



REVIEW OF ELECTORAL AREA E PARTICIPATING IN FUNDING OF AQUATIC SERVICES

RECOMMENDATION

That staff be directed to amend “Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993” to include Area E as a participant over a five-year phase in period at twenty (20) percent per year with an apportionment based on fifty (50) percent assessment and fifty (50) percent usage formula commencing in 2022.

BACKGROUND

The Ravensong pool was constructed in 1995 and the debt on the original construction was paid off in 2015. The facility has been well maintained with some major maintenance work been done over its service life to date. The current participants (Parksville, Qualicum, EA ‘F’, EA ‘G’ and EA ‘H’) have also accumulated \$3,866,000 in reserves for continued maintenance and/or upgrades.

The service establishing bylaw was amended to update the apportionment of costs from purely assessment based to a combination of assessment and usage (see Attachment 1 for funding and bylaw history).

The District of Lantzville, EA ‘A’, EA ‘B’ and EA ‘C’ also contribute to amenities in the City of Nanaimo, including towards operations of the aquatic facilities. (Attachment 1). This is done through agreement and based on periodic usage surveys.

The question of adding EA ‘E’ to the funding of aquatics is the subject of this report. A number of options have been presented except one for EA ‘E’ contributing to operational cost only for Ravensong, as this data does not currently exist.

FINANCIAL OPTIONS AND IMPLICATIONS

Funding options have been narrowed down to five that would provide for all jurisdictions in the RDN funding aquatic services for the Board’s consideration:

1. Electoral Area E becoming a full participant in the District 69 Swimming Pool Service
2. Electoral Area E becoming a full participant in the District 69 Swimming Pool Service over a five-year phase in period.
3. Electoral Area E participate the District 69 Swimming Pool Service based on a usage formula
4. Electoral Area E provide funding of the City of Nanaimo’s aquatic facilities based on a usage formula
5. Electoral Area E participate in both District 69 Swimming Pool Service and City of Nanaimo’s aquatic facilities based on a usage formula

For the options outlined in this report, the *Local Government Act* (LGA) outlines the process for amendments to the *Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993* and/or *Southern Community Recreation Local Service Area Bylaw No. 1059, 1996* (Attachment 5). The LGA provides the option that the Board may amend an establishing bylaw with the consent of at least two-thirds of the participants in the service. As a result, in the case of adding a participating area to the service(s), the Board may amend the service establishing bylaw in the following two ways:

- With the consent of at least two-thirds of the participants in the service (including any proposed new participant) and Inspector of Municipalities' approval; or
- In accordance with the requirements applicable to the adoption of the bylaw that it amends (likely a referendum in this case), and Inspector of Municipalities' approval.

1. That staff be directed to amend “Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993” to include Area E as a participant.

This option would provide for Electoral Area E becoming a full participant in the District 69 Swimming Pool Service. The 50% assessment/50% usage would be applied with Electoral Area E participating in Ravensong. Usage is based on blend on last two surveys as used for other service participants.

| | CURRENT | PROPOSED | CHANGE | |
|------------------------|--------------------------|--------------------------|--------------------------|-----------------------------|
| | Total Requisition | Total Requisition | Total Requisition | Res Cost Per \$1,000 |
| City of Parksville | 902,526 | 798,715 | (103,811) | -0.023 |
| Town of Qualicum Beach | 781,375 | 698,614 | (82,761) | -0.024 |
| EA E | - | 339,690 | 339,690 | 0.111 |
| EA F | 525,538 | 472,142 | (53,396) | -0.024 |
| EA G | 578,467 | 515,745 | (62,722) | -0.024 |
| EA H | 297,176 | 260,176 | (37,000) | -0.022 |
| Totals | 3,085,082 | 3,085,082 | - | |

Based on Ravensong 2022 preliminary budget requisition, current EA E usage and 2021 revised roll assessments

2. That staff be directed to amend “Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993” to include Area E as a participant over a five-year phase in period at twenty (20) percent per year with an apportionment based on fifty (50) percent assessment and fifty (50) percent usage formula commencing in 2022.

This option would provide for Electoral Area E to contribute to the service over a phased period of time of 20% per year over five - years.

| | | PROPOSED | | | | |
|------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | 2022 | 2023 | 2024 | 2025 | 2026 |
| | CURRENT | 20% | 40% | 60% | 80% | 100% |
| | Total Requisition | Total Requisition | Total Requisition | Total Requisition | Total Requisition | Total Requisition |
| City of Parksville | 902,526 | 881,956 | 947,524 | 1,072,883 | 1,114,667 | 1,107,115 |
| Town of Qualicum Beach | 781,375 | 764,790 | 823,026 | 933,549 | 971,692 | 968,361 |
| EA E | - | 67,938 | 149,464 | 260,067 | 369,294 | 470,850 |
| EA F | 525,538 | 514,703 | 554,255 | 629,111 | 655,279 | 654,445 |
| EA G | 578,467 | 565,887 | 608,636 | 689,965 | 717,716 | 714,884 |
| EA H | 297,176 | 289,808 | 310,683 | 350,991 | 363,791 | 360,635 |
| Totals | 3,085,082 | 3,085,082 | 3,393,588 | 3,936,566 | 4,192,439 | 4,276,290 |

Based on Ravensong 2022 preliminary budget requisition, current EA E usage and projected roll assessments

3. That staff be directed to amend “Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993” to include Area E as a participant with an apportionment based on a usage formula.

This option would provide for Electoral Area E to participate the District 69 Swimming Pool Service based on a usage formula.

| | CURRENT | PROPOSED | CHANGE | |
|------------------------|--------------------------|--------------------------|--------------------------|-----------------------------|
| | Total Requisition | Total Requisition | Total Requisition | Res Cost Per \$1,000 |
| City of Parksville | 902,526 | 861,050 | (41,476) | -0.004 |
| Town of Qualicum Beach | 781,375 | 745,467 | (35,908) | -0.005 |
| EA E | - | 141,772 | 141,772 | 0.023 |
| EA F | 525,538 | 501,388 | (24,150) | -0.005 |
| EA G | 578,467 | 551,884 | (26,583) | -0.005 |
| EA H | 297,176 | 283,521 | (13,655) | -0.004 |
| Totals | 3,085,082 | 3,085,082 | - | |

Based on Ravensong 2022 preliminary budget requisition, current EA E usage and projected roll assessments

4. That staff be directed to amend “Southern Community Recreation Local Service Area Bylaw No. 1059, 1996” to include Electoral Area E as a participant with an apportionment based on a usage formula;

AND that staff be directed to prepare an amendment to the “District 68 Sports Field & Recreation Services Agreement” to contribute to the City of Nanaimo’s aquatic facilities by agreement based on a usage formula.

This option would provide for Electoral Area E to participate in the RDN’s service agreement with City of Nanaimo and provide funding to their aquatic centres based on a usage formula.

| | CURRENT | PROPOSED | CHANGE | |
|---------------|--------------------------|--------------------------|--------------------------|-----------------------------|
| | Total Requisition | Total Requisition | Total Requisition | Res Cost Per \$1,000 |
| Lantzville | 111,063 | 109,174 | (1,889) | -0.002 |
| EA A | 72,320 | 70,999 | (1,321) | 0.000 |
| EA B | 27,120 | 26,666 | (455) | 0.000 |
| EA C | 46,492 | 45,739 | (753) | -0.001 |
| EA E | - | 42,617 | 42,617 | 0.019 |
| Totals | 256,995 | 295,195 | 38,199 | |

Based on Southern Community Recreation 2022 preliminary budget requisition from the City of Nanaimo and current EA E usage

5. That staff be directed to amend “Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993” to include Area E as a participant with apportionment based on a usage formula;

AND that staff be directed to amend “Southern Community Recreation Local Service Area Bylaw No. 1059, 1996” to include Electoral Area E as a participant;

AND FURTHER that staff be directed to prepare an amendment to the “District 68 Sports Field & Recreation Services Agreement” to contribute to the City of Nanaimo’s aquatic facilities by agreement based on a usage formula.

