

**REGIONAL DISTRICT OF NANAIMO**

**COMMITTEE OF THE WHOLE  
TUESDAY, JANUARY 12, 2010**

**CIRCULATED REPORT  
FOR AGENDA**

**PAGES**

***RECREATION AND PARKS SERVICES***

**RECREATION**

2-10

Bylaws No. 861.02 & 1588 -- Amend the Joint Civic Properties & Recreation Commission Establishment Bylaw and Establish a Reserve Fund for the Service.



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**MEMORANDUM**

**TO:** Carol Mason  
Chief Administrative Officer

**DATE:** December 16, 2009

**FROM:** Tom Osborne  
General Manager, Recreation and Parks Services

**FILE:**

**SUBJECT:** **Bylaws to amend the Joint Civic Properties and Recreation Commission Local Service Establishment Bylaw and to establish a reserve fund for the Service.**

**PURPOSE**

To introduce for approval, bylaws to establish a capital reserve fund for the District 69 Recreation Coordinating Service Function and make housekeeping amendments to the establishing bylaw for the Recreation Coordinating Service in District 69.

**BACKGROUND**

Amendment Bylaw 861.02

Bylaw 861 is the establishing bylaw for recreation coordination services in District 69. The bylaw refers to sections of older legislation (which was the bylaw format at that time), but no longer contains a plain language description of what the service actually is intended to be. Staff are recommending a revision to the outdated language which will make it easier to ensure activities are in agreement with the bylaw and at the same time are recommending an update to the name of the service.

Bylaw 861.02 will recognize a new name of **Northern Community Recreation Service** with a defined purpose of “organizing and conducting recreational programming and to acquire, construct, manage or otherwise provide property for pleasure, recreation and similar public uses, including recreation and cultural facilities of all types”. This plain language conforms with the original legislative authority. Attached as *Appendix 1* is Amendment Bylaw 861.02 and for convenience purposes, a consolidated version of Bylaw 861.

Reserve Fund Bylaw 1588

In 2006 the Regional District adopted a Recreation Services Master Plan for the District 69 area, which provided recommendations to guide the Regional District for a ten year period. A series of recommendations centered on the development of an outdoor sports complex including a track and field facility. Over the course of 2008 and 2009 the Regional District participated in a joint study with School District 69 evaluating how a multi purpose sportsfield facility might be created for District 69 residents.

In anticipation of a potential future facility a total of \$100,000 was set aside in the budget between 2008 and 2009. Staff are following up by way of this report to formally establish those funds as a reserve fund for future capital purposes. Reserve Fund Bylaw 1588 is attached as Appendix II.

## ALTERNATIVES

1. That the bylaws be approved as presented.
2. That further amendments or direction be provided to staff.

## FINANCIAL IMPLICATIONS

### Alternative 1

Bylaw 861.02 – There are no current financial implications.

Bylaw 1588 - As outlined above, a total of \$100,000 has been set aside from the District 69 Recreation Coordinating function at this time and a further \$30,000 is budgeted as a reserve fund contribution in 2010. No further contributions are identified at present in the five year plan. The intent of the reserve fund is to directly or indirectly support the development of recreational or other cultural facilities which benefit the residents in District 69.

## CONCLUSION

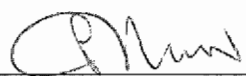
This report introduces two bylaws related to recreation services in District 69. Bylaw 861.02 will amend the name of the current service from Joint Civic Properties and Recreation Commission to the Northern Community Recreation Service and the section describing the purpose of the service is changed to a plain language description. This bylaw must be approved by the Inspector of Municipalities before being adopted by the Board.

Also introduced is Bylaw 1588 which will establish a reserve fund to support and/or to provide new recreation facilities in District 69. At the present time the focus of efforts is on a multipurpose track and field facility, which was identified in the 2006 Recreation Master Plan. This bylaw can be adopted by the Board without further approvals.

## RECOMMENDATIONS

1. That “Northern Community Recreation Service Amendment Bylaw No. 861.02, 2010” be introduced, read three times and be forwarded to the Inspector of Municipalities for approval.
2. That “Northern Community Recreation Service Reserve Fund Establishment Bylaw No. 1588, 2010” be introduced for three readings.
3. That “Northern Community Recreation Service Reserve Fund Establishment Bylaw No. 1588, 2010” be adopted.

