

**REPORT TO ELECTORAL AREA SERVICES COMMITTEE
MEETING OF WEDNESDAY, 02 MAY 2007**

SUBJECT PENDER ISLANDS RECREATION COMMISSION BYLAW

PURPOSE

The purpose of this report is to recommend to the Board adoption of Bylaw No. 3436 to create a Pender Islands Recreation Commission to undertake community recreational programming.

HISTORY/BACKGROUND

On June 26, 1985 the CRD Board approved Bylaw 1360, "Community Recreational Programmes Participating Electoral Areas Bylaw No. 1, 1978 Amendment Bylaw No. 2, 1985" to define North and South Pender Islands as participating in the function of undertaking community recreational programming for that portion of the electoral area. Since 1997, the Pender Island Recreation and Agricultural Hall Association has, by written agreement, organized the recreational programs and expensed the funds available through requisition for this service area. Forming a new Recreation Commission for the Pender Islands is consistent with the commissions for the other islands in the Southern Gulf Islands Electoral Area.

ALTERNATIVES

- 1) Approve the bylaw to allow the creation of a new commission to provide recreational programming for the Pender Islands.
- 2) Do not approve the bylaw to allow the creation of a new commission to provide recreational programming for the Pender Islands.

FINANCIAL IMPLICATIONS

No financial implication as a budget for this program already exists.

SUMMARY/CONCLUSIONS

The Director for the Southern Gulf Islands Electoral Area deems it desirable to create a new Recreation Commission to undertake recreational programming for the Pender Islands.

RECOMMENDATION

"That Bylaw No. 3436, "Pender Islands Recreation Commission Bylaw No. 1, 2007" be introduced and read a first time, read a second time, and read a third time and adopted."

Rita M. Estock, Dip Bus Admin, FCGA
Financial Services Division

Diana E. Lokken, Dip Bus Admin, CMA
General Manager Concurrence

Lloyd Rushton, General Manager
Parks and Community Services

Kelly Daniels
C.A.O. Concurrence

COMMENTS

Capital Regional District

BYLAW NO. 3436

A BYLAW TO ESTABLISH A RECREATION COMMISSION FOR THE PENDER ISLANDS (SOUTHERN GULF ISLANDS ELECTORAL AREA)

WHEREAS:

- A. By Supplementary Letters Patent dated the 3rd day of October 1975, as amended, the power to undertake community recreational programming within the electoral areas was conferred on the Capital Regional District;
- B. The Capital Regional District, under Bylaw 1360, defined the North and South Pender Islands in the Southern Gulf Islands Electoral Area as wishing to participate in the function of providing recreational and related community programs;
- C. The Capital Regional District under Section 176(1)(g) of the *Local Government Act* is authorized to establish a commission and to delegate to the commission any or all of the administrative powers of the Regional Board.

NOW THEREFORE, the Board of the Capital Regional District, in open meeting assembled, enacts as follows:

1. Definitions

In this bylaw unless the context otherwise requires:

“BUDGET” means the 5-year financial plan (operating);

“COMMISSION” means the Pender Islands Community Recreation Commission appointed under Section 5;

“DIRECTOR” means the Electoral Area Director for the Southern Gulf Islands;

“REGIONAL BOARD” means the Capital Regional District Board;

“REGIONAL DISTRICT” means the Capital Regional District;

“SERVICE AREA” means the North and South Pender Islands Community Recreational Defined Areas as more particularly described in Bylaw No. 1360 cited as “Community Recreational Programmes Participating Electoral Areas Bylaw No. 1, Amendment Bylaw No. 2, 1985”.

2. Membership

The Commission to be known as the "Pender Islands Community Recreation Commission" is hereby established and shall consist of five (5) members as follows:

- (a) The Director representing the Southern Gulf Islands Electoral Area;
- (b) Four (4) individuals appointed by resolution of the Regional Board and representing the Service Area.

3. Term of Office

Subject to subsection 5(a), the term of office for a member of the Commission, other than the Director representing the Electoral Area of the Southern Gulf Islands, shall be for a two-year period except that of the initial appointees, of whom two shall hold office from the date of appointment until the 31st of December 2008 and two shall hold office from the date of appointment until the 31st of December 2009.

