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**REPORT TO ELECTORAL AREA SERVICES COMMITTEE
MEETING OF WEDNESDAY, 04 MAY 2011**

**SUBJECT: BYLAW FOR THE PARKS AND RECREATION ADVISORY COMMISSIONS
IN THE JUAN DE FUCA AND SALT SPRING ISLAND ELECTORAL AREAS**

ISSUE

To change the Juan de Fuca Parks and Recreation Commission from a delegated authority to advisory and continue its operation under a new bylaw in combination with the Salt Spring Island Parks and Recreation Advisory Commission.

BACKGROUND

In 2010, the Salt Spring Island (SSI) Parks and Recreation Commission's role changed from delegated authority to advisory given that CRD personnel oversee the day-to-day operation of the parks and recreation function for SSI. Likewise, the Juan de Fuca (JDF) Parks and Recreation Commission's role should also be changed from delegated authority to advisory given the presence of CRD staff to oversee day- to-day parks and recreation functions in the JDF Electoral Area. The change in role to advisory allows each commission to focus on broader strategic parks and recreation management issues.

If the SSI and JDF Parks and Recreation Commissions both have an advisory role, it is appropriate and efficient to have them combined under one bylaw. This helps ensure consistency in the administration of similar commissions and reduces the burden of keeping their bylaw current.

As part of this submission, the membership criteria of the Juan de Fuca commission needs to be amended to permit the appointment of representatives from anywhere within the JDF Electoral Area in cases where representatives from specific communities, as prescribed in the bylaw, cannot be identified. This added flexibility will help ensure that the required number of members is recruited and that quorum is achieved.

The proposed bylaw therefore accomplishes three objectives:

1. To change the JDF Parks and Recreation Commission's role to advisory;
2. To combine the SSI and JDF Parks and Recreation Advisory Commissions into one bylaw;
3. To allow the option of appointing JDF Parks and Recreation Advisory Commission members from anywhere within the JDF Electoral Area if representatives from designated communities cannot be identified.

The SSI and JDF electoral area directors approve these recommended bylaw changes.

ALTERNATIVES

1. That Bylaw No. 3763 cited as "Juan de Fuca and Salt Spring Island Parks and Recreation Advisory Commissions Bylaw No. 1, 2011" be introduced and read a first time, read a second time, read a third time and adopted.

2. That Bylaw No. 3763 be delayed pending amendment(s).

IMPLICATIONS

Economic Implications

There are no direct economic implications other than the administrative time and cost savings resulting from the reduced burden of processing one bylaw instead of two. Also, the efficiency of having only one bylaw helps reduce the risk of inconsistencies in the operation of two commissions that have a similar purpose.

CONCLUSION

The SSI and JDF Parks and Recreation functions are managed on a day-to-day basis by CRD personnel; it is therefore appropriate to revise their respective Parks and Recreation Commissions to advisory instead of delegated authority. The Board has already adopted this change for SSI. This submission is proposing a similar change for the JDF Parks and Recreation Commission. Furthermore, if both commissions are advisory, there is an opportunity to combine them into one bylaw thus resulting in a reduced administrative burden for keeping the bylaw current. Finally, the membership of the JDF Parks and Recreation Commission needs to offer the additional flexibility of appointing members from anywhere throughout the JDF Electoral Area in cases where specific communities representatives cannot be identified.

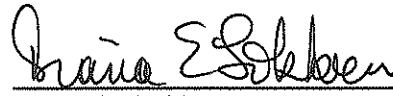
RECOMMENDATION

That the Electoral Area Services Committee recommend to the CRD Board:

1. That Bylaw No. 3763 cited as “Juan de Fuca and Salt Spring Island Parks and Recreation Advisory Commissions Bylaw No. 1, 2011” be introduced and read a first time, read a second time, read a third time and adopted.



Rajat Sharma
Senior Manager, Financial Services Division



Diana E. Lokken
General Manager, Corporate
Concurrence



Lloyd Rushton
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Concurrence



Kelly Daniels
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Concurrence

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3763

.....
A BYLAW FOR THE CONTINUATION OF PARKS AND RECREATION ADVISORY
COMMISSIONS IN THE ELECTORAL AREAS OF JUAN DE FUCA AND SALT SPRING ISLAND
.....

WHEREAS:

- A. By Supplementary Letters Patent dated the 28th day of August 1975, as amended, the power to acquire, develop, operate and maintain community parks within the electoral areas was conferred on the Capital Regional District;
- B. 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;
- C. The Electoral Areas of Salt Spring Island and Juan de Fuca each have a community parks and recreation commission;
- D. The Capital Regional District Board may establish a Commission under Section 176(1)(g) of the *Local Government Act* to delegate advisory powers to the Commissions;
- E. The Capital Regional District wishes to establish a bylaw for the management of Electoral Area Community Parks and Recreation Advisory Commissions.

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

1. Interpretation

This bylaw includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this bylaw.