  
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Report Writer

  
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CAO Concurrence

Appendix I - Amendment Bylaw 861.02 & Bylaw 861 Consolidated for Convenience

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 861.02**

**A BYLAW TO AMEND JOINT CIVIC PROPERTIES AND  
RECREATION COMMISSION LOCAL SERVICE  
ESTABLISHMENT BYLAW NO. 861, 1992**

WHEREAS the Board of the Regional District of Nanaimo adopted “Joint Civic Properties and Recreation Commission Local Service Establishment Bylaw No. 861, 1992” on July 14, 1992 in order to convert the authority of Division XXI of the Supplementary Letters Patent of the Regional District – Joint Civic Properties and Recreation Commission to a service operated under a bylaw;

AND WHEREAS the “Joint Civic Properties and Recreation Commission Local Service Establishment Bylaw No. 861, 1992” was amended by “Joint Civic Properties and Recreation Commission Local Service Area Amendment Bylaw No. 861.01, 2001”;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to further amend the service established by “Joint Civic Properties and Recreation Commission Local Service Establishment Bylaw No. 861, 1992”;

NOW, THEREFORE, the Board of Directors of the Regional District of Nanaimo in open meeting assembled enact as follows:

1. “Joint Civic Properties and Recreation Commission Local Service Establishment Bylaw No. 861, 1992”, is amended as follows:

(a) by deleting section 1 and replacing it with the following:

**1. Service**

The service established by this bylaw is the Northern Community Recreation Service (the “Service”) for the purpose of organizing and conducting recreational programming and to acquire, construct, manage or otherwise provide property for pleasure, recreation and similar public uses, including recreation and cultural facilities of all types.

(b) by deleting section 2 and replacing it with the following:

**2. Participating Areas**

The City of Parksville, the Town of Qualicum Beach and Electoral Areas ‘E’, ‘F’, ‘G’ and ‘H’ shall be the participating areas.

- (c) by adding a new section 3 to read as follows:

**3. Boundaries**

The boundaries of the Service area are coterminous with the boundaries of the City of Parksville, the Town of Qualicum Beach, and Electoral Areas ‘E’, ‘F’, ‘G’ and ‘H’ (the “Service Area”).

- (d) by renumbering the existing section 3 as section 4 and adding the heading “Annual Budget”.

- (e) by deleting section 4 and replacing it with a new section 5 to read as follows:

**5. Cost Recovery**

As provided in section 803 of the *Local Government Act* the annual cost of providing the Service shall be recovered by one or more of the following:

- (a) property value taxes imposed on the converted value of land and improvements in the Service Area in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
  - (b) fees and charges imposed under section 363 of the *Local Government Act*;
  - (c) revenues raised by other means authorized by the *Local Government Act* or another Act; or
  - (d) revenues received by way of agreement, enterprise, gift, grant or otherwise.
- (f) by renumbering the existing section 5 as section 6 and adding the heading “Maximum Requisition”.
- (g) by renumbering the existing section 6 as section 7.
- (h) by deleting the existing section 7 and replacing it with a new section 8 to read as follows:

**8. Citation**

This bylaw may be cited for all purposes as the “Northern Community Recreation Service Establishment Bylaw No. 861, 1992”.

2. This bylaw may be cited for all purposes as the “Joint Civic Properties and Recreation Commission Local Service Amendment Bylaw No. 861.02, 2009.”

Introduced and read three times this 26<sup>th</sup> day of January 2010.

Approved by the Inspector of Municipalities this \_\_\_\_ day of \_\_\_\_\_, 2010.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2010.

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION

## REGIONAL DISTRICT OF NANAIMO

### BYLAW NO. 861

*(Consolidated for convenience only, to include Bylaw 861.02)*

#### A BYLAW TO CONVERT THE FUNCTION OF DIVISION XXI – JOINT CIVIC PROPERTIES AND RECREATION COMMISSION TO A LOCAL SERVICE AREA

WHEREAS under Section 767(4) of the *Municipal Act*, where a Board exercises the power to provide a service, it may adopt a bylaw which converts the service to one exercised under the authority of a bylaw establishing the service;

AND WHEREAS the Regional Board of the Regional District of Nanaimo, by way of Supplementary Letters Patent dated the 17<sup>th</sup> day of April, 1985, was granted the authority of Division XXI – Joint Civic Properties and Recreation Commission;

AND WHEREAS the Board has been asked to increase the amount which may be requisitioned to operate recreational programs;

AND WHEREAS the Board wishes to convert the aforesaid function to a local service and increase the amount which may be requisitioned to provide this service;

AND WHEREAS pursuant to Section 796(2) of the *Municipal Act*, the Board may seek the assent of the electors by way of a vote taken throughout the whole service area;

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

#### 1. **Service**

The service established by this bylaw is the Northern Community Recreation Service (the “Service”) for the purpose of organizing and conducting recreational programming and to acquire, construct, manage or otherwise provide property for pleasure, recreation and similar public uses, including recreation and cultural facilities of all types.