4. Nominations

- (a) The Commission shall hold an Annual General Meeting on or before the 15th of November in each year to which the owners and residents in the service area shall be invited to attend by written notice posted at least 30 days prior to the date of the Annual General Meeting.
- (b) The Commission must accept nominations for the members of the Commission to be appointed effective the following 1st of January from owners and residents present at the Annual General Meeting, and if more nominations are received than there are positions to fill, the Commission must poll the owners and residents present at the meeting.
- (c) The names of the persons nominated or the results of the poll under subsection (b) must be forwarded immediately after the Annual General Meeting to the Electoral Area Director and in any event, before the date when the agenda for the first meeting of the Capital Regional District Board in December of that year is distributed to the regional directors.
- (d) The Director is guided by but not bound by the Commission's recommendation.

5. Appointment

- (a) The Regional Board shall within two months from the date of enactment of this bylaw appoint persons to act as members of the Commission as provided above, such initial appointments to be effective immediately. The interim appointments are not required to be nominated at an Annual General Meeting.
- (b) Before the 1st of January every year, the Regional Board through the Chair of the Regional Board shall appoint or re-appoint members to the Commission to fill the terms of office of the members whose term expire as of the 31st of December in each year. The term of office for all appointments after the initial appointment will be for a two-year period commencing the first day of January following each such appointment or until their successors are appointed.

- (c) In the event of the death, resignation or disqualification of a member of the Commission, the Board of the Regional District shall appoint a successor for the remainder of such member's term.
- (d) A member who fails to attend three (3) consecutive regular meetings without permission of the Commission may have their appointment to the Commission terminated.
- (e) No appointee may serve more than three (3) consecutive terms.
- (f) At the request of the Electoral Area Director and under unique circumstances, such as a failure to attract nominations after 30 days of appropriate notice of vacancy, the Regional Board may extend a Commission member's term beyond the limit.

6. Commission Procedure

- (a) The Commission must, at its first meeting in January of each year, by secret ballot, elect a Chair, Vice Chair and Treasurer from among its members.
- (b) For the conduct of business each member of the Commission shall have one vote.
- (c) The rules and procedures which govern the Regional Board shall apply to the Commission where applicable.
- (d) Meetings are open to the public.
- (e) A quorum of the Commission is a majority of the members.
- (f) At least annually the Commission shall meet with and discuss matters of common interest and responsibility with the Pender Islands Parks Commission.

7. Delegation of Powers and Duties

The Regional Board hereby delegates to the Commission all of the administrative powers of the Regional Board with respect to the organization and conduct of recreational programs within the said Service Area after the adoption of this bylaw.

8. Budget

The Commission shall, on or before the 1st day of September in each year prepare a 5-year operating budget covering all anticipated costs of the organization and conduct of community recreational programs, together with any estimates of expected revenues.

The budget shall:

- (a) be in a form approved by the Financial Officer of the Regional District;
- (b) be submitted for consideration of the Regional Board;

- (c) if requested by the Regional Board, be altered to the satisfaction of the Board, and the same be resubmitted not later than October 15th of that year; and
- (d) at no time provide for the creation of debt.

9. The Board of the Regional District:

- (a) may advance sums required under the approved budget for an expenditure in relation to the organization and conduct of community recreational programs pending collection of any rate, tax or charge levied for the purpose of raising the necessary funds to meet the expenses set out in the approved budget; and
- (b) requisition the necessary funds under the provision of Section 806.1 of the *Local Government Act* within the Service Area as authorized by Bylaw No. 1360.

10. Citation:

This bylaw may be cited as “Pender Islands Community Recreation Commission Bylaw No.1, 2007.”

READ A FIRST TIME THIS	DAY OF	.
READ A SECOND TIME THIS	DAY OF	.
READ A THIRD TIME THIS	DAY OF	.
ADOPTED THIS	DAY OF	.

CHAIR

SECRETARY