This option would provide for Electoral Area E to participate in both District 69 Swimming Pool Service and City of Nanaimo's aquatic facilities based on a usage formula. Usage information as shown in Options 3 and 4 would apply.

| | CURRENT | PROPOSED | CHANGE | |
|----------------------------------|-------------------|-------------------|-------------------|----------------------|
| | Total Requisition | Total Requisition | Total Requisition | Res Cost Per \$1,000 |
| Lantzville | 111,063 | 109,174 | (1,889) | -0.002 |
| EA A | 72,320 | 70,999 | (1,321) | 0.000 |
| EA B | 27,120 | 26,666 | (455) | 0.000 |
| EA C | 46,492 | 45,739 | (753) | -0.001 |
| EA E | - | 42,617 | 42,617 | 0.019 |
| Subtotal - South Comm Rec | 256,995 | 295,195 | 38,199 | |
| City of Parksville | 902,526 | 861,050 | (41,476) | -0.004 |
| Town of Qualicum Beach | 781,375 | 745,467 | (35,908) | -0.005 |
| EA E | - | 141,772 | 141,772 | 0.023 |
| EA F | 525,538 | 501,388 | (24,150) | -0.005 |
| EA G | 578,467 | 551,884 | (26,583) | -0.005 |
| EA H | 297,176 | 283,521 | (13,655) | -0.004 |
| Subtotal - Ravensong | 3,085,082 | 3,085,082 | - | |

STRATEGIC PLAN ALIGNMENT

Social Wellbeing - Make the Region a safe and vibrant place for all, with a focus on children and families in programs and planning.

REVIEWED BY:

D. Banman, Manager Recreation Services
 J. Bagnall, Deputy Corporate Officer
 J. Hill, Manager Legislative Services
 T. Moore, Acting Director of Finance
 D. Holmes, Chief Administrative Officer

ATTACHMENTS:

1. Bylaw History and Current Funding
2. Bylaw 899 (1993) - Bylaw to Establish and Operate a Swimming Pool Facility as a Local Service
3. Bylaw 900 (1993) - Bylaw to Authorize the Borrowing of Funding for the Purpose of providing the District 69 Swimming Pool Local Service
4. Bylaw 899.01 (2013) Bylaw to Amend RDN Swimming Pool Local Service Area Establishment Bylaw No. 899.
5. District 68 Sport Field and Recreation Services Agreement
6. Bylaw 1059-0 (Consolidated to .04 / 2011) Bylaw to Establish a Service for Pleasure, Recreation and Other Community Use

Attachment 1 – Bylaw History and Current Funding

Funding History of Ravensong Aquatic Centre: 1993 - 2009

Following a successful referendum in June 1993 to build and operate a swimming pool in the Oceanside area, Bylaw 899 (Attachment 2) was adopted in November of 1993. As part of the referendum, Loan Authorization Bylaw 900 (Attachment 3) was supported that, in turn, provided the funds to construct the pool. Prior to the referendum being held it was determined by the Board that Electoral Area E would not be part of the pool service and the Electoral Area did not participate in the referendum. Participants in the swimming pool, now known as the Ravensong Aquatic Centre, are the City of Parksville, Town of Qualicum Beach and Electoral Areas F, G and H.

Ravensong Aquatic Centre was constructed in 1995 with final payment on the original building debt completed in 2015.

In 2009 cost sharing in the Ravensong Aquatic Centre was identified as a service that should be reviewed as the facility provides benefits to the broader population and not all participants cost share on this amenity. On November 24, 2009 the following motion was approved:

That staff be directed to review the allocation formula in the District 69 Swimming Pool Establishing Bylaw No. 899 with a focus on a formula that includes community usage and/or population.

At this time the District 69 arena and pool facilities were cost shared on the basis of assessments in each participating jurisdiction. The arena service is funded by all Electoral Areas in the Oceanside area along with City of Parksville and Town of Qualicum Beach.

Funding History of Ravensong Aquatic Centre: 2010 - Current

In 2010, the Recreation and Parks Department conducted a usage survey under the terms of two agreements for cost sharing of municipal recreation facilities (Southern Community) and sports fields (Northern and Southern Communities). The survey was expanded to review usage of Northern Community Recreation programs, Oceanside Place and the Ravensong Aquatic Centre.

Also in 2010, the RDN undertook a Regional Services Review of a number of services within the RDN. The Board received and approved a report in September 2011 with a series of recommendations including broader regional participation in the Drinking Water and Water Service and Economic Development. The following recommendation from the review centred on more equitable funding for the Ravensong Aquatic Centre as follows:

Phased change in the cost sharing formulas for Ravensong Aquatic Centre and Oceanside Place (cost sharing amended from 100% assessments to 50% assessments/50% usage and phased inclusion of Electoral Area E in cost sharing for Ravensong Aquatic Centre based on demonstrated usage).

Bylaws implementing the recommended changes were presented at the Board meeting on October 4, 2011. Upon the request of the Director for Electoral Area E, the implementation of renewed cost sharing formulas for Ravensong Aquatic Centre and Oceanside Place was deferred.

As part of a Regional Service Review during 2011, as well as in response to other requests for reviews of the requisition allocations, the apportionment of costs for the Oceanside Place and Ravensong Aquatic Centre services were reviewed in respect to incorporating usage in the allocation, as well as to review participants in the service. With the broader usage data available for all recreation facilities based on a usage survey completed in 2010, it was determined that a 50% assessment / 50% usage-based formula to allocate costs to participants in these two services would be more equitable. The usage surveys also indicated that while Electoral Area E is not a participant in the Ravensong Aquatic Centre Service, they are users of the pool facilities in both Nanaimo and Qualicum.

Discussions were held during the spring of 2013 with the various participants in the services to look at how the allocations could be revised and whether any approval process should be undertaken to include Electoral Area E in the District 69 Swimming Pool (Ravensong Aquatic Centre) Service. It was determined to phase in over a five - year period a revised allocation using 50% assessment / 50% usage to allocate the costs of both the swimming pool and area services with no change to the participants. In October 2013, the service bylaws for District 69 Arena and the District 69 Swimming Pool were amended using 50% assessment / 50% usage allocation formula phased in from 2014 - 2019. Amended Bylaw No. 899.01 for District 69 Swimming Pool Local Service Area is attached (Attachment 4).

In recent months inclusion of Electoral Area E in aquatic services has again come up with Board directives as follows:

February 23, 2021, Board Meeting

It was moved and seconded that staff be directed to bring a report to the Oceanside Services Committee with a draft bylaw that amends "Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993" (Ravensong Aquatic Centre Service) to include Electoral Area E within the service area; and to present alternate funding models that include usage by Electoral Areas and proximity to facility funding options. (No Board Resolution #)

21-103

It was moved and seconded that consideration of the motion regarding the Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993 (Ravensong Aquatic Centre Service) be deferred to a future Board meeting after the Board has conducted the externally facilitated workshop that is to be scheduled to discuss governance and regional service arrangements.

November 23, 2021, Committee of the Whole Meeting

That staff be directed to develop options for Electoral Area E to provide funding to aquatic services within the Regional District of Nanaimo and report back to the Board. (No Board Resolution #)

Resolution 21-103 is directed specially at Electoral Area E participating in the funding for the operation of the Ravensong Aquatic Centre and the November 23, 2021, Committee of the Whole recommendation is directing staff to look at Electoral Area E participation in aquatic services as a whole, which would include City of Nanaimo swimming pool facilities.