#### 2. **Participating Areas**

The City of Parksville, the Town of Qualicum Beach and Electoral Areas ‘E’, ‘F’, ‘G’ and ‘H’ shall be the participating areas.

**3. Boundaries**

The boundaries of the Service area are coterminous with the boundaries of the City of Parksville, the Town of Qualicum Beach, and Electoral Areas 'E', 'F', 'G' and 'H' (the "Service Area").

**4. Annual Budget**

The annual budget for the service shall identify separately amounts for recreation programming, and amounts for the operation and maintenance of sports fields.

**5. Cost Recovery**

As provided in section 803 of the *Local Government Act* the annual cost of providing the Service shall be recovered by one or more of the following:

- (a) property value taxes imposed on the converted value of land and improvements in the Service Area in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) fees and charges imposed under section 363 of the *Local Government Act*;
- (c) revenues raised by other means authorized by the *Local Government Act* or another Act; or
- (d) revenues received by way of agreement, enterprise, gift, grant or otherwise

**6. Maximum Requisition**

The maximum amount that may be requisitioned under section 804(1) for this service shall be the greater of the following:

- (a) the sum of three hundred and seventy five thousand dollars (\$375,000.00); or,
- (b) the product obtained by multiplying the net taxable value of land and improvements within the service area by a property tax value rate of 22.6 cents per thousand dollars of assessment.

**7. Apportionment of Costs**

The annual costs of the service shall be apportioned as follows:

- (i) for the year 2001:
  - (a) the amount of \$101,333 for the operation and maintenance of sportsfields shall be allocated as:



Electoral Area 'E'	\$ 37,781
Electoral Area 'F'	39,032
Electoral Area 'G'	18,515
Electoral Area 'H'	6,005

- (b) all other costs after deducting (a) above and after deducting all sources of revenue, shall be apportioned among all the participating areas on the basis of converted values for land and improvements for hospital purposes.
- (ii) for years subsequent to 2001:
- (a) the amounts budgeted for sportsfield operation and maintenance shall be apportioned among Electoral Areas 'E', 'F', 'G' and 'H' on the basis of percentages as established by a survey of sportsfield usage; and
  - (b) the remainder of annual costs not included in paragraph (a), after deducting all sources of revenues, shall be apportioned among all the participating areas on the basis of converted values for land and improvements for hospital purposes.

**8. Citation**

This bylaw may be cited for all purposes as the "Northern Community Recreation Service Establishment Bylaw No. 861, 1992".

Introduced and read three times this 26th day of January, 2010.

Approved by the Inspector of Municipalities this \_\_\_\_ day of \_\_\_\_\_, 2010.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION

Appendix II - Bylaw 1588

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1588**

**A BYLAW TO ESTABLISH A RESERVE FUND FOR THE  
NORTHERN COMMUNITY RECREATION SERVICE**

WHEREAS Section 814(3) of the *Local Government Act* authorizes a Board to establish by bylaw a reserve fund for a specified purpose;

AND WHEREAS it is considered desirable to establish a reserve fund in order to acquire, construct, manage or otherwise provide property for pleasure, recreation and similar public uses, including recreation and cultural facilities of all types;

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

1. There is hereby established a reserve fund, pursuant to Section 814(3) of the *Local Government Act*, to be known as the “Northern Community Recreation Service Reserve Fund”.
2. Money from the current revenue of the Northern Community Recreation Service, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used to acquire, construct, manage or otherwise provide property for pleasure, recreation and similar public uses, including recreation and cultural facilities of all types.
5. This bylaw may be cited as the “Northern Community Recreation Service Reserve Fund Establishment Bylaw No. 1588, 2010”.

Introduced and read three times this 26th day of January, 2010.

Adopted this 26th day of January, 2010.

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION