

**Capital Regional District**

**BYLAW NO. 3561**

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**A BYLAW TO ESTABLISH THE PENDER ISLANDS COMMUNITY PARKS AND RECREATION COMMISSION (SOUTHERN GULF ISLANDS ELECTORAL AREA)**

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**WHEREAS:**

- A. By Supplementary Letters Patent dated the 28<sup>th</sup> 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 3<sup>rd</sup> 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 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;
- D. The Capital Regional District, under Bylaw 1601, defined the North and South Pender Islands in the Southern Gulf Islands Electoral Area as wishing to participate in the function of community parks;
- E. 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 and capital);

"COMMISSION" means the Pender Islands Community Parks and Recreation Commission;

"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 Parks and Recreation Defined Areas as more particularly described in bylaws No. 1601 cited as "Community Parks Participating Electoral Areas Bylaw No. 1, 1988", and No. 1360 cited as "Community Recreational Programs Participating Electoral Areas Bylaw No. 1, 1978, Amendment Bylaw No. 2, 1985".

2. Membership

A joint parks and recreation commission is hereby established and known as the "Pender Islands Community Parks and Recreation Commission" and shall consist of nine (9) members as follows:

- (a) The Director representing the Southern Gulf Islands Electoral Area;
- (b) Eight (8) individuals appointed by resolution of the Regional Board and representing the Service Area.

3. Term of Office

- (a) The term of office for a member of the Commission, other than the Director representing the Electoral Area of the Southern Gulf Islands and the initial appointees, shall be for a two-year period commencing the first day of January following each such appointment.
- (b) Four (4) of the initial appointees shall hold office from the date of appointment until the 31<sup>st</sup> day of December 2009; and
- (c) Four (4) of the initial appointees shall hold office from the date of appointment until the 31<sup>st</sup> day of December 2010.

4. 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 the Commission's recommendation.
- (d) Before the 1<sup>st</sup> 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 will expire as of the 31<sup>st</sup> of December in each year.
- (e) 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.

- (f) A member who fails to attend three (3) consecutive regular meetings without permission of the Commission may have their appointment to the Commission terminated.
- (g) No appointee may serve more than three (3) consecutive terms.
- (h) At the request of the Electoral Area 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.

5. 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.

6. Delegation of Powers and Duties

- (a) The Regional Board hereby delegates to the Commission, subject to the policies and procedures of the Regional Board and limitations defined in the Capital Regional District Delegation Bylaw, administrative powers of the Regional Board with respect to the development, maintenance and operation of community parks and the organization and conduct of recreational programs within the Service Area.
- (b) The Commission maintains a community parks plan and recommends to the Regional Board the acquisition of additional lands for parks purposes that are of community interest.
- (c) The operational, maintenance and regulatory functions of this service shall be performed in conformance with district policy or government regulation.

7. Budget

The Commission shall, on or before the 10<sup>th</sup> day of September in each year prepare 5-year operating and capital budgets covering anticipated costs of acquisition, development, maintenance and operation of community parks and 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 15<sup>th</sup> of that year; and
- (d) At no time provide for the creation of debt.

8. Unauthorized Expenditure

The commission shall not authorize an expenditure other than an expenditure provided for in the 5-year Financial Plan of the commission as included in the approved financial plan of the Regional District.

9. Property Acquisition

Any facilities or equipment acquired by the commission in its administrative capacity must be acquired in the name of the Regional District and shall be the property of the Regional District.


10. Repeal

- (a) Bylaw No. 3436 cited as "Pender Islands Community Recreation Commission Bylaw No. 1, 2007, is repealed as of January 1, 2009.
- (b) Bylaw No. 3489 cited as "Pender Islands Parks Commission Bylaw No. 1, 2007", and any amendments thereto, are repealed as of January 1, 2009.

11. Citation

This bylaw may be cited as "Pender Islands Community Parks and Recreation Commission Bylaw No.1, 2008."

READ A FIRST TIME THIS	10 <sup>th</sup>	DAY OF	September	2008.
READ A SECOND TIME THIS	10 <sup>th</sup>	DAY OF	September	2008.
READ A THIRD TIME THIS	10 <sup>th</sup>	DAY OF	September	2008.
ADOPTED THIS	10 <sup>th</sup>	DAY OF	September	2008.

  
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 CHAIR

  
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 SECRETARY