

CONSOLIDATED FOR INFORMATION ONLY

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3137

(**amended by Bylaws No. 3248, 3510, 3580, 3670, 3718, 3885, 3953 and 4398)

**A Bylaw to establish a Parks and Recreation Commission
for The Corporation of the District of Oak Bay**

WHEREAS by Section 691 of the Municipal Act it is enacted that a Municipal Council may, by Bylaw adopted by an affirmative vote of at least two-thirds of all members thereof, instead of establishing a Recreation Commission under Section 690, establish a joint Parks and Recreation Commission under and subject to the provisions of Sections 687 and 690 of the said Act;

NOW THEREFORE the Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

- 1 There shall be established a joint Parks and Recreation Commission which shall be known as Oak Bay Parks and Recreation Commission (hereinafter referred to as the "Commission).
- 2 All authority, jurisdiction and responsibility conferred upon the Commission hereunder is subject to the provisions of Section 14.
*(**Bylaw 3510, adopted Jan.13/86)*
- 3 The Commission shall comprise 9 persons appointed by the Municipal Council from the public at large.
*(**Bylaw 4398, adopted January 28, 2008)*
- 4 No person shall be appointed to the Commission who does not have his or her principal residence within the District of Oak Bay.
*(**Bylaw 4398, adopted January 28, 2008)*
- 5 The term of each appointment to the Commission shall be 2 calendar years, provided that in the event of a vacancy or a delay in appointment, the term shall be for the unexpired portion of the 2 calendar year period.
*(**Bylaw 4398, adopted January 28, 2008)*
- 6 Full term appointments to the Commission shall be staggered so that for each two consecutive year cycle, 5 appointments are made in the first year and 4 in the second.
*(**Bylaw 4398, adopted January 28, 2008)*

- 7 No person shall serve on the Commission for more than 6 consecutive years, except where the initial appointment of the person was for a term of 1 year or less, in which case the limit on consecutive years of service shall be 7 consecutive years.
(**Bylaw 4398, adopted January 28, 2008)
- 7.1 An appointment to the Commission may be rescinded at any time by the Municipal Council.
(**Bylaw 4398, adopted January 28, 2008)
- 8 The following rules and regulations shall govern meetings of the Commission:
- (a) The Commission shall hold regular meetings, at least once in each month;
 - (b) At all such meetings a majority of the members of the Commission shall constitute a quorum;
 - (c) The Commission shall at its first regular meeting appoint a Chairman and a Vice-Chairman, each of whom shall hold office for a period of one year until a successor has been appointed, and each shall have and carry out the duties normally attributed to such office;
 - (d) The latest edition of Roberts Rules of Order is to govern proceedings at meetings;
 - (e) The Commission may from time to time by an affirmative vote of not less than two-thirds of the members present at any meeting, appoint a Committee or Committees for any specific purpose or purposes and may delegate to such Committee or Committees authority with or without restrictions and conditions, to execute and carry out any of the executive or administrative powers of the Commission;
 - (f) The Commission shall have the power from time to time to organize those interests in recreational activities into an Advisory Committee and to meet with that Committee from time to time as the Commission deems necessary.
- 9 The Commission shall cover any insurable interest which it may deem necessary by reason of its undertakings and the expense in connection therewith shall be assured by the Commission.
- 10 Except as herein provided, and subject to the right of the Municipal Council to set general recreational policy and to approve the final budget of the Commission, and to approve fees and charges to be applicable to Parks and Recreation facilities as well to approve priorities of use -- but otherwise the Commission shall have the custody, care, maintenance and programming of all playgrounds, playing fields and buildings used for parks and recreational purposes, as well as all recreational areas, grass plots, public parks and squares and such other areas as may be designated to it for use as parks and recreational areas from time to time by the Council whether within or without the Municipal boundaries.