Based on the work completed between 2010 and 2013 outlined above under **Funding History of Ravensong Aquatic Centre: 2010 - Current**, it is recommended that some form of assessment and/or usage allocation formula continued to be used in future discussions for funding aquatic services in the Oceanside area. Using user data rather than proximity to a pool facility is the best method to ensure equity in funding for these recreation services.

District 68 Sport Field and Recreation Services Agreement, Funding for Services 2011 to Current

In 2011, as part of the Regional Service Reviews and to resolve funding inequities regarding sports field and recreation facilities, a service agreement was signed between the RDN and City of Nanaimo (Attachment 5). The agreement provides for Electoral Areas A, B, C, and the District of Lantzville to fund operational costs based on the usage survey being conducted for specific regionally used recreation facilities and sport fields per sections 1.8 and 1.14 of the Agreement. Electoral Area E is not a participant in this District 68 agreement.

Electoral Area E is a full participant in the District 69 Arena Service (Oceanside Place) and Northern Community Recreation Service. The Northern Community Recreation Service function includes the RDN’s provision of recreation program services and funding for sport fields through a separate service agreement between the RDN, City of Parksville and the Town of Qualicum Beach. This agreement known as the District 69 Sports Field Services Agreement provides Electoral Area residents in District 69 access to City of Parksville and Town of Qualicum Beach sport fields in the same way the District 68 Sports Field and Recreation Services Agreement allows access to City of Nanaimo sport fields to residents to Electoral Areas A, B, C and District of Lantzville.

Funding Options for Electoral Area E Participation in Aquatic Services

Staff recommend implementing a funding option that takes into consideration the recreation service agreement with the City of Nanaimo which includes funding for swimming pools, the provision of aquatic services in the Oceanside Area through Bylaw 899.01 and the geographical location of Electoral Area E which borders District 68 and District 69 of the RDN.

Based on the data collected as part of last usage survey conducted in 2015, per the Table 1 below, Electoral Area E residents were utilizing City of Nanaimo Aquatic facilities at a rate of 1.1 %. For Ravensong Aquatic Centre the rate was 3.9%. Of note, and shown under Financial Implications, is to smooth out changes in usage over the intervals between the five years when usage surveys are conducted by the RDN, the usage figures used in the calculations are averages from the last two usage surveys.

Table 1 – 2015 Proportion Percentage of Nanaimo Pool Uses from Each Jurisdiction

| Category of Use | A | B | C | E | F | G | H | NA | PV | QB | LZ | OTHER | Total |
|-----------------|------------|------------|------------|------------|-----------|------------|------------|-------------|-----------|-----------|------------|------------|------------|
| Drop-in | 0.3 | 0.3 | 0.4 | 0.5 | 0.5 | 0.0 | 0.0 | 41.1 | 0.5 | 0.3 | 1.7 | 4.3 | 50 |
| Program | 1.2 | 0.5 | 1.1 | 0.5 | 0.0 | 0.0 | 0.0 | 35.2 | 0.0 | 0.0 | 1.5 | 0.0 | 40 |
| Rentals | .3 | .2 | .3 | .1 | 0.0 | 0.0 | 0.0 | 8.3 | 0.0 | 0.0 | .4 | .3 | 10 |
| Total | 1.8 | 1.0 | 1.8 | 1.1 | .5 | 0.0 | 0.0 | 84.6 | .5 | .3 | 3.6 | 4.6 | 100 |

It is important to note that when attributing the net costs for each of the participating jurisdictions as shown in the Financial Implications section of the report, the percentages in Table 1 cannot be used in calculating actual contribution values for participating members. Non-participating jurisdictions need to be netted out, as they will pay nothing, and their share needs to be distributed to the participating jurisdictions before final calculations are made. In this case, since only Nanaimo and Lantzville and Electoral Areas A, B, and C contribute to District 68 pools, the remaining 7% of uses need to be netted out and the result is as follows:

- Electoral Area A taxpayers would pay 1.9% of the net cost,
- Electoral Area B taxpayers would pay 1% of the net cost,
- Electoral Area C taxpayers would pay 1.9% of the net cost,
- District of Lantzville taxpayers would pay 3.9% of the net cost,
- The City of Nanaimo taxpayers would pay 91.2% of the net cost.

Table 2 – 2015 Proportion Percentage of Ravensong Uses from Each Jurisdiction

| Category of Use | A | B | C | E | F | G | H | NA | PV | QB | LZ | OTHER | Total |
|-----------------|----------|----------|----------|------------|-------------|-------------|------------|------------|-------------|-------------|------------|------------|------------|
| Drop in | 0 | 0 | 0 | 1.0 | 10.8 | 8.6 | 3.0 | 0.1 | 10.6 | 12.6 | 0.1 | 3.0 | 50 |
| Program | 0 | 0 | 0 | 2.4 | 8.0 | 7.7 | 3.0 | 0.4 | 10.4 | 7.0 | 0.0 | 1.1 | 40 |
| Rentals | 0 | 0 | 0 | 0.5 | 0.7 | 2.4 | 0.3 | 0.6 | 3.2 | 2.1 | 0.0 | 0.2 | 10 |
| Total | 0 | 0 | 0 | 3.9 | 19.6 | 18.7 | 6.3 | 1.0 | 24.2 | 21.8 | 0.1 | 4.3 | 100 |

Again it is important to note as in Table 1, Table 2 could not be used in calculating actual contribution values for participating members. Jurisdictions which don't participate in the cost need to be netted out. Participating members in the District 69 pool function are Electoral Areas F, G, H and City of Parksville and Town of Qualicum Beach, then the remaining 9.3% use by Electoral Area E, Nanaimo, Lantzville, and Other would be netted out, and the results would be as follows:

- Electoral Area F taxpayers would pay 21.6% of the net cost,
- Electoral Area G taxpayers would pay 20.7% of the net cost,
- Electoral Area H taxpayers would pay 7.0% of the net cost,
- The City of Parksville taxpayers would pay 26.8% of the net cost,
- The Town of Qualicum Beach taxpayers would pay 24.0% of the net cost.

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 899**

**A BYLAW TO ESTABLISH AND OPERATE
A SWIMMING POOL FACILITY AS A
LOCAL SERVICE**

WHEREAS pursuant to Section 788 (1)(e) of the Municipal Act, the Regional District may, by bylaw, establish and operate a recreational facility as a local service;

AND WHEREAS the Regional District intends to construct and operate a swimming pool facility;

AND WHEREAS the service area shall be comprised of the participating areas of the City of Parksville, Town of Qualicum Beach and Electoral Areas 'F', 'G' and 'H';

AND WHEREAS pursuant to Section 794 (3), if a Board proposes to borrow money for the start of a local service, the bylaw establishing the service and the loan authorization bylaw must, for the purpose of obtaining the assent of the electors, be dealt with as if they were one bylaw;

AND WHEREAS pursuant to Section 795 (2)(b), the Regional Board, by resolution passed by at least 2/3 of the votes cast, permitted assent to be given by the electors in the entire proposed service area;

AND WHEREAS pursuant to Section 796 (2), the Regional Board has obtained the assent of the electorate;

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

1. Local Service Established

The local service established is the construction and operation of a swimming pool facility.

2. Powers

To operate this service, the Regional District may:

- (a) acquire all such real property, easements, rights of way, licenses, rights or authorities as may be requisite or desirable for or in connection with the provision of the service;
- (b) enter into such contracts with such persons as may be necessary or appropriate to establish and operate the service; and

- (c) undertake and carry out or cause to be undertaken and carried out all other things necessary in connection with the provision of the service.

3. Boundaries of Service Area

The boundaries of the service area are the boundaries of the City of Parksville, Town of Qualicum Beach, and Electoral Areas 'F', 'G' and 'H'.

