

**Capital Regional District**  
**Supplementary Agenda**  
**Electoral Area Services Committee**

Wednesday, November 18, 2015

12:00 PM

Room 488

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**COMMITTEE MEMBERS:**

**DIRECTORS: M. Hicks (Chair), W. McIntyre (Vice Chair), P. LeBlond (for D. Howe)**

**5. Committee Business**

**5.5. 15-1250** *Notice by the Capital Regional District of Withdrawal from West Shore Parks and Recreation Society*

**Recommendation:**

That the Electoral Area Services Committee receives this report and recommends to the Capital Regional District Board:

That the Capital Regional District Board approve the withdrawal of the Capital Regional District as a member of the West Shore Parks and Recreation Society.

**Attachments:**

Staff Report WSPRS-JDF-Withdrawal  
Appendix 1 - JDF Withdrawal December\_basic  
Appendix 2 - Defined Area Map

**REPORT TO THE ELECTORAL AREA SERVICES COMMITTEE  
MEETING OF WEDNESDAY, NOVEMBER 18, 2015**

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**SUBJECT**     **Notice by the Capital Regional District of Withdrawal from West Shore Parks and Recreation Society**

**ISSUE**

The Juan De Fuca Electoral Area Director as a result of community discussions wishes to withdraw membership from the West Shore Parks and Recreation Society, and give notice (Attachment 1) of withdrawal to the following members:

- City of Colwood, 3300 Wishart Road, Victoria, BC V9C 1R1;
- District of Highlands, 1980 Millstream Road, Victoria, BC V9B 6H1;
- City of Langford, 877 Goldstream Avenue, Victoria, BC V9B 2X8;
- District of Metchosin, 4450 Happy Valley Road, Victoria, BC V9C 3Z3; and
- Town of View Royal, 45 View Royal Avenue, Victoria, BC V9B 1A6.

**BACKGROUND**

The West Shore Parks and Recreation Society, society number S-43917, (the "Society") was formed on November 21, 2001 with the City of Colwood, City of Langford, District of Metchosin, District of Highlands, and the Capital Regional District (CRD). Subsequently, on March 31, 2007, the Constitution and Bylaws of the Society were amended to add the Town of View Royal.

The CRD Electoral Area Director for the Juan de Fuca Electoral Area (JDF Electoral Area) has discussed the benefits of continued participation in the West Shore Parks and Recreation Society (the "Society") with residents of the defined area (Attachment 2). As a result of this community engagement process, the JDF Electoral Area Director (EA Director) recommends the Capital Regional District withdraw from the Society.

Section 9 of the Members' Agreement stipulates:

*"Each municipality agrees that it may withdraw from the Society and this Agreement only:*

- (a) where permitted to do so under any contract with the Society and in accordance with such contract; and*
- (b) by giving notice of withdrawal in writing to the other municipalities, after which that municipality shall cease to be a member of the Society and a party to the Agreement at the end of the calendar year after the calendar year in which the notice was given".*

Section 17.1 of the Co-Owners Agreement stipulates,

*"Where a Co-owner has withdrawn from the Society and the West Shore Parks and Recreation Society Members Agreement in accordance with Section 9 of the West Shore Agreement, that Co-owner must transfer to the other Co-owners, without any compensation whatsoever, all of its right, title and interest in and to the Lands and shall execute such documents as may be necessary to give effect to this section. Where that Co-owner transfers all of its right, title and interest in and to the Lands to the other Co-owners under this section, that Co-owner ceases to have rights or obligations in respect of this Agreement or the Lands except:*

- (a) that Co-owner shall continue to be obligated for its share of any uninsured claim against the Co-owners in respect of Land, or any judgement of a court or tribunal having jurisdiction, arising on or before the date that such Co-owner ceased to be a party to this Agreement; and
- (b) that Co-owner shall continue to be responsible for any outstanding amounts owed by that Co-owner for the operation and maintenance of the Lands up to the date that such Co-owner ceased to be a party to this Agreement.

The CRD currently has a 0.442% share in the assets of the Society. The five (5) municipalities hold 99.558% of the remaining asset base.

### **ALTERNATIVES**

1. That the Capital Regional District Board approve the withdrawal of the Capital Regional District as a member of the West Shore Parks and Recreation Society.
2. That the Board direct staff to gather further information.

### **IMPLICATIONS**

The CRD is a small participant in the Recreation Centre, and its withdrawal will result in a negligible impact on the other participants.

### **CONCLUSION**

As a consequence of community discussions, the Electoral Area Director is recommending the CRD withdraw from the Society. Notice to withdraw takes effect at the end of the calendar year after the calendar year in which the notice was given. As such, notice given December 2015 will result in the CRD no longer being a member of the Society in 2017.

### **RECOMMENDATION**

The Electoral Area Services Committee receives this report and recommends to the Capital Regional District Board:

That the Capital Regional District Board approve the withdrawal of the Capital Regional District as a member of the West Shore Parks and Recreation Society.

Submitted by:	Rajat Sharma, B.Eng., MBA, CPA, CMA, Senior Manager, Finance
Concurrence:	Diana E. Lokken, CPA, CMA, General Manager, Finance and Technology
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

DL:SB

Attachment 1 – Membership Withdrawal Notice  
2 – Defined Area Map



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## Membership Withdrawal Notice

December 9<sup>th</sup> 2015,

A notice by the Capital Regional District of Withdrawal from the West Shore Parks and Recreation Society (Society) is hereby given to the following members:

- City of Colwood, of 3300 Wishart Road, Victoria, BC
- District of Highlands, of 1980 Millstream Road, Victoria, BC,
- City of Langford, of 877 Goldstream Road, 2<sup>nd</sup> Floor, Victoria, BC,
- District of Metchosin, of 4450 Happy Valley Road, Victoria, BC, and
- Town of View Royal, of 45 View Royal Avenue, Victoria, BC

The Capital Regional District (CRD) is a member of the Society on behalf of the Defined Area of the Juan de Fuca Electoral Area, as described in Schedule D of the Society Members' Agreement.

Pursuant to Section 9 of the Society Members' Agreement, the CRD hereby gives notice of withdrawal from the Society and the Members Agreement.

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CHAIR

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CORPORATE OFFICER

SCHEDULE 'D'

Defined area of the Capital Regional District Juan De Fuca Electoral Area

