

CITY OF NORTH VANCOUVER CITY CLERKS DEPARTMENT
FILE #
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**PART 2**  
**THE COMMISSION**

**Mandate**

2. The District and the City are committed to the joint delivery of quality recreation and arts services to residents of both municipalities, and mandate the Commission, on behalf of the District and the City, to:
  - (a) plan, develop, evaluate, and jointly and seamlessly deliver, within the approved funding of any budget year, an appropriate array of quality Recreation Services and Arts Services in the District of North Vancouver and City of North Vancouver to meet the needs of District and City residents regardless of age, ability, gender or economic status. In carrying out this mandate, the Commission will act in the best interest of the District and the City and in the best interests of residents of both municipalities;
  - (b) implement the North Vancouver Cultural Plan adopted by the City and the District in 2002 (or subsequent plans related to arts and culture approved by the District Council and the City Council) and to undertake periodic reviews of the said North Vancouver Cultural Plan; and
  - (c) administer the Arts Grants.

**Powers, Duties and Functions of Commission**

3. The parties agree that the powers, duties and functions of the Commission are as set out in the District's and City's companion North Vancouver Recreation and Culture Commission Delegation Bylaws No. 7988, 2014, and No. 8381, 2014, respectively, as amended from time to time.

**North Vancouver Recreation and Culture Commission Delegation Bylaws**

4. The City agrees that it will not adopt any bylaws to amend its Delegation Bylaw No. 8381, 2014, without first consulting with the District, and the District agrees that it will not adopt any bylaws to amend its Delegation Bylaw No. 7988, 2014, without first consulting with the City.

**Director of Recreation and Culture**

5. The District and the City agree that:
  - (a) the Commission is responsible for employing a person in the capacity of Director of Recreation and Culture in accordance with the District's and City's companion North Vancouver Recreation and Culture Commission Delegation Bylaws No. 7988, 2014, and No. 8381, 2014, respectively; and
  - (b) the powers, duties and functions of the Director of Recreation and Culture are as set out in the said Delegation Bylaws.

**Composition of Commission**

6. The Commission will consist of eleven (11) Commissioners.

### **Appointment of Commissioners**

7. The District:
  - (a) at the first Council meeting in every December or as soon as practical thereafter,
    - (i) will appoint two (2) members of District Council to serve as Commissioners for a one-year term; and
    - (ii) may appoint one (1) alternate member of District Council who may, on behalf of an absent Commissioner appointed under 7(a)(i) above, take the place of, vote and generally act in all matters for the absent Commissioner; and
  - (b) at the inaugural meeting of Council following each municipal election, or as soon as practical thereafter, will appoint four (4) non-elected representatives to serve as Commissioners for a three-year term.
8. The City:
  - (a) at the first Council meeting in every December or as soon as practical thereafter,
    - (i) will appoint two (2) member of City Council to serve as Commissioners for a one-year term; and
    - (ii) may appoint one (1) alternate member of City Council who may, on behalf of an absent Commissioner appointed under 8(a)(i) above, take the place of, vote and generally act in all matters for the absent Commissioner; and
  - (b) at the inaugural meeting of Council following each municipal election, or as soon as practical thereafter, will appoint two (2) non-elected representatives to serve as Commissioners for a three-year term.
9. The Board of School District #44 will be requested to appoint one member of the Board to serve as Commissioner for a one-year term.
10. For certainty, the term of any Commissioner appointed pursuant to Sections 7 to 9 above continues and will be deemed to be extended until the first meeting of the Commission following new appointments pursuant to those sections.

### **Term Limitation**

11. No person appointed under sections 7(b) or 8(b) may serve more than two (2) consecutive 3-year terms as a Commissioner.

### **Qualifications**

12. Subject to Section 13, a Commissioner appointed pursuant to section 7(a), 8(a) or 9 may hold office as a Commissioner only for such time as he or she holds office as a member of the Council or Board, respectively.
13. A Commissioner appointed pursuant to section 7(b) or 8(b) may only be appointed and hold office for such time as he or she is an elector in either the City or the District.

### **Conflict of Interest**

14. The conflict of interest rules in Division 6 of Part 4 of the *Community Charter*, as amended or replaced from time to time, apply to all Commissioners.

### **Vacancy**

15. In the event of a vacancy on the Commission due to death, resignation, loss of office, loss of qualifications or any other reason, the District, City or Board of School District #44 will, so soon as reasonably possible, make a replacement appointment pursuant to section 7(a), 7(b), 8(a), 8(b) or 9 as applicable.

### **Failure to Attend Meetings**

16. A Commissioner, whether or not he or she is represented by an alternate appointed pursuant to sections 7(a)(ii) or 8(a)(ii), who fails to attend three consecutive regular meetings of the Commission is deemed to have resigned effective at the end of the third such meeting, unless the Chair deems the failure to attend to be acceptable and unavoidable.

## **PART 3**

### **RECREATION FACILITIES**

#### **Construction of Facilities**

17. The parties agree that the design and capital construction costs of each Facility are the sole responsibility of the Facility Owner.

#### **New Facilities**

18. Either the District or the City may create a new Facility but the Facility will not be a Core Facility unless the District and the City mutually agree that:
  - (a) the proposed Facility meets the standard of construction generally applicable to other Core Facilities;
  - (b) the anticipated operating costs of the Facility are appropriate; and
  - (c) the proposed Facility will serve the needs of residents of both the District and the City.

19. Each new Core Facility will be included in the Schedule of Facilities.

#### **Closing Facilities**

20. A Facility Owner may, in its sole discretion, close any Facility (including any Core Facility) that the Facility Owner determines is unsafe, requires significant capital improvements, renovations or repairs, no longer serves a useful function, or the operation of which is no longer in the public interest. For certainty, no Facility Owner will be obliged to replace any closed Facility.

#### **Role of Facility Owner**

21. For any Facility, the Facility Owner may
  - (a) direct the Commission to operate the Facility and provide Recreation Services and Arts Services within the Facility;