

# **FAIRLEA PARK HOUSING CO-OPERATIVE INC.**

By-law No. 39

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## **Spending By-law**

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This By-law replaces previous By-law(s) # not applicable

This Spending By-law sets out the rules for how the Fairlea Park Housing Co-operative Inc. (the Co-op)'s money is spent and who must give permission for each type of spending. The Spending By-law takes priority over all decisions of the board and of the members regarding spending.

## **Article 1: Operating Expenses**

**1.1** The Occupancy By-law says that each year the members will approve an operating budget for the next fiscal year. The Board has the authority to spend the operating funds of the Co-op in each fiscal year up to the amount of the complete operating budget.

Unless the members decide otherwise at the time of budget approval, the Board can use a surplus in one category of expense to offset a deficit in another category within the budget.

**1.2** Individual members and committees of the Co-op may not authorize expenditures or otherwise make financial commitments on behalf of the Co-op unless the Board has given them explicit authority to do so.

**1.3** The Board may delegate authority to spend funds to the staff of the Co-op within the limits it sets. The board may also delegate spending authority to committees for a specific expense or type of expense within the limits it sets.

**1.4** No person may initiate or approve any expense or purchase where that person has any conflict of interest in the matter.

The Board may feel that there should be a change in the total operating expenses and/or housing charges during a fiscal year. If so, the board must call a special meeting of the members following the procedures set out in the Occupancy By-law to consider the change.

## **Article 2: Budget Control**

**2.1** The Board will receive a monthly budget control report from the office. The report will compare budgeted income and expenses to actual income and expenses.

**2.2** The office will provide the board with a written budget review at least every three (3) months. This report will have the following:

- a. Compare budgeted income and expenses to actual income and expenses,
- b. Show the projected income and expenses for each category in the budget for the rest of the year, and
- c. Provide a written explanation of any projected actual surplus or deficit.

The office will review budget reports and provide comments to the Board on a monthly basis.

### **Article 3: Capital Expenses**

**3.1** The Board must prepare a capital budget if it is planning capital expenses. The budget will be presented to a meeting of the members for approval. The capital budget must show the following:

- a. The proposed capital expense(s),
- b. The proposed source of funds, and
- c. The impact of the proposed expenses on the Co-op's current and future operating budgets.

The Board must follow the procedures set out in the Occupancy By-law.

- 3.2** Members' approval of the capital budget will authorize the Board to spend the Co-op's funds for capital expenditures for the purposes and from the sources specified to a maximum of the total expenditures in the budget.
- 3.3** The Board must directly approve contracts and other documents that commit the Co-op to spend significant amounts of capital funds. The Board can delegate authority to the staff to spend lesser amounts. When the Board delegates authority, it must set limits on the amounts staff may spend and give any specific directions relating to the expenses that it considers appropriate.
- 3.4** No person may initiate or approve any capital expense or purchase where that person has any conflict of interest in the matter.

## **Article 4: Emergency Expenses**

- 4.1** Emergency expenses are those expenses the Co-op must make immediately because a delay will cause the following:
- a. Risk property damage, or
  - b. Endanger the safety of persons or property, or
  - c. Disrupt essential services to members (for example, light and power, heat, hot water, refrigeration, cooking).
- 4.2** The Board can authorize any unbudgeted emergency expenses on the Co-op's behalf without further authorization from the members. The Board may delegate authority for emergency expenditures to Co-op staff or to any other persons.
- 4.3** All unbudgeted emergency expenses must be reported to the Board.

Unbudgeted emergency expenses that delay the capital program or cause an overall cost overrun on the operating budget must be reported by the Board to the members.

## **Article 5: Fair, open and objective business practices**

**5.1** The Co-op will follow fair, open and objective business practices in all its purchasing and contracting. Its spending practices and awarding of contracts must be consistent with the Co-op's Conflict of Interest By-law.

**5.2** The following rules apply to all spending except for routine or non-discretionary expenses such as property taxes, mortgage payments, utilities and existing salaries (once a staff position and salary have been approved).

(a) Expenses under \$5,000.

The Board is not required to get written quotes for expenses under \$5,000 but must take a prudent approach to spending at every level.

(b) Expenses between \$5,000 and \$14,999.

The Board will get three (3) written quotes before approving a discretionary expense between \$5,000 and \$14,999.

The board may waive this requirement in cases where:

- i. The Co-op has used a particular supplier or contractor regularly or participates in a bulk-buying program,  
and
- ii. The Co-op has found that their prices are competitive.

The Co-op must review the prices, quality, and completeness of job, of regular suppliers and contractors at least every three (3) to five (5) years to see if their prices remain competitive. Where the Co-op has a contract, the Co-op must review prices at the end of the contract. There will be no automatic renewal of any contract or agreement.

(c) Contracts of \$15,000 or more.

The Board must show due diligence of trying to get three (3) written proposals for contracts and agreements of \$15,000 or more. Contracts or agreements costing \$15,000 or more must contain a clause allowing the Co-op to terminate the contract or agreement without penalty where there has been a breach of the Co-op's Conflict of Interest By-law.

There will be no automatic renewal of any contract or agreement.

**5.3** When choosing a quote the Board must:

- Consider the quality of goods and services to be provided, and
- Base its decision on written documents outlining resources, timing, cost, and fees.

The Board does not have to choose the lowest quote. It may choose another quote for reasons such as quality, experience, and timing. If it does not choose the lowest quote, it must document the reasons for its choice in the minutes.

PASSED by the Board of Directors and sealed with the corporate seal of the Co-op on  
\_July 2<sup>nd</sup>, 2014\_.

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President

(corporate seal here)

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Secretary

CONFIRMED by at least two-thirds of the votes cast at a General Meeting of the  
Members on March 1, 2015.

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President

(corporate seal here)

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