4. Participating Areas

The City of Parksville, Town of Qualicum Beach, and Electoral Areas 'F', 'G' and 'H' include participating areas for the service.

5. Cost Recovery

The annual operating and debt servicing costs of the local service, net of grants and other revenue, shall be recovered by:

- a) the requisition of money under Section 809 and 809.1 of the Municipal Act to be collected by a property value tax to be levied and collected under Sections 810 (1) and 810.1 (1) of the Municipal Act; and
- b) the imposition of fees and other charges that may be fixed by separate bylaw for the purpose of recovering these costs.

6. Maximum Requisition

The maximum amount that may be requisitioned under Section 804 (1)(a) of the Municipal Act for annual operating and debt servicing costs of the local service shall be the greater of \$770,000.00 or \$0.434 per \$1,000 of the net taxable value of land and improvements within the service area.

7. Apportionment

The costs of providing the service shall be apportioned among the participating areas on the basis of the converted value of land and improvements in those areas.

8. Citation

This bylaw may be cited as “Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993”.

Introduced and read three times this 13th day of April, 1993.

Reconsidered and amended at third reading this 11th day of May, 1993.

Approval of the Inspector of Municipalities obtained this 21st day of May, 1993.

The assent of the electors obtained this 19th day of June, 1993.

Reconsidered and adopted this 13th day of July, 1993.

George Holme
CHAIRPERSON

Bruce Williams
SECRETARY

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 900

**A BYLAW TO AUTHORIZE THE BORROWING
OF \$4,200,000 FOR THE PURPOSE OF
PROVIDING THE DISTRICT 69
SWIMMING POOL LOCAL SERVICE**

WHEREAS pursuant to Section 788 (1) (c) of the Municipal Act (the "Act"), the Regional District may, by bylaw, establish and operate a recreational facility as a local service;

AND WHEREAS the Regional District intends to establish and operate a swimming pool facility as a local service;

AND WHEREAS to provide the local service it is necessary to acquire equipment and construct the facility, the estimated capital cost of which, including incidental expenses, is \$4,200,000.00 which is the amount of debt intended to be created under this bylaw;

AND WHEREAS pursuant to Section 794 (3), if a Board proposes to borrow money for the start of a local service, the bylaw establishing the service and the loan authorization bylaw must, for the purpose of obtaining the assent of the electors, be dealt with as if they were one bylaw;

AND WHEREAS pursuant to Section 796 (2) the Regional District has obtained the assent of the electorate;

AND WHEREAS the amount of existing outstanding debentures of the Regional District authorized under:

- (a) Section 813 of the Act in respect of short term capital borrowing is \$ Nil;
- (b) Section 813.1 of the Act in respect of loan authorization bylaws is \$21,916,695.00;
- (c) Section 815.1 of the Act in respect of the financing of municipal undertakings is \$35,605,078.00;

AND WHEREAS the amount of debenture debt that is authorized but is not issued under:

- (a) Section 813 of the Act in respect of short term capital borrowing is \$ Nil;
- (b) Section 813.1 of the Act in respect of loan authorization bylaws is \$986,000.00;
- (c) Section 815.1 of the Act in respect of the financing of municipal undertakings is \$1,000,486.00;

AND WHEREAS the amount of principal or interest that as of the date of the adoption of this bylaw is in arrears or debt created under Sections 813, 813.1 and 815.1 of the Act is nil;

AND WHEREAS the authority to borrow under this bylaw expires five years from the date on which this bylaw is adopted;

AND WHEREAS the maximum term for which a debenture debt may be issued to secure the debt created by this bylaw is twenty years;

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

1. **Loan Authorization**

The Regional Board is hereby empowered and authorized to undertake and carry out or cause to be undertaken and carried out the construction and operation of a swimming pool facility and to do all things necessary in connection therewith and, without limiting the generality of the foregoing, to:

- (a) borrow, upon the credit of the Regional District, an amount not exceeding \$4,200,000.00 for that purpose; and,
- (b) acquire all such real property, easements, rights of way, licences, rights or authorities as may be requisite or desirable for or in connection with the construction and operation of the swimming pool facility.

2. **Citation**

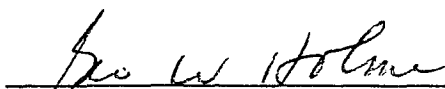
This bylaw may be cited as "Regional District of Nanaimo District 69 Swimming Pool Loan Authorization Bylaw No. 900, 1993".

Introduced and read three times this 13th day of April, 1993.

Approval of the Inspector of Municipalities obtained this 21st day of May, 1993.

The Assent of the electors obtained this 19th day of June, 1993.

Reconsidered and adopted this 13th day of July, 1993.



CHAIRPERSON



SECRETARY

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 899.01

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
DISTRICT 69 SWIMMING POOL LOCAL SERVICE AREA
ESTABLISHMENT BYLAW NO. 899**

WHEREAS the Regional District of Nanaimo established the District 69 Swimming Pool Local Service Area by Bylaw No. 889, 1993;

AND WHEREAS the Board wishes to amend the apportionment formula in the bylaw;

AND WHEREAS consent of at least two-thirds of the participants as required under section 802(1)(b) of the *Local Government Act* has been obtained;

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

1. Citation

This bylaw may be cited for all purposes as the "Regional District of Nanaimo District 69 Swimming Pool Service Amendment Bylaw No. 899.01, 2013".

2. Amendments

"Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993" is amended as follows:

(1) Section 5 "Cost Recovery" is deleted in its entirety and replaced with the following:

"5. Cost Recovery

The annual net costs of the service may be recovered by one or more of the following:

- (a) the requisition of money under sections 805 and 806 of the *Local Government Act* to be collected by a property value tax to be levied and collected under sections 805.1(1) and 806.1(1) of the *Local Government Act*;
- (b) the imposition of fees and other charges that may be fixed by separate bylaw for the purpose of recovering these costs;
- (c) by revenues raised by other means authorized under the *Local Government Act* or another Act;

(d) by revenues received by way of agreement, enterprise, gift, grant or otherwise.”

(2) Section 6 "Maximum Requisition" is deleted in its entirety and replaced with the following:

“6. Maximum Requisition

The maximum amount that may be requisitioned under section 803(1)(a) of the *Local Government Act* to recover the annual net costs of the service shall be the greater of Seven Hundred and Seventy Thousand (\$770,000.00) Dollars or \$0.434 per \$1,000 of the net taxable value of land and improvements within the service area.”

(3) Section 7 “Apportionment” is deleted in its entirety and replaced with the following:

“7. Apportionment

The costs of providing the service shall be apportioned among the participating areas as follows:

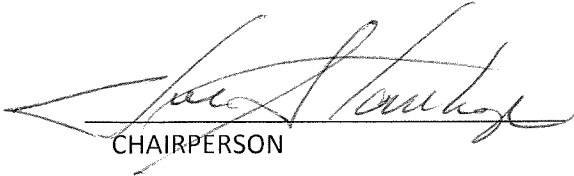
- (a) fifty (50%) percent on the basis of the converted value of land and improvements for hospital purposes; and
- (b) fifty (50%) percent on the basis of the percentage of usage of the service as determined by a survey of usage carried out by the Regional District of Nanaimo.
- (c) the fifty (50%) percent allocation between usage and converted values of land and improvements shall be phased in over five (5) years with ten (10%) percent per year to be incremented to usage as set out in the following table:

| Requisition Year | Percentage allocation of requisition to be based on converted value of land and improvements for hospital purposes | Percentage allocation of requisition to be based on a survey of usage carried out by the Regional District of Nanaimo |
|---------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| 2014 | Ninety percent (90%) | Ten percent (10%) |
| 2015 | Eighty percent (80%) | Twenty percent (20%) |
| 2016 | Seventy percent (70%) | Thirty percent (30%) |
| 2017 | Sixty percent (60%) | Forty percent (40%) |
| 2018 | Fifty percent (50%) | Fifty percent (50%) |
| 2019 and thereafter | Fifty percent (50%) | Fifty percent (50%) |

Introduced and read three times this 22nd day of October, 2013.