2. Definitions

In this bylaw unless the context otherwise requires:

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

“COMMISSION” means a commission established by the Capital Regional District under this Bylaw, or another Bylaw of the Capital Regional District;

“DIRECTOR” means the Electoral Area Director for the Electoral Area in which the Commission is established;

"REGIONAL BOARD" means the Capital Regional District Board;

"REGIONAL DISTRICT" means the Capital Regional District;

"SCHEDULES" means the schedules or a schedule attached to and forming part of this Bylaw;

3. Parks and Recreation Commissions

(a) The Commissions established under the Juan de Fuca Electoral Area Parks and Recreation Commission Bylaw No. 1, 2008 and Salt Spring Island Parks and Recreation Commission Bylaw No. 1, 2010 are continued and known as:

- (i) "Juan de Fuca Electoral Area Parks and Recreation Advisory Commission";
- (ii) "Salt Spring Island Parks and Recreation Advisory Commission".

(b) The terms of office of the existing members of the Commissions shall continue until their expiry under Bylaw No. 3487 and Bylaw No. 3690.

4. Membership

Unless otherwise specified in the Schedules, a Commission shall consist of nine (9) members as follows:

- (a) The Director representing the Electoral Area; and
- (b) Eight (8) individuals appointed by the Regional Board representing the Electoral Area.

5. Term of Office

The term of office for a member of a Commission other than the Director shall be as follows:

- (a) For a two (2) year period commencing the first day of January following each such appointment or until their successors are appointed; and
- (b) Four (4) of the appointees shall be appointed in one year and the other four (4) shall be appointed in the succeeding year.

6. Appointment

- (a) All vacancies on a Commission must be advertised or posted locally for at least thirty (30) days.
- (b) Recommendations for all appointments shall be made to the Director who will then make a recommendation to the Regional Board.

- (c) The Director is guided by but not bound by a Commission's recommendation.
- (d) Before the 1st of January every year, the Regional Board shall appoint or re-appoint members to the Commission to fill the terms of office of the members whose term expires as of the 31st of December in each year.
- (e) In the event of death, resignation or disqualification of a member of a Commission, the Regional Board shall appoint a successor for the remainder of such member's term.
- (f) A member who fails to attend three (3) consecutive regular meetings without the permission of a Commission may have their appointment to the Commission terminated.
- (g) No appointee may serve more than three (3) consecutive terms, except as indicated in Section 6 (h).
- (h) At the request of the Director and under unique circumstances, such as a failure to attract nominations after thirty (30) days of appropriate notice of vacancy, the Regional Board may extend a Commission member's term beyond the six (6) year limit.

7. Commission Procedure

- (a) A Commission must, at its first meeting in January of each year, by secret ballot, elect a Chair and Vice Chair from among its members.
- (b) For the conduct of business each member of a Commission shall have one vote.
- (c) The rules and procedures which govern the Regional Board shall apply to a Commission where applicable.
- (d) Meetings are open to the public.
- (e) A quorum of a Commission is a majority of its members.
- (f) If, as a result of members of a Commission declaring a conflict of interest in relation to a matter and, as a consequence, there is no longer a quorum of members of the Commission to decide on a particular issue, the issue shall be referred to the Regional Board for a decision.

8. Delegation of Powers and Duties

- (a) The Regional Board hereby delegates to a Commission, subject to the policies and procedures of the Regional Board and limitations defined in the Capital Regional District Delegation Bylaw advisory powers with respect to the development,

maintenance, and operation of community parks, recreational facilities and equipment and the organization and conduct of recreational programs.

- (b) A Commission shall approve a community parks plan and recommend to the Regional Board the acquisition of additional park lands.

9. Budget

On or before the 30th day of November in each year, the Commission shall provide advice and recommend approval on 5-year operating and capital budgets covering the anticipated costs of acquisition, development, maintenance and operation of community parks, recreational facilities and equipment and of the organization and conduct of community recreational programs, together with any estimates of expected revenues.

10. Repeal

- (a) Bylaw No. 3487, cited as "Juan de Fuca Electoral Area Parks and Recreation Commission Bylaw No. 1, 2008" is hereby repealed.
- (b) Bylaw No. 3690, cited as "Salt Spring Island Parks and Recreation Commission Bylaw No.1, 2010" is hereby repealed.

11. Citation

This bylaw may be cited as "Juan de Fuca and Salt Spring Island Parks and Recreation Advisory Commissions Bylaw No. 1, 2011."

READ A FIRST TIME THIS	day of	2011
READ A SECOND TIME THIS	day of	2011
READ A THIRD TIME THIS	day of	2011
ADOPTED THIS	day of	2011

CHAIR

CORPORATE OFFICER

SCHEDULE A: Juan de Fuca

1. Definitions

In this bylaw, as applies to the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, unless context otherwise requires:

“DIRECTOR” means the Electoral Area Director for Juan de Fuca;

“COMMISSION” means the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission;

2. Membership

Despite Section 4 (b) of this Bylaw, membership shall be as follows:

- (a) One (1) individual representing each of the following areas: Port Renfrew, Shirley/Jordan River, Willis Point and Malahat;
- (b) Two (2) individuals representing each of the areas of Otter Point and East Sooke;
- (c) Where representation from the areas within (a) or (b) cannot be achieved, a representative may be selected from the Juan de Fuca Electoral Area.

SCHEDULE B: Salt Spring Island

1. Definitions

In this bylaw, as applies to the Salt Spring Island Parks and Recreation Advisory Commission, unless context otherwise requires:

“DIRECTOR” means the Electoral Area Director for Salt Spring Island;

“COMMISSION” means the Salt Spring Island Parks and Recreation Advisory Commission;