- 11 The Commission is empowered to organize and conduct a recreational program and for the purpose is empowered to expend monies within the amount appropriated therefor by the Municipal Council and any other monies lawfully received for such purpose.
- 12 The Commission may, on any property under its control and in accordance with the provisions of this Bylaw, maintain, operate and use buildings or equipment requisite for its purpose and recommend to Council from time to time parks and recreation capital projects.
- 13 The Municipal Council shall appoint a Director of Parks and Recreation, who shall be the head of the Parks and Recreation Department and the chief administrative officer for the Commission, responsible for implementing the Commission's policies and decisions, and who shall also act as Secretary to the Commission.
*(**Bylaw 3885, adopted Feb.13/96)*
*(**Bylaw 3953, adopted Sep.22/97)*
- 14 (a) All actions of the Commission shall be taken by resolution.
*(**Bylaw 3510, adopted Jan.13/86)*

(b) Resolutions of the Commission are to take effect upon adoption by such standing committee of Council as may be designated by Council resolution from time to time, and to this end such committee shall be deemed to have been delegated the authority to finally adopt the reports of the proceedings of the Commission.
*(**Bylaw 3670, adopted Jan.14/91)*
- 15 The Commission shall, on or before the 15th day of February, 1975, prepare and submit to the Council the provisional budget for the succeeding year, and in each succeeding year thereafter the provisional budget shall be submitted on or before the 10th day of December; the Commission shall not later than the 15th day of March in each year prepare and submit an annual budget for the current year.
- 16 The Council may request the Commission to resubmit its annual budget to conform to a stated amount and may designate specific areas in which changes will be effected. The Commission shall comply with such directives of the Council.
- 17 The Commission shall not incur any liability beyond its revenue for the current year. Expenditure shall be made which is not provided for in the annual budget of the Commission as approved or subsequently amended by the Council.
- 18 Notwithstanding Section 17 hereof the Commission may in matters within its jurisdiction enter into agreements or contracts with any person, firm, partnership or corporation, but such agreements or contracts shall be subject to such limitations as are imposed on councils under the Municipal Act, and shall not be contrary to established Council policy.
- 19 The Municipal Treasurer of Oak Bay shall keep books of account of the receipts and disbursements for and on account of the business of the Commission and generally such

information as may be required in order that all accounts relating to the Commission may be properly audited by the Municipal Auditor. An audited statement of the affairs of the Commission for the preceding year showing in detail its revenue and expenditure, and its assets and liabilities shall be prepared on or before the 15th day of March in each year and shall be embodied in the annual financial statement of the Municipality.

- 20 The Commission shall collect and receive all funds arising in any manner whatsoever from any and all of the operations under its control. All such funds shall be accounted for by the Commission and shall be deposited to the credit of the Municipality of Oak Bay the offices of the financial institution retained by council to provide banking services to the Municipality. For the purpose of deposit, bills and cheques payable to the Commission may be endorsed by the Director. (**Bylaw 3885, adopted Feb.13/96)
- 21 In addition to its other powers, the Commission is also empowered in respect of the properties under its control:
- (a) To charge and collect fees for admission to any building or to any part or parts of any park or pleasure ground under its jurisdiction, providing such fees have had Council approval and form part of Council's Fees, Charges and Use Manual;
 - (b) To rent in accordance with the Municipal Council's Priorities of Use, for any period not in excess of twelve months at any one time the use of any buildings or parts of any building or any portion or portions of any park or pleasure grounds, and to fix and collect the rents and fees payable by the person or persons renting or using the same, providing such rents and fees have had Council approval and form part of Council's Fees, Charges and Use Manual;
 - (c) To close to the free use of the public the whole or any part of any park or pleasure ground, or the whole or any part of any building or buildings erected thereon, at such times and for such periods as may be deemed advisable; to charge and collect fees for admission to such parks, pleasure grounds or buildings, or parts thereof during such periods, providing such charges and fees have had prior Council approval and form part of Council's Fees, Charges and Use Manual;
 - (d) The Commission is empowered to make such regulations as are necessary to enable it to properly exercise the powers conferred upon it by the Bylaw.
- 22 The "Oak Bay Parks and Recreation Commission Bylaw, 1974", being Bylaw No. 3077 and amending Bylaw No. 3085 are hereby repealed.
- 23 This Bylaw may be cited as the "**OAK BAY PARKS AND RECREATION COMMISSION BYLAW, 1976**".

READ a first, second and third time by the Municipal Council on March 22, 1976

RECONSIDERED, ADOPTED and FINALLY PASSED by the affirmative vote of at least two-thirds of all members of the Municipal Council on April 5, 1976

"Brian R. D. Smith"
Mayor

"Jean L. Macqueen"
Deputy Municipal Clerk

Sealed with the Seal of The
Corporation of the District of Oak
Bay.