Received the approval of the Inspector of Municipalities this 8th day of November, 2013.

Adopted this 26th day of November, 2013.



CHAIRPERSON



CORPORATE OFFICER

DISTRICT 68 SPORTS FIELD & RECREATION SERVICES AGREEMENT

THIS AGREEMENT made this 6 day of May, 2011

BETWEEN:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Rd.
Nanaimo BC
V9T 6N2
(**"Regional District"**)

OF THE FIRST PART

AND:

CITY OF NANAIMO
455 Wallace Street
Nanaimo, BC
V9R 5J6
(**"Nanaimo"**)

OF THE SECOND PART

WHEREAS:

- A. The Regional District established by Bylaw 1059 a service for pleasure, recreation and other community use known as the Southern Community Recreation Service which has as its participants the District of Lantzville and Electoral Areas A, B and C;
- B. By Agreement dated the 7th day of February, 1997 between Nanaimo and the Regional District, Nanaimo has provided access to Sports Fields (as defined herein) and recreational facilities and programs as a service to members of the general public residing within the District of Lantzville and Electoral Areas A, B and C;
- C. The Regional District wishes Nanaimo to continue providing access to Sports Fields and recreational services to members of the public residing outside of the boundaries of Nanaimo and within the boundaries of the District of Lantzville and Electoral Areas A, B and C;
- D. The Regional District and Nanaimo wish to continue to permit the Regional District to have an ongoing voice in recreation service provision through, among other things, participation by representatives of the Regional District on a Parks, Recreation and Culture Commission established by Nanaimo;

NOW THEREFORE in consideration of the premises and mutual covenants and agreements contained in this Agreement, the parties covenant and agree as follows:

1.0 DEFINITIONS

In this Agreement:

- 1.1 **“Non-shareable costs”** shall generally mean the development of a new Sports Field or Recreation Facility and/or an upgrade to an existing Sports Field or Recreation Facility costing more than \$10,000 including but not limited to the construction of facilities or improvements, or the addition, replacement, repair or extension of fences, roofs, seating, irrigation systems, wells, drainage, lighting, backstops, goalposts, time clocks or similar game display signage or sod replacement.
- 1.2 **“Commencement Date”** means January 1, 2011.
- 1.3 **“Cost of Operation and Maintenance”** means:
- (a) in relation to Sports Fields, the Net Costs for Sports Fields for the items set out in Schedule “A”;
 - (b) in relation to Nanaimo Recreation Facilities, the Net Costs for Nanaimo Recreation Facilities for the items set out in Schedule “B”;
- but does not include Non-shareable costs or debt;
- 1.4 **“Electoral Areas”** means that portion of the Regional District included within the boundaries of Electoral Areas A, B, and C;
- 1.5 **“District 68”** means that portion of the Regional District included within the boundaries of Nanaimo, Lantzville and Electoral Areas A, B, and C;
- 1.6 **“Lantzville”** means the District of Lantzville;
- 1.7 **“Nanaimo”** means the City of Nanaimo;
- 1.8 **“Nanaimo Recreation Facilities”** means:
- (a) Beban Park;
 - (b) Bowen Park;
 - (c) Nanaimo Aquatic Centre;
 - (d) Nanaimo Ice Centre.
- 1.9 **“Net Cost”** means prior year actual expenditures for the Cost of Operation and Maintenance less cost recovery from fees and charges imposed for the use of Nanaimo Recreation Facilities and Sports Fields;
- 1.10 **“Participating Areas”** means Nanaimo, Lantzville and Electoral Areas A, B, and C of the Regional District of Nanaimo;
- 1.11 **“Recreation Services”** means recreation and community services offered at Nanaimo Recreation Facilities to residents of the Regional District Areas and Lantzville;

- 1.12 “**Regional District**” means the Regional District of Nanaimo;
- 1.13 “**Regional District Areas**” means that portion of the Regional District included within the boundaries of Lantzville, Electoral Areas A, B, and C;
- 1.14 “**Sports Field**” means land developed for the playing of baseball, softball and soccer and other sport activities which is owned and operated by either Nanaimo or the Regional District Areas and includes the following:

City of Nanaimo:

- a) Beban Park;
- b) Bowen West;
- c) McGirr Park;
- d) Elaine Hamilton Park;
- e) May Bennett Park;
- f) Caledonia Park;
- g) Robins Park;
- h) Gyro Park;
- i) Harewood Park;
- j) Pleasant Valley Park;
- k) Serauxmen Sports Fields; and
- l) Comox Field.

Regional District of Nanaimo:

- a) Rollo McClay (EA ‘B’); and,
- b) Extension Sports Field (EA ‘C’).

Any Sports Field within Nanaimo, or the Regional District, which meets the criteria to be considered a Sports Field under Section 5.0;

- 1.15 “**Sports Field Services**” means:
- (a) operation and maintenance of Sports Fields in District 68; and
 - (b) permitting access to and use of Sports Fields by residents of the Participating Areas.
- 1.16 “**Term**” means the period of time from the Commencement Date to December 31, 2025.

2.0 INTERPRETATION

- 2.1 A reference in this Agreement to:
- (a) the singular includes the plural and the plural includes the singular, unless the context otherwise requires;
 - (b) the masculine, feminine or neuter includes a reference to the masculine, feminine or neuter, unless the context otherwise requires.
- 2.2 The headings of paragraphs, articles and sections of this Agreement are for convenience of reference only, do not form part of this Agreement and are not to be used in the interpretation of this Agreement.
- 2.3 This Agreement is to be governed and construed in accordance with the laws of the Province of British Columbia.

2.4 If any paragraph, article or section of this Agreement is declared or held invalid for any reason, the paragraph, article or section may be severed from the Agreement without affecting the validity of the remainder of the Agreement.

3.0 SERVICES

3.1 The Parties covenant and agree with each other to provide Sports Field Services during the Term of the Agreement.

3.2 Nanaimo covenants and agrees to provide Recreation Services during the Term of the Agreement.

4.0 PAYMENT

4.1 Commencing with 2011, payment to Nanaimo shall be made in accordance with the following:

(a) Cost share calculation:

Each party shall share in the Cost of Operation and Maintenance of Sports Fields and/or Recreation Services based on the percentage of use established by averaging data from the three most recent usage surveys. Surveys shall be conducted once every five (5) years with the next survey to be completed on or before October 30th, 2015, as set out in Section 6.0.

(b) Payment to Nanaimo:

| | |
|--------------------------------------------------------------------------|-----------|
| Total costs reported by Nanaimo for cost sharing purposes | \$ xxxx |
| Less: the share calculated for Nanaimo under the formula in 4.1(a) above | \$(xxx) |
| Net amount payable to Nanaimo | \$ xxx |

4.2 Annual Budget

(1) For the purpose of calculating annual contribution amounts under Section 4.1(b), in each year during the Term of this Agreement, Nanaimo and the Regional District respectively, shall provide to each other, on or before January 31st a statement of actual Costs of Operation and Maintenance compared to budget for the prior year ending December 31st. The costs to be shared shall consist of prior year actual costs of Nanaimo, budgeted current year Regional District costs net of any prior year surplus or deficit as reported by the Regional District for Sports Fields in the Regional District Areas.

