



COWICHAN VALLEY REGIONAL DISTRICT

Bylaw No. 1238 (As Amended by Bylaw No. 3271)

CVRD BYLAW NO. 1238 - ELECTORAL AREA D PARKS & RECREATION COMMISSION ESTABLISHMENT BYLAW, 1989

CONSOLIDATED FOR CONVENIENCE ONLY (April 22, 2009)

The amendment bylaw(s) listed below have been incorporated into enactment Bylaw No. 1238 for convenience purposes only. Persons making use of the consolidated version of Bylaw No. 1238 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaw(s) must be consulted. Certified copies of original bylaws are available through the Corporate Secretary's office.

AMENDMENT BYLAW

Bylaw No. 3271

EFFECTIVE DATE

April 8, 2009



COWICHAN VALLEY REGIONAL DISTRICT

Bylaw No. 1238 - Consolidated for Convenience with Amending Bylaw No. 3271

**A bylaw to establish a Parks and Recreation Commission for the function of
acquiring, constructing, operating and maintaining certain community parks
and recreation facilities with Electoral Area D**

WHEREAS by Supplementary Letters Patent dated September 21, 1979, the Cowichan Valley Regional District may, by bylaw, establish Parks and Recreation Commissions and may delegate to the Joint Parks and Recreation Commissions any or all of the administrative powers of the Cowichan Valley Regional District with respect to the operation and maintenance of such parks and recreation facilities.

AND WHEREAS it is considered desirable to establish a Parks and Recreation Commission within Electoral Area D of the Cowichan Valley Regional District.

NOW THEREFORE the Regional Board of the Cowichan Valley Regional District in open meeting assembled enacts as follows:

1. **DEFINITIONS**

In this bylaw a:

- a) "Commission" means the Parks and Recreation Commission as established by this bylaw;
- b) "Regional Board" means the Regional Board of the Cowichan Valley Regional District;
- c) "Director" means the Director elected or appointed to the Cowichan Valley Regional District Board, representing Electoral Area D.

2. **COMMISSION**

Pursuant to the powers granted by Supplementary Letters Patent, there is hereby created and established the Electoral Area D Parks and Recreation Commission.

3. **MEMBERSHIP**

The Electoral Area D Parks & Recreation Commission shall consist of seven (7) members as follows:

- a) The Director from Electoral Area D and in the event of the absence of the Director, the duly appointed Alternate Director shall be deemed to be a member of the Commission for such period of absence.
- b) Three (3) members shall be elected at the Annual General Meeting of qualified electors of Area D – Cowichan Bay by nomination and vote. In the event that there are not three (3) members elected, the remaining members shall be appointed by the Board upon recommendation of the Electoral Area Director.
- c) Three (3) members shall be appointed by the Board upon recommendation of the Electoral Area Director.

4. **TERM OF OFFICE**

- a) The term of office for members elected under Section 3 (b) and appointed under Section 3 (c) shall be two years, expiring on the 31st day of December in the second year.
- b) For the year 1989 only, the term of office for one of the members appointed under Section 3 © and two of the members elected under Section 3 (b) shall expire on the 31st day of December 1990 and the remaining members elected and appointed shall expire on December 31, 1991.
- c) In the event of vacancy of office, a replacement appointee shall hold office for the otherwise unexpired term of office.
- d) An elected member may be re-elected at the necessary Annual Meeting.
- e) Appointment members may be re-appointed for a further term or terms.
- f) The Regional Board may remove from membership any member appointed pursuant to Section 3 (b) and (c) who has failed to attend three consecutive Commission meetings without good cause.

5. **PROCEDURE**

- a) At the first meeting in each year, and yearly thereafter, the Commission shall elect from amongst its own members, a Chairman, Vice-Chairman and a Secretary who shall hold office until a successor is elected.
- b) In the absence of the Chairman or Vice-Chairman, the Commission shall elect from the members present a temporary Chairman or Secretary for the purpose of that meeting alone.
- c) A quorum is four of the members of the Commission.
- d) All decisions, resolutions, and recommendations of the Commission shall be made by a majority of the members present at the meeting, with each member having one vote.

- e) Where not otherwise covered in this bylaw, the rules of procedure governing Commission meetings shall be those of the current Procedural Bylaw of the Cowichan Valley Regional District.
- f) Minutes shall be kept for all meetings of the Commission and a copy of such minutes forwarded to the office of the Cowichan Valley Regional District as soon as possible after each meeting.

6. **POWERS AND RESPONSIBILITIES**

- a) The powers delegated to the Commission shall, except as otherwise provided by bylaw or resolution of the Regional Board, include only those administrative powers of the Regional Board specifically assigned by this bylaw with respect to the operation of a Parks and Recreation Commission.
- b) The title to any real property, equipment or chattels, or leases and agreements of any kind, shall be registered in the name of the Cowichan Valley Regional District.
- c) The Commission may be required annually, to cause to be prepared and submitted to the Regional Board, detailed estimates of its receipts from every source and expenditures for every purpose for the following year, and such estimates shall be considered by the Regional Board and accepted in whole or in part.
- d) The Commission shall not make any disbursements unless authorized by the Regional Board, or enter into any undertaking, obligation, or liability, which would cause the annual budget as approved by the Regional Board to be exceeded.
- e) The Commission shall institute such controls and authorization procedures over revenues and expenditures as may from time to time be deemed necessary by the Treasurer of the Cowichan Valley Regional District. All monies received by the Commission from any source whatsoever shall be conveyed and reported to the Treasurer of the Cowichan Valley Regional District without delay and the Commission shall retain no funds or bank account in its own name.
- f) The Commission shall be responsible on its own initiative to advise the Regional board on all or any matters which may legally or financially bind or commit the Regional Board.
- g) The Commission shall advise the Board of all public liability insurances required covering the operations of the Commission, custodianship of any parks or recreation facilities, in order to insure that adequate insurance is in effect at all times.
- h) All official business to be transacted and all contracts to be entered into by the Commission which may legally, financially or otherwise commit the Regional Board, shall, unless otherwise previously authorized by the Board, be made or carried out by the Regional Board.

- i) Subject to the provisions otherwise contained in this bylaw, the Commission is empowered to exercise any of the administrative powers of the Regional Board in respect to the following:
 - i) The management, policies, operation, and control of the Parks and Recreation Commission and related activities.
 - ii) The custodianship, care, and maintenance of any premises owned, leased, or rented, for the use of its operations.
 - iii) To contract for materials and services in accordance with Cowichan Valley Regional District polity.
 - iv) To solicit or accept, for the purposes of its operation, any gifts, grants, bequests, or unconditional sources of money whatsoever.
 - v) To perform any act, or other matter, or thing incidental to the operation of the Parks and Recreation Commission, provided that such act, mater, or thing, is not otherwise inconsistent with the provisions and intent of this bylaw.

GENERAL

- 7. All members of the commission shall serve without remuneration, except for such "out of pocket" expenditures as may have received PRIOR authorization by the Regional Board.
- 8. No recommendation of the Commission, or other matter requiring ratification, to the Regional Board shall be made public until it has been considered by the Regional Board.
- 9. This Bylaw may be cited for all purposes as "**CVRD Bylaw No. 1238 - Electoral Area D Parks & Recreation Commission Establishment Bylaw, 1989**".

READ A FIRST TIME THIS 27th day of September, 1989.

READ A SECOND TIME THIS 27th day of September, 1989.

READ A THIRD TIME THIS 27th day of September, 1989.

RECONSIDERED, adopted and finally passed this 27th day of September, 1989.

Earle Darling
Chairperson

Frank Raimondo
Secretary