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Memo To: David White, City Solicitor
Dan Chenier, General Manager Recreation & Cultural Facilities

Re: Finance & Corporate Services Committee recommendation to City Council re. Community Partnership Insurance Program

From: Robert Brinker, President FCA
Alex Cullen, Lead, FCA Working Group on Community Insurance

CC: Members of Ottawa City Council

Date: February 15, 2024

The FCA Working Group on Community Insurance (with the participation of the broader FCA membership) has reviewed the recommendations approved at the February 6, 2024 meeting of the City's Finance & Corporate Services Committee regarding the future form of the City's Community Partnership Insurance Program (CPIP). We would like to express our appreciation that the Committee has recognized the value of City support for community events, and is recommending to Council that the City continue to provide General Liability Insurance for neighbourhood-based community groups that qualify. This will enable those traditional community-building events, organized by community volunteers, that the City has supported in the past, to continue.

There are, however, a number of issues that arise from the 10-part, complex motion that was adopted at Committee that we wish to raise with you, where we seek clarification. In particular:

The third Be It Resolved states:

That the definition of neighbourhoods be informed by the Ottawa Neighbourhood Study, as well as available community resources, association constitutions and other community resources that can validate community representation.

The FCA supports this approach, and believes the intent is to ensure legitimacy of community representation and avoid duplication. In particular, there may be more than one community association within an ONS-defined neighbourhood, but as long as there is no significant overlap or duplication of representation, it should be possible to qualify for general liability insurance for a community-based event. **Please confirm.**

As we had communicated to you earlier (in both in the community consultations and at F&CS Committee), there may be situations where a community association partners with a separate entity that provides the neighbourhood activity. Examples include the Glebe Community Association (GCA), which concerns itself over zoning, Committee of Adjustment, parking issues and the like, and the Glebe Neighbourhood Activity Group (GNAG), which looks after the outdoor community rink and generates neighbourhood activities. These organizations complement each other, and it would be GNAG (not the GCA) that would seek City-provided insurance for activities within the Glebe community (a similar situation exists in Manotick Village). Our assumption is that such situations can be accommodated within the new program. **Please confirm.**

The fourth Be It Resolved states:

Participating community associations/groups will be required to meet certain legitimacy/eligibility criteria, including the following:

- *Operate within the City of Ottawa as a not-for-profit group; AND*
- *Have been in existence for at least 2 years; AND*
- *Demonstrate financial viability and be in Good Standing with the City of Ottawa; AND*
- *Be governed by a democratically-elected Board of Directors or Committee of at least three independent and unrelated members; AND*
- *Demonstrate good governance practices by holding an Annual General Meeting, have a Board-approved Constitution or by-laws, hold meetings open to residents in their neighbourhood, produce annual financial statements; AND*
- *Have measures in place to ensure that they do not at any time sponsor or produce any materials that promote or oppose the candidacy of a person for elected office, or that promote or oppose a campaign related to a question on the ballot, in accordance with the City's Election-Related Resources Policy;*

The FCA supports the intent of this section regarding eligibility – indeed, much of it reflects the position of the FCA that was communicated to City staff at the community consultations earlier in December and January.

There are, however, three items here we wish to bring to your attention:

Under • *Be governed by a democratically-elected Board of Directors or Committee of at least three independent and unrelated members;*

We agree with this provision in principle and wish to clarify the understanding of “independent”. Our assumption is that where there is a married couple, or persons belonging to an immediate family (brother, sister, father, mother, daughter, son), or an employee of another Board member, or a tenant of another Board member, these folk would not be considered independent. This is not to preclude these people from being Board members (as you know, volunteers are often hard to find) but to ensure that at least 3 Board members are independent of each other. **Please confirm.**

As well, our assumption is that a democratically-elected Board of Directors happens at an Annual General Meeting (or Special Meeting) of the community association, with appropriate notice to residents in a community and opportunity for those residents to be elected to the Board of Directors, including by acclamation if there is no contest for the positions. **Please confirm.**

Under • Have measures in place to ensure that they do not at any time sponsor or produce any materials that promote or oppose the candidacy of a person for elected office, or that promote or oppose a campaign related to a question on the ballot, in accordance with the City's Election-Related Resources Policy;

While we were surprised to see this a requirement of obtain City insurance for community-based activities, the fact is that community associations are generally apolitical and while they may organize all-candidate meetings during elections (federal, provincial, municipal) they do not take sides or promote or oppose candidates or parties. Indeed, the FCA has as part of its Constitution (under Purposes) "The Federation shall not be affiliated with any single political, commercial or religious body but shall endeavour to maintain cordial relations with such bodies".

We assume this provision will not inhibit community associations from conducting all-candidate meetings (federal, provincial, municipal) as a civic function for its residents. **Please confirm.**

Further, would the requirement to have "specific measures in place etc." be satisfied by a statement in a community association's constitution such as "The (insert name of the community association) is an apolitical body and shall not promote or oppose the candidacy of a person for elected office, or promote or oppose a question on a federal or provincial or municipal ballot." **Please confirm.**

The fifth Be It Resolved states:

That the revised CPIP be in place on or before January 1, 2025, so that the Program can be accounted for as part of the City's 2025 budget.

Is the City contemplating moving the insurance program to the calendar year? This has implications for existing community insurance arrangements. **Please confirm.**

The last issue we wish to bring to your attention is under the ninth bullet of the motion:

BE IT FURTHER RESOLVED THAT, in the event that staff are unable to procure the insurance necessary to support the Program, the funding dedicated to the CPIP be reallocated to a separate Community Insurance Support funding program within the Community Funding Framework, available to fund or reimburse third party liability insurance to the same category of community associations/groups and based on the same legitimacy/eligibility criteria, as the CPIP;

Given that we have worked so hard to ensure that the City continues to support community-based activities through the provision of General Liability Insurance (as it has done for over 24 years), it is surprising to see that if there is a problem here, there is an automatic shut-down of this program by City staff and conversion to the Community Funding Framework model. This would require community associations to apply for funds to purchase their own insurance, leading to loss of community activities as many community groups do not have the expertise to obtain or administer General Liability Insurance, and those who could do so would have higher costs than what the City would obtain – again reducing access to this limited program. In other words, it would be back to the original report that community groups have objected to and that Committee and Council has rejected 3 times.

What we would expect, if indeed a problem arises obtaining General Liability Insurance for community-based activities, is that there would be a report on this to Finance & Corporate Services Committee. This would allow the stakeholders to consult with City staff, examine options, and address the Committee. Indeed, the City already insures 200 community rinks, 32 community gardens and a number of service arrangements with City facilities (eg fieldhouses, etc.). It should also be possible to support community-based activities without forcing community groups to purchase on their own General Liability Insurance.

It was re-assuring to hear at Committee that this action is not anticipated by City staff at this time. However, it is our expectation that City staff would consult with the affected stakeholders (eg community groups) should such an action be contemplated, prior to a decision. **Please confirm.**

In closing, we do welcome the progress that has been achieved on this file, and look forward to working with City staff and Councillors on continuing to deliver community-based activities and events that our residents value.