(2) For the purposes of preparing the Regional District's financial plan, Nanaimo shall also provide to the Regional District annually along with the budget information in 4.2(1) above an estimate of the Cost of Operation and Maintenance for Sports Fields and Recreation Facilities for the subsequent five year period.

4.3 Payment Due Date

The amount payable to Nanaimo under 4.1(b) shall be remitted on or before August 2nd in each year during the Term of this Agreement.

4.4 Debt

The cost of providing the Services under this Agreement is a debt owed to the party providing the Service.

5.0 NEW SPORTS FIELDS/CITY RECREATION FACILITIES

5.1 The Participating Areas shall use best efforts to agree which Sports Fields shall be included in the inventory of Sports Fields by November 30th of each year.

5.2 Where a new Sports Field or Recreation Facility within Nanaimo is added under this agreement the Cost of Operation and Maintenance for the first year shall be the average Cost of Operation and Maintenance for all Sports Fields or Recreation Facilities as the case may be, for the prior year. After the first year, the Cost of Operation and Maintenance shall be as reported by the Nanaimo under Section 4.2(1).

5.3 Where a new Sports Field within the Regional District Areas is added under this agreement the Cost of Operation and Maintenance for the first year shall be the average Cost of Operation and Maintenance for all Sports Fields in the Regional District Areas for the prior year. After the first year the Cost of Operation and Maintenance shall be as reported in the Regional District accounts under Section 4.2.

5.4 Where a new Recreation Facility is constructed, it shall not form part of this Agreement until a survey conducted pursuant to Section 4.1(a) is undertaken which demonstrates that 10% or more of the population from the Regional District Areas is attending public sessions at the facility.

6.0 SURVEY

6.1 The usage survey of Recreation Facilities and Sportsfields shall be:

- (a) conducted by the Regional District on or before October 31st in the years 2015, 2020 and 2025.
- (b) the survey shall collect street addresses for the purposes of identifying the participating area as follows:
 - (i) for aquatic centres the survey shall be based on drop-in public attendance, program registrations and group rentals
 - (ii) for ice arenas the survey shall be based on the addresses provided from team registrations and program registrations
 - (iii) for Sports Fields the survey shall be based on the addresses provided from team registrations
- (c) the data for aquatic centres shall be weighted as 50% from drop-in attendance, 40% from program registrations and 10% from facility rentals.
- (d) the data for arenas shall be weighted as 90% from team registrations and 10% from program registrations.

7.0 INDEMNITY

7.1 A party to this Agreement (hereinafter called the “**Supplying Party**”) that provides the Services to another party to this Agreement (herein after called the “**Receiving Party**”), shall indemnify, defend and save harmless the Receiving Party and its elected and appointed officers, employees, agents, successors and assigns from all manner of actions, causes of action, suits, debts, losses, liabilities, costs, expenses, claims and demands whatsoever (collectively “**Liability**”) arising out of any wrongful act, omission or negligence on the part of the Supplying Party, its elected or appointed officers, employees, agents, successors and assigns arising out of the Services provided under this Agreement., except to the extent of a wrongful act, or the Liability is caused by the omission in negligence of the Receiving Party.

8.0 PAYMENT RATES

8.1 The Parties acknowledge and agree that payments under Section 4.1 represent a fair and reasonable reimbursement of the costs of the Sports Field Services and Recreation Services to be provided under this Agreement.

9.0 COVENANTS OF THE PARTIES

9.1 It is a condition precedent to the obligations of the Parties under this Agreement that:

- (a) during the Term, Nanaimo shall maintain a Parks, Recreation and Culture Commission established by bylaw, with a composition, procedures, duties and powers as outlined in Schedule “C”; and
- (b) user or other rates shall not be charged, either directly or indirectly, for the use of Sports Fields or Recreation Services to residents of another Participating Area in excess of rates payable by or on terms other than those offered to residents of the Participating Area in which the Sports Fields are located or the Recreation Services are provided.

9.2 Nanaimo and the Regional District Areas shall consult with each other with respect to the planning and co-ordination of future Sports Field and Recreation Facility development.

10.0 MISCELLANEOUS

10.1 Waivers

The failure at any time of either party to enforce any of the provisions of this Agreement or to require at any time performance by the other party of any such provision shall not constitute or be construed to constitute a waiver of such provision, nor in any way to affect the validity of this Agreement or any parts thereof, or the right of either party thereafter to enforce each and every provision of this Agreement.

10.2 Statutory Powers

Nothing in this Agreement is to be interpreted as affecting or restricting the exercise by Nanaimo, Lantzville or the Regional District of any statutory power, duty or function, which may be fully exercised as if this Agreement had not been executed by the parties.

10.3 Modification

No waiver, modification or amendment of any of the provisions of this Agreement shall be binding unless it is in writing and signed by the duly authorized representatives of both parties.

10.4 Assignment

No assignment of this Agreement shall be made by either party without the written consent of the other. A party's consent to assign will not release or relieve the party from its obligations to perform all the terms, covenants and conditions that this Agreement requires a party to perform and the party requesting the assignment shall pay the other party's reasonable costs incurred in connection with the party's request for consent.

10.5 Survival

The articles, sections, subsections and paragraphs providing for the limitation of, waiver of, or protection against liability of the parties hereto shall survive termination, cancellation or expiration of this Agreement.

10.6 Notice

All notices and demands required or permitted to be given hereunder shall be in writing and may be delivered personally, sent by facsimile or may be mailed by first class, prepaid registered mail to the addresses set forth below. Any notice delivered or sent by facsimile shall be deemed to have been given and received at the time of delivery. Any notice mailed as aforesaid shall be deemed to have been given and received on the expiration of 5 business days after it was posted, addressed as follows:

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2
Attention: General Manager, Recreation and Parks Services

City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6
Attention: City Clerk

or to such other address or addresses as may from time to time be provided in writing by the parties hereto. If there shall be, between the time of mailing and the actual receipt of a notice, a mail strike, slow down or other labour dispute which might affect the delivery of that notice by the mails, then the notice shall only be affected if actually received by the person to whom it was mailed.

10.7 Independent Contractor

Where a party to this Agreement (hereinafter called the "**Supplying Party**") provides Sports Field Services to another party to this Agreement (herein after called the "**Receiving Party**"), the Supplying Party shall be deemed to be an independent contractor and not the agent of the Receiving Party. Any and all agents, servants or employees of the Supplying Party or other persons, while engaged in the performance of any work or services required to be performed by one of the under this Agreement, shall not be considered employees of the Receiving Party and any and all claims that may or might arise on behalf of the Supplying Party, their agents, servants or employees as a

consequence of any act or omission on behalf of the Supplying Party, its agents, servants, employees or other person, shall not be the obligation or responsibility of the Receiving Party. The Receiving Party, their agents, servants or employees, respectively, shall be entitled to none of the rights, privileges or benefits of employees of the Supplying Party except as otherwise may be stated in this Agreement.

10.8 Entire Agreement

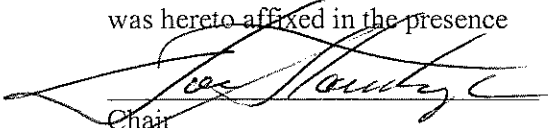
This Agreement shall constitute the entire agreement between the parties and shall supersede all prior written or unwritten negotiations, understandings and agreements.

