

# User Committee Terms of Reference

## Background

- A. TCC was established as a non-profit organization in 2019 and received charitable registration status in December 2021.
- B. TCC's purpose is to provide a public amenity by establishing, administering, and maintaining a multi-use recreational and cultural facility, including a gymnasium, auditorium, dance/multi-use studios, library, archive and museum, in northeast Scarborough, Ontario, for use by members of the Tamil community and general public, (hereinafter referred to as the "community centre" or "facility")
- C. TCC is currently in the pre-design phase of the project, with construction expected to begin in the first quarter of 2024. Prior to the start of construction, TCC is expected to incur costs related to project management (PMO), professional services and architectural services.
- D. TCC entered into a land lease with the City of Toronto dated February 15 2022, for the land on which the facility will be located (hereinafter referred to as "Property"). TCC will own the facility. The project will be located at 311 Staines Road, Scarborough. TCC must construct the project and conduct future operations in compliance with the land lease.
- E. TCC applied for and has become the successful recipient of bi-lateral government funding through the Investing in Canada Infrastructure Program: Community and Culture Stream. TCC entered into a Transfer Payment Agreement dated February 28, 2022 with the Province of Ontario that outlines the terms and conditions on how the TCC can receive and use the approved funds.
- F. Provided the TCC is governed by a voluntary Board of Directors, it has procured professional Accounting and Bookkeeping services to support the delivery of the project.
- G. Provided the TCC is governed by a voluntary Board of Directors, it has procured professional Project Management Office services to support the delivery of the project.
- H. TCC wishes to establish Terms of Reference for the User Committee that will report to the Project Committee, to facilitate the coordination of end- user input into the design and operational programming of the Tamil Community Centre.

# 01

## Interpretation

### CONFLICTS

- A. In the event of a conflict between these Terms of Reference and the TCC's incorporation documents, the incorporation documents will govern.
- B. In the event of a conflict between these Terms of Reference and the Project Committee Terms of Reference, the Project Committee Terms of Reference will govern.

### AMENDMENTS

These Terms of Reference may only be amended, supplemented or replaced by TCC Board of Directors approval.

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# 02

## Mandate and Membership

### MANDATE

As more particularly defined in these Terms of Reference, the User Committee is constituted to participate in the coordination of end-user input into the design and operational programming of the Tamil Community Centre on behalf of the TCC Board of Directors. This specifically includes:

- A. to provide User input to the design process via the Project Committee;
- B. to contribute to the development the TCC functional space program, particularly in respect of the User requirements;
- C. to act as a bridge between the Project Committee and the extended Tamil community and stakeholders;
- D. to participate in and contribute to design reviews;and
- E. to prepare reports in support of the above

### MEMBERSHIP

The number of members on the User Committee will be determined by the TCC Board of Directors.

### TERM

User Committee members are entitled to serve for a term equal to when the project reaches substantial completion.

### CHANGES

The TCC Board of Directors can change their respective nominees at any time, provided however that in recognition of the long-term nature of the Project:

- A. they will use reasonable efforts to minimize turnover of its nominees;
- B. they will use reasonable efforts to help replacement nominees get up to speed with the User Committee's activities; and
- C. where they expect to change a nominee, they may invite the replacement nominee to participate in User Committee meetings as a non-voting observer prior to the change of nominee to facilitate the transition.

### CHAIR

The Chair of the User Committee will be appointed by the TCC Board of Directors.

## Responsibilities and Authority

### DESIGN APPROVAL

The User Committee will review, evaluate and make recommendations with respect to the design of the Tamil Community Centre, subject to the following:

- A. the Project Committee will solicit feedback from the User Committee (constituted in accordance with Article 5 below) prior to making decisions or final recommendations about the building program and interior space configurations of the Tamil Community Centre and will give the User Committee a reasonable opportunity to provide such feedback. To solicit such feedback, the Project Committee will refer specific questions to the User Committee and will reasonably consider the feedback of the User Committee in respect of those questions;
- B. all decisions of the Project Committee with respect to the internal design of the Tamil Community Centre will be subject to the approval of the User Committee ; and
- C. in evaluating the design, the Project Committee will have regard to any cost constraints arising from the proposed financing of the Project.

### TCC APPROVAL PROCESSES

To the extent that the Project, or any aspect thereof, requires any approvals by the TCC Board of Directors in accordance with the Applicable Policies:

- A. the User Committee will support the Project Committee by providing information and recommendations to include as part of any request for approval; and
- B. representatives of the User Committee may be requested to appear and make representations at any meeting during which such approval is being requested or considered.

### PROJECT BUDGETS

The User Committee will at all times make recommendations that are not inconsistent with the budgets that have been approved for the Project.

### OTHER

The User Committee will do such other acts and carry out such other duties as the User Committee considers necessary or advisable in respect of its mandate as set out in Article 2.

### APPROVAL RIGHTS

Where these Terms of Reference provide a right of approval to the User Committee, the Project Committee will not undertake a design decision that is the subject of such right of approval until the approval of the User Committee is obtained.

### LIMITATIONS

The User Committee is not an agent of the TCC and does not have the power or authority to enter into binding commitments on behalf of the TCC.

## Meetings

### REGULAR MEETINGS

The User Committee will meet at least once a month, unless the User Committee

decides to meet more or less frequently, having regard to the schedule and status of the Project.

### **LOCATION OF MEETINGS**

Unless otherwise agreed by the User Committee, all meetings will be held through virtual platforms.

### **ATTENDANCE**

All members will use reasonable efforts to attend all meetings of the User Committee, provided that where a member is unable to attend, he or she will give the User Committee as much notice of his or her expected absence as is practicable.

### **QUORUM**

Quorum for the conduct of business of the User Committee will be a simple majority of committee members.

### **AGENDA**

The chair of the User Committee will prepare and circulate to the User Committee a draft agenda for each meeting. As the first order of business of each meeting, the agenda will be approved, subject to any changes agreed upon by the members.

### **MINUTES**

The User Committee will select a member to take minutes of each meeting. As the second order of business of each meeting, the User Committee will approve the minutes of the prior meeting.

### **CHAIR**

The chair will be responsible for the orderly conduct of the meeting in accordance with the agenda. In the event that the chair is absent, the User Committee will choose an interim chair for the purposes of that meeting only.

### **DECISIONS**

All decisions of the User Committee will be made by majority vote of those present or represented by proxy at a meeting of the User Committee. In the event of a tie, the chair of the User Committee will not have a deciding vote. Decisions may also be made in writing signed by all members of the User Committee. Where a vote is tied, the User Committee will first use reasonable efforts to resolve the applicable issue and to vote again, provided that if the stalemate is not broken, then the decision will be escalated to the Project Committee.

### **ACTION ITEMS**

As the final order of business of each meeting, the User Committee will agree on a list of tasks to be completed in time for the next meeting and will decide which member(s) will be responsible for each task. Members will use reasonable efforts to complete their assigned tasks in a timely manner.

### **DEADLOCKS**

In the event that the User Committee is deadlocked, the Project Committee will meet to resolve the deadlock in good faith and in a timely manner.

**User  
Committee****TERMS OF REFERENCE**

The terms of reference for the Standing Committees will be established by the TCC Board of Directors. Those terms of reference will be compatible with these Terms of References.

**SHARING OF INFORMATION**

Standing Committee chairs will share communication of their committees with one another.