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**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF Wednesday, April 10, 2019**

SUBJECT **Proposed Amendment to Bylaw 2397, Peninsula Recreation Commission**

ISSUE

The Peninsula Recreation Commission (the “Commission”) has requested a change from the requirement for appointment of a CRD Board Director (and an alternate) to other members of participating local government Councils.

BACKGROUND

The current commission composition, as regulated by Bylaw No. 2397, Peninsula Recreation Commission Bylaw No. 1, 1996, (Appendix A) is as follows:

Participants	Composition (9 total)
Sidney	<ul style="list-style-type: none">• 1 Board Director (Board Alternate Director)• 1 Municipal Councillor (and Councillor Alternate)• 1 Resident
North Saanich	
Central Saanich	

At its March 21, 2019 meeting the Commission passed a motion requesting that the Regional Board change the composition of appointments, due to issues relating to attendance and participation of local governments in the service, to allow a Regional Board Director to send a different alternate in his or her place (Appendix B).

The Commission does not have delegated bylaw amendment powers. Any amendment is at the discretion of the Board.

It is not possible to implement the change requested to the role of a Regional Director. To have a non-Director alternate be an alternate for a Director would conflict with the *Local Government Act* (LGA). There may be only one alternate per Director under the LGA.

An alternative composition will achieve the Commission’s goal. A mayor, in the capacity of that office and not as a regional Director, could be appointed. By bylaw, a system for appointment of alternates would allow mayors and councillors to send an alternate of their council’s choosing. There is no prohibition on this under the LGA.

The proposed appointment composition is:

Participants	Composition (9 total)
Sidney	<ul style="list-style-type: none">• 1 Mayor (and Council alternate)• 1 Municipal Councillor (and Council alternate)• 1 Resident
North Saanich	
Central Saanich	

An amendment to the parent bylaw is attached as Appendix C.

ALTERNATIVES

Alternative 1

1. That Bylaw No.4297, "Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 5, 2019" be introduced and read a first, second and third time.
2. That Bylaw No. 4297 be adopted.

Alternative 2

That this matter be referred to the CRD Governance Committee.

IMPLICATIONS

GOVERNANCE IMPLICATIONS

Amending the bylaw to achieve the Commission's desired result removes the direct link to the CRD Board, as there is no guarantee that the Mayor role (or Alternate) or Councillor role (or Alternate) will be members of the CRD Board. This may create minor issues in terms of process, procedures, advocating commission recommendations and accountability to the Board as a whole. It may also create scheduling issues, in that mayors and council commissioners may need to report on Commission business to the Board rather than regional Directors.

This would be different than other CRD parks and recreation commissions, where participating area Directors are commissioners. For example, the Sooke and Electoral Area Parks and Recreation Commission requires both Sooke and JDF directors, while the Salt Spring Island Parks and Recreation Advisory Commission and the various Southern Gulf Island Parks and Recreation Commissions have the applicable Electoral Area Director as a required appointment.

Rather than two councillors, who both may not be CRD Directors, the Mayor of each participating municipality was suggested as it is typically the individual in the office of mayor is also CRD Board Director. This individual could continue to serve on both the Board and the Commission, but as he or she would be serving as a commissioner in the capacity of office of mayor and not as a regional director, it would allow a different council alternate than the regional Board alternate.

INTERGOVERNMENTAL IMPLICATIONS

These changes may allow for increased participation by member local governments, by way of interested alternative councillors. This may meet the goals of the Peninsula Recreation Commission.

CONCLUSION

There is no requirement that a Director be on a commission. Amendments have been drafted to change the appointments to requiring the participant's mayor and another member of Council as the mayor's Council alternate from requiring the participant's CRD Board Director and therefore a Board alternate).

RECOMMENDATION(S)

1. That Bylaw No.4297, "Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 5, 2019" be introduced and read a first, second and third time.
2. That Bylaw No. 4297 be adopted.

Submitted by:	Steve Carey, JD, Manager, Legal Services
Concurrence:	Emilie Gorman, MPA, Acting General Manager, Corporate Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

:EG

Attachments:

Appendix A: Motion dated March 21, 2019 of the Peninsula Recreation Commission

Appendix B: Consolidated Bylaw No. 2397, Peninsula Recreation Commission Bylaw No. 1, 1996

Appendix C: Bylaw No.4297, Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 5, 2019

At its March 21, 2019 meeting, the Peninsula Recreation Commission passed the following motion:

Whereas: The Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 4, 2016, requires that an Alternate Commissioner for a Director on the Peninsula Recreation Commission be the same as the CRD Board Alternate Director;

And Whereas: the bylaw requirement is designed for consistency but does not always work practically for various commissioner's work and personal schedules;

Therefore be it resolved: That the Peninsula Recreation Commission ask the CRD to amend section 1 (h) of the Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 4, 2016, to allow Alternate Commissioners for Directors to be appointed by their respective Councils and not necessarily be the same as the CRD Board Alternate Directors.