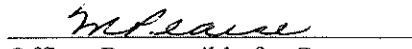
10.9 Arbitration

All disputes arising out of or in connection with this Agreement, or in respect of any defined legal relationship associated therewith or derived therefrom, may at the instance of either party, be referred to a Court of competent jurisdiction or to arbitration by delivery of a Notice of Arbitration in writing. If the parties cannot agree on a choice of arbitrator then each party may appoint an arbitrator and the two arbitrators so appointed must appoint a third arbitrator failing which the third arbitrator must be appointed by a Judge of the Supreme Court of British Columbia. Arbitration will be governed by the Commercial Arbitration Act (British Columbia). The place of arbitration shall be Nanaimo, British Columbia, Canada and the costs shall be borne equally by the parties.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

The Corporate Seal of the
REGIONAL DISTRICT OF NANAIMO
was hereto affixed in the presence

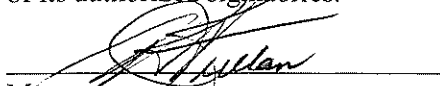

Chair

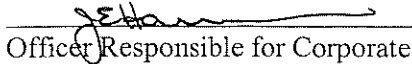

Officer Responsible for Corporate
Administration

of its authorized signatories:)

| | Initial | Date |
|-------------------|-------------|--------------|
| Content (Mgr) | DB | APR 20, 2011 |
| Approved (GM) | [Signature] | APR 21, 2011 |
| Legal Form (SMCA) | MLP | 29/04 |
| Authority (CAO) | CAW | May 5/11 |

The Corporate Seal of the
CITY OF NANAIMO
was hereto affixed in the presence
of its authorized signatories:


Mayor
John Ruttan, Mayor


Officer Responsible for Corporate
Administration
Joan Harrison
Manager of Legislative Services

SCHEDULE "A"

Costs of Sports Field Operation and Maintenance

Labour - includes wages and benefits;

Equipment - means all equipment involved in the maintenance or operation of Sports Fields, including lawnmowers and vehicles and includes costs of operating plus an amount for depreciation calculated in accordance with standard municipal accounting practices;

Materials - means all materials required to maintain and operate Sports Fields, including grass seed and fertilizer;

Field Houses - means change room and washroom facilities at each park and includes facility costs (cleaning, supplies, lighting, heating, etc.)

Water - means costs related to the irrigation of Sports Fields;

Electricity - for the operation of field lights at Sports Fields which are illuminated;

Fleet Maintenance - means the cost of repairing and maintaining vehicles used by parks staff at the facilities, which is reasonably attributable to operation and maintenance of Sports Fields, including depreciation calculated in accordance with standard municipal accounting practices;

Vandalism - means annual costs for removing the effects of vandalism or repairing vandalized property;

Garbage Collection - means collection of litter from Sports Fields;

Departmental Overhead - means the following administrative costs attributable to Sports Fields operation and maintenance:

- salaries of parks maintenance administrative staff
- staff training
- staff meetings
- costs related to operation of parks works yard
- other miscellaneous costs incidental to Sports Fields (e.g. photocopying, office supplies, office equipment rental, advertising, bank charges, etc.)

Costs attributed to Sports Field Operation and Maintenance do not include the construction of structures or improvements.

SCHEDULE "B"

Beban Park, Bowen Park, Nanaimo Aquatic Centre and Nanaimo Ice Centre Costs of Operation and Maintenance

Facilities – means all buildings, structures, swimming pools, arenas, play fields, etc. located at Bowen Park, Beban Park or the Nanaimo Aquatic Centre.

Labour – includes wages and benefits;

Equipment – means all equipment involved in the maintenance or operation of the Facilities, including lawnmowers and vehicles and includes costs of operating plus an amount for depreciation calculated in accordance with Nanaimo's usual accounting practices;

Materials – means all materials required to maintain and operate the Facilities;

Utilities – means all utility costs required to operate the Facilities including, but not limited to: telephones, water fees, sewer fees, electricity, gas and oil.

Building Maintenance – means all costs that are required to maintain the Facilities in good operating condition, e.g. painting, flooring, HVAC, plumbing and electrical repairs, security, janitorial supplies;

Fleet Maintenance – means the cost of repairing and maintaining vehicles used by parks staff at the facilities, which is reasonably attributable to operation and maintenance of Nanaimo Recreation Facilities, including depreciation calculated in accordance with Nanaimo's usual accounting practices;

Vandalism – means costs for removing the effects of vandalism or repairing vandalized property;

Garbage Collection – means collection of garbage from the Facilities;

Program Costs – means those costs incurred for the provision of recreational programs to the public at the Facilities. Costs may include contract staff and recreation supplies.

Departmental Overhead – means the following administrative costs of the Parks and Recreation Service of the City of Nanaimo attributable to the operation and maintenance of the Facilities;

- Salaries of parks and recreation administrative staff
- Staff training
- Staff meetings
- Costs related to the operation of the parks works yard
- Other miscellaneous costs incidental to the Nanaimo Recreation Facilities Service (e.g. photocopying, office supplies, office equipment rental, advertising, bank charges, etc.)

Costs of Sports Field Operation and Maintenance do not include construction of structures or improvements.

SCHEDULE "C"

**Composition, Procedures, Duties and Powers of
Parks, Recreation and Culture Commission**

"PARKS, RECREATION AND CULTURE COMMISSION BYLAW 2006 NO. 7020"

Consolidated Version

2011-FEB-15

Includes Amendments: 7020.01, 7020.02, 7020.03

CITY OF NANAIMO

BYLAW NO. 7020

A BYLAW TO ESTABLISH A PARKS, RECREATION AND CULTURE COMMISSION

WHEREAS the Council of the City of Nanaimo may, pursuant to Section 143(1) of the *Community Charter*, establish Commissions;

WHEREAS the Council of the City of Nanaimo has deemed it appropriate to establish a Parks, Recreation and Culture Commission;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the "PARKS, RECREATION AND CULTURE COMMISSION BYLAW 2006 NO. 7020".

PART I - GENERAL

2. Interpretation

In this Bylaw unless the context requires otherwise:

| | |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| "Director of Parks, Recreation and Culture" | means the person duly appointed as such from time to time, and includes any person appointed or designated by the Director to act on their behalf. |
| "Member" | means a member of the Parks, Recreation and Culture Commission. |
| "Council" | means the City Council of the City of Nanaimo. |
| "Commission" | means the Parks, Recreation and Culture Commission. |

3. The Role of the Commission

The role of the Commission is to provide policy advice to Council for the planning, development and the provision of City Parks, Recreation and Culture services and facilities.

4. Quorum

A quorum of the Commission shall be six (6) members; a quorum of the Parks Committee shall be three (3) members; a quorum of the Recreation Program and Facilities Committee shall be three (3) members; a quorum of the Cultural Committee shall be six (6) members.

5. Appointment of Members

The Commission shall consist of twelve (12) members, each appointed by Council as follows:

- (a) three (3) members of Council;
- (b) five (5) "at large" members who shall each be a resident of the City of Nanaimo;
- (c) one (1) member nominated from each of three (3) Electoral Areas of the Regional District of Nanaimo and one (1) member from the District of Lantzville who participate in the Nanaimo Recreation Centre function.

6. Terms of Appointment

- 6.1 All appointments to the Commission shall be for a term of three (3) years without remuneration.
- 6.2 The Mayor will appoint a member of Council as Chair. The Chair shall serve a three (3) year term, with successive terms at the pleasure of the Mayor. The other two Council representatives will serve on a rotating basis as Acting Chair in the absence of the Chair. (Bylaw 7020.01)
- 6.3 Every member shall continue to hold office until a successor is appointed.
- 6.4 Council may, by an affirmative vote of not less than two-thirds (2/3) of the Council members, remove a member of the Commission from office at any time.
- 6.5 Upon the resignation, the removal from office, or the death of any member during their term of office, Council shall appoint a successor in accordance with the provisions by which the vacating member was appointed.

