

Community Garden Council Meeting  
Minutes (7:00pm October 10, 2014)

Present: Jill, Shane, Eva, Lauren, Anthony, Jeremy, Carol, Katherine

Regrets: Jason Absent: Lorraine, Greg Resigned: Emily

- I. Call to order by Anthony
- II. Approval of last meeting's minutes; Approved
- III. Visitor business (Round table introductions to Lauren, Katherine)
- IV. Business
  - a. Registered charity/incorporation discussion. Katherine provided an overview her research on registered charities and incorporation. She provided documents to Anthony and a risk management sheet to group members  
Thoughts to consider:
    - “Form follows Function” – must ask “what do you want to do? Is incorporation/charitable status helpful? Are there other ways to achieve your goals?
    - CGC is a functional unincorporated not-for-profit. There is no legal requirement to incorporate within Ontario.
    - A consideration to incorporate is risk management. As members of unincorporated group, there is no risk management protection. However, as CGC doesn't employ staff, supply direct service or operate vehicles, it is likely not considered a high risk entity.
    - If incorporated:
      - Individual members can not be held personally liable for the corporation. A NFP corporation becomes the person – you are not held responsible if things go awry. It also allows the NFP to litigate.
      - Can apply for charitable status. As a not-for-profit (NFP), any money generated goes back into the corporation. There can be no personal gain. Some hybrid models exist where they have a business and a NFP arm.
      - As a charitable corporation, you are a special kind of NFP corporation. You must:
        - Meet the Corporations Act to name your group to describe the purpose of the charity and it must have a distinctive and legal element.
        - Meet one or all of the four heads of charity; relief of poverty, advancement of education, advancement of religion and purposes beneficial to the community
        - Legally apply. Most groups hire a lawyer to cover the legalities of a nuance search for name of the group and filing of the articles for incorporation. Cost runs to about \$1,500.00

- You can apply for funds independently. Any amount exceeding \$1,000.00 will require an audit. You will need money for an audit.
- You can provide tax receipts to potential donors. Donors really like this!
- You function as a corporation with by-laws, defined roles, appointment of directors (must notify of any changes in directors), bank/financial system, annual general meeting no later than 18 months post incorporation and every 15 months after.
- As a group you may want to weigh the pro's and con's of applying to become a charitable corporation
  - Pro's:
    - Impetus to build capacity
    - More independent
    - New sources of revenue – most grants require a registered charity
    - Tax privileges and reduced liability
  - Con:
    - Move to a more formalized structure (might be a pro)
    - Cost
    - More administrative work – annual reports required
    - Political constraints
- Or, are there other ways to meet your goals? Can you find a sponsoring board that is already incorporated? This was the approach previously taken when we formed the Diggable Communities Collaborative – Opportunities Waterloo Region was the sponsoring board. Mary did a lot of the administrative work for us for a small fee.

The difficulty in finding someone who has similar goals is that we often apply to the same funders and cannot be in competition with each other.

**Action:** CGC to think about the information; process of incorporating – who could help us if we choose this route (lawyer friends – accountants) or suggest some potential sponsoring bodies we can partner with.

**Katherine to send information links to CGC**

What ever path we choose, should also be done in consultation with the network.

- b. Website workshop (Tues Oct 28, 7-8:30pm, PH 508). T4H website is being decommissioned. The workshop is to determine what type of website will meet our needs. Everyone is invited to attend and provide input.

- c. Youth engagement: Three high school staff within the Public school board have stepped forward to say they are willing to become champions for community school gardens.
  - d. Review of Harvest event (Carol, Anthony) Members thought the food and ambiance was great – relaxed atmosphere. Liked the youth involvement. Exciting to contribute vegetables that were grown in a community garden to the meal. There was an education component with the presentation and displays in the foyer. Overall impressed.
  - e. Update on Preston accessible garden build (Carol). Cleared Ministry of Environment's requirements for soil and water. Build to start on Thursday – weather permitting.
  - f. Garden updates: Lauren provided an update for May Place. They have a garden with 9 plots downtown Kitchener and hope to increase to 2 more plots next year. They have had two new members this year. They had a successful work bee and barb-b-que.
  - g. Renewal/resignation council membership: time to consider participation and roles for the upcoming year. Members to consider their role and commitments.
- V. Recurring business
- a. Financial Report (Lorraine). Defer
- VI. Calendar
- a. Next meeting Nov 18th (3<sup>rd</sup> Tues)
- VII. Adjournment