Committee, the Committee may act to remove the member.

11.6 Vacancies

If a Community Committee member’s position becomes vacant within (6) months of a standard Committee selection date, the position will be filled at the next scheduled selection date. If the vacancy occurs more than six (6) months from the next selection date, the position will be filled by appointment.

The Community Committee member filling the vacancy will serve the remainder of the vacating member’s term.

12. Meetings of the Committee

The Committee shall meet on the first Thursday of every month if there is sufficient business to conduct. The Housing Coordinator may call emergency meetings if required, only if a decision cannot be made within the administration office.

A special meeting may be called at any time by the Housing Coordinator and the notice of such meeting shall be given to each member of the Housing Committee in the Manner set out in Section 13.

13. Notice of Committee Meetings

It is the role of the Minute Taker Secretary to:??

- i. Provide notice of the time, date, and place of each Housing Committee meeting to each member. The notice of such meeting will include an agenda of the business to be discussed at the meeting and ensuring all necessary documents requiring discussion or comment are attached.
- ii. ensure that the minutes of each Housing Committee meeting are properly recorded, typed, and distributed to Housing Committee members and Chief and Council.
- iii. Distribute the Agenda one week prior to the meeting.
- iv. Distribute the minutes to all committee members one week after the meeting and make available to all relevant staff.
- v. Have the minutes checked by the Chairperson and accepted by Committee members as a true and accurate record at the commencement of the next meeting. [ROLE OF THE CHAIR?]

Special Meeting

In the event that the Housing Coordinator calls a special meeting of the Housing Committee, the Housing Coordinator will advise each member of the Housing Committee of the date, time and place of the meeting by telephone or notice by hand; and will indicate the items of business to be discussed at the meeting.

14. Quorum

Three (3) voting Committee members shall constitute a quorum for the transaction of business.

15. Opening Proceedings

In case the Chairperson or Vice-Chairperson does not attend within 15 minutes after the time appointed for a meeting, a Housing Committee member can then present, to order, and if a quorum is present, the Committee Member shall preside during the meeting or until the arrival of the Chairperson or Vice-Chairperson.

Should there be no quorum present within 30 minutes after the time appointed for the meeting, the Secretary shall record in the minutes the names of the members present at the expiration of 30 minutes, and the meeting shall stand adjourned.

Immediately after the Chairperson has taken her/his seat, the minutes of the preceding Housing Committee meeting shall be read by the secretary, in order that any error therein may be corrected by the Housing Committee.

If the Secretary has distributed the minutes and reports of the preceding meeting, prior to the current meeting, the Chairperson may entertain a motion to adopt the minutes and reports as tabled. The adoption shall be subject to such additions, erasures or amendments as the Committee may decide upon at the meeting at which adoption has been moved.

16. Order of Proceedings

The order of business for all regular meetings of the Committee shall be as follows:

1. Call to order by the Chairperson as set out in Section 15 above.
2. Review, changes and adoption of the Agenda
3. Receive delegations **LATER???**
4. Minutes of preceding meeting
5. Housing Coordinator's Report and Financial Report
6. Summary of correspondence, as applicable
7. Unfinished business
8. New business
9. Date of next meeting
10. Adjournment

The Committee has to adopt rules of Order to conduct an efficient meeting. **ROBERT'S??**

17. Receiving Delegations

A person, or persons, wishing to make a presentation to the Committee shall:

- 17.1. Make a written request to the Housing Coordinator to appear before the Committee. The request must state who is in the delegation and describe the matter of

business or presentation to be brought forward. The request must be made at least one (1) week prior to the Committee meeting at which the request will be considered.

- 17.2. The Housing Coordinator will review the request with the applicant. If the matter does not require Committee attention, the Housing Coordinator will direct the applicant to the appropriate department(s). If the matter requires Committee attention, the request will be forwarded to the Committee.
- 17.3. Upon such request being granted, the delegation will be informed as to the date of the next Committee meeting and the time that the delegation will be heard.
- 17.4. The Committee may request additional information from the delegation prior to considering the delegations request to appear before the Committee.
- 17.5. If necessary the Chairperson reserves the right to restrict the time allotted to any Delegation appearing before the Committee.

18. Rules, Conduct, and Debate

- 18.1. The resolution of **orders**, resolutions or questions will be consensus driven. Consensus will be reached when all Committee members have no objection to the acceptance of the order, resolution or question.
- 18.2. Where consensus cannot be reached, the matter shall be noted in the minutes, along with the outstanding issues. The issues as noted, will be read back to the Committee to ensure accuracy.
- 18.3. A motion may be put forward to table the unresolved item for a future meeting. A vote will be held on the motion. If a motion to table is not made, the order, resolution or question will be considered closed.
- 18.4. Where it is the consensus of the Committee that an issue must be settled: a vote will be held to decide the matter if consensus on the issue cannot be reached.
- 18.5. The numbers of those who vote “For” and those who vote “Against” and “Abstentions” shall be entered upon the minutes. The secretary shall read the results of the vote in order that any mistake may be corrected. Note – an “Abstention” vote is considered as a “For” vote.
- 18.6. When any order, motion or question shall be lost by reason of the Committee breaking up for want of a quorum, the order, motion or question so lost, shall be tabled to the next meeting.

19. Motions in General

Motions may be put forward by any voting Committee member. Motions shall be recorded by the secretary, and then seconded. After a motion is seconded it shall be read by the Chairperson before debate.

Amendments shall be decided upon before the question is put to consensus.

20. Confidentiality

All *in camera* discussions, debate, and draft documents of the Housing Committee are confidential. No member of the Committee, or **alternate** member, present at a Committee meeting, shall make public any information or business from the Committee meeting unless that information or business is deemed to be public information by the Committee as a whole.

All Committee members will take an Oath of Confidentiality. Any member deemed by the Committee to have broken the Oath will be immediately removed from the Committee and will be barred from sitting on the Committee in the future.

21. Conflict of Interest

21.1. A Housing Committee member must remove him/herself from the meeting room when the decision to be deliberated on will have a direct impact on that member's immediate family. A Quorum will not be considered lost by this removal. **?????**
COMMITTEE TOO SMALL AND DEFINITION OF IMMEDIATE FAMILY TOO BROAD

21.2. Conflict of Interest shall also be interpreted as set out in the Lower Kootenay Band Personnel Policy manual. Where there is any difference between "Conflict of Interest" as set out in Section 21.1 and the Lower Kootenay Band Personnel Policy manual, the (LKB) Personnel Policy shall take precedence.

21.3. If a member (including ex officio members) believes that another member is in a conflict of interest and has not declared it, it is the responsibility of that member to inform the Chairperson of the perceived conflict of interest. The Chairperson shall rule on the matter.

22. Amendments to the Terms of Reference

Amendments may be necessary from time to time. Either the Housing Committee or the Chief and Council may suggest amendments to these terms of reference. Once suggestions have been made both the Committee and Chief and Council will review and make comments.

Any and all suggestions for amendments to these terms of reference shall be submitted to Chief and Council at a duly convened Council meeting for approval.

Any and all amendments to these terms of reference must be approved by Chief and Council at a duly convened Council meeting before the said amendment can take **absolute** effect.

During the amendment review process the Housing Committee will work in partnership and cooperation with the **Director of Operations**, the Housing Coordinator, and the community members to provide safe, healthy and affordable housing for Lower Kootenay band members; and to implement the housing program through a fair, equitable and efficient application of housing policies. **IS THERE A SCHEDULED REVIEW WINDOW?**

Approved by Housing Committee on _____

Approved by Chief and Council on _____

Signed by Chief on behalf of Council