7. Inaugural Meeting

7.1 The Commission shall meet for its Inaugural meeting, at 7:00 p.m. on the fourth Wednesday of April following the Municipal Election. (Bylaw 7020.03)

7.2 At the Inaugural meeting of the Commission, the members shall from amongst their number appoint, by resolution, persons to serve on the:

- (a) Parks Committee (5 Commission members)
- (b) Recreation Committee (5 Commission members)
- (c) Cultural Committee (4 Commission members)

and representatives to other Committees as deemed appropriate. (Bylaw 7020.02)

7.3 At the Inaugural meeting, or any regular meeting of the Commission, the Commission may appoint Committees as it deems necessary.

8. Notice of Regular Commission Meetings

8.1 On the Friday afternoon prior to a regular meeting of Commission, the Commission Secretary will have available for members to pick up at the Parks, Recreation and Culture administration office, a meeting agenda setting out all items for consideration.

8.2 At least 72 hours before a regular meeting of Commission, the Commission Secretary will post notice of the time, place and date of the meeting by way of posting an agenda at the Parks, Recreation and Culture administration office.

9. Location and Time of Regular Commission Meetings

9.1 Regular meetings of the Commission shall be held at least once (1) in each month excluding August and December, on the fourth Wednesday, at 7:00 p.m. in the Bowen Complex Conference Room, unless otherwise specified.

9.2 Prior to the beginning of each year, a tentative Commission meeting schedule shall be produced and posted at the Parks, Recreation and Culture administration office and on the City's website.

10. Attendance of Public at Meetings

- 10.1 Except where the provision of Section 90(1) or (2) of the *Community Charter* apply, all Commission meetings shall be open to the public.
- 10.2 Where the Commission wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with Section 92(a) and (b) of the *Community Charter*.

PART II – MEETINGS

11. The Chair

- 11.1 The Chair, when present, shall preside at all meetings of the Commission using Roberts Rules of Order to govern the meeting.
- 11.2 Where the Chair, or either Acting Chair, is not present at the time appointed for a meeting of Commission, the Commission shall by resolution appoint an Acting Chair for that meeting.
- 11.3 Every question submitted to a meeting shall be decided by a majority of the members present.

12. Delegations

- 12.1 All delegations requesting permission to appear before the Commission shall submit a written request, including a written synopsis clearly outlining their topic of concern.
- 12.2 Requests to appear as a delegation shall be submitted to the Commission Secretary by 1:00 p.m. on the Wednesday preceding the meeting for inclusion on the Commission agenda. These delegates will be allocated 10 minutes.
- 12.3 Requests to appear as a delegation received after 1:00 p.m. on the Wednesday, but prior to 1:00 p.m. on the Tuesday preceding the meeting, shall be included on the Late Correspondence Agenda, and allocated 10 minutes.

13. Correspondence

The deadline for the public to submit items to the Commission Secretary for inclusion on the Commission agenda shall be 1:00 p.m. on the Wednesday preceding the meeting. Items of correspondence received after that time will be included on the Late Correspondence Agenda.

14. Opening Procedures

- 14.1 Call Meeting to Order - At the hour set for a meeting to commence, and provided that a quorum is present, the Chair shall call the meeting to order.
- 14.2 Lack of Quorum - Should there be no quorum present within fifteen minutes after the time appointed for the meeting to commence, the Chair shall ask the Secretary to record the names of the members present and then adjourn the meeting.

15. Order of Business

- 15.1 The following headings and order of business shall be used:

- Presentations
- Adoption of Minutes
- Introduction of Late Items
- Adoption of Late Correspondence Agenda
- Receiving of Delegations
- Chairman's Report
- Receiving of Correspondence
- Reports of Standing Committees
- Director's Report
- Committee/Commission Representative Reports
- Items of General Information
- Unfinished Business
- Other Competent Business
- Media Question Period
- Public Question Period
- Establish Next Meeting Dates
- Adjournment

- 15.2 Notwithstanding the provisions under Section 15.1, it shall always be in order for the Commission to vary the order in which business on the Agenda shall be dealt with by a majority vote of the members present.

16. Special Meetings

- 16.1 A notice of the day, hour and place of a special meeting of the Commission, being a meeting other than a regular or adjourned meeting, shall be given at least 24 hours before the time of meeting by posting a copy of the notice at the regular Commission meeting place and by leaving one copy for each member of the Commission at the place to which they have directed notices to be sent. Notice may be waived by unanimous vote of all members of the Commission. Each copy of the notice shall be signed by the Chair or the Director of Parks, Recreation and Culture.
- 16.2 Any five (5) members of the Commission may, in writing, request the Chair to call a special meeting.

- 16.3 Where the Chair, within 24 hours after receiving the request, refuses or neglects to call the special meeting to be held within seven (7) days after they received the request, or where the Chair is absent, five (5) or more members of the Commission may call a special meeting and they shall sign the notice.
17. Minutes
- 17.1 Minutes of the proceedings of the Commission shall be legibly recorded in a minute book. The minutes shall be certified as correct by the Director of Parks, Recreation and Culture and signed by the Chair or other member presiding at the meeting or at the next meeting at which they are adopted.
- 17.2 The minutes shall be open for inspection by any person who may make copies and extracts at all reasonable times on payment each time of \$0.25 per page or as specifically provided for under Section 194(1)(c) of the *Community Charter*.
- 17.3 Section 17.2 does not apply to minutes of a special meeting from which persons were excluded under Section 10.
18. Unless otherwise stated in this bylaw, "COUNCIL PROCEDURE BYLAW 2005 NO. 7007" and all amendments thereto shall apply to meetings of the Commission.

PART III – REPEAL

19. "PARKS, RECREATION AND CULTURE COMMISSION BYLAW 2002 NO. 5564" and all amendments thereto are hereby repealed.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1059

(Consolidated for convenience only to .04)

A BYLAW TO ESTABLISH A SERVICE FOR PLEASURE, RECREATION AND OTHER COMMUNITY USE

WHEREAS the Regional District of Nanaimo, by Supplementary Letters Patent dated June 27, 1973 and subsequent amendments thereto, was empowered to acquire a site and construct, operate and maintain a recreational complex at Beban Park, in the City of Nanaimo;

AND WHEREAS the Board of the Regional District of Nanaimo may, under Section 767(4) of the Municipal Act to convert the service to one exercised under the authority of a bylaw, establish the service and may, by the same bylaw, amend the power to the extent it could if the power were exercised under the authority of a bylaw establishing the service;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of the Directors representing Electoral Areas 'A', 'B', 'C' and 'D';

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

1. A service including the function granted to the Regional District of Nanaimo by Supplementary Letters Patent dated June 27, 1973 and subsequent amendments thereto, is established for pleasure, recreation and other community use.
2. The boundaries of the service area are coterminous with the boundaries of The District of Lantzville, Electoral Areas 'A', 'B', 'C' and 'D'.
3. The District of Lantzville, Electoral Areas 'A', 'B', 'C' and 'D' are the participating areas for the service.
4. The annual cost of the service shall be recovered by the requisition of monies under Section 803(1)(a) of the *Local Government Act*.
5. In accordance with Section 800.1(1)(e) of the *Government Act* the maximum amount that may be requisitioned under Section 803(1)(a) for this service shall be the greater of:
 - (a) six hundred and sixty thousand dollars (\$660,000); or
 - (b) the product obtained by multiplying the net taxable value of land and improvements within the service area by a property value tax rate of \$0.457 per thousand dollars of assessment.

6. The annual cost of the service shall be apportioned among the participating areas on the basis of a three year moving average of percentages established by a survey of usage of sportsfields and recreation facilities.
7. This bylaw may be cited as the “Southern Community Recreation Service Area Bylaw No. 1059, 1996”.

Introduced and read three times this 10th day of September, 1996.

Received the approval of the Inspector of Municipalities this 29th day of October, 1996.

Adopted this 14th day of January, 1997.

CHAIRPERSON

SECRETARY