

DISCUSSION

The existing Commission By law has become outdated. More specifically, Schedule "A" of the By-law gives the Commission powers that are inconsistent with Council and Corporate policies, especially related to areas of finance and enforcement. Also, the same schedule authorizes the Commission to organize and conduct programs, and to develop, maintain and operate facilities, all of which are operational functions undertaken by staff.

Both the Commission and staff believe that the proposed By-law provides a clear framework for the Commission to operate within, and establishes the Commission as the advocate and champion of Council's initiatives related to public parks as well as public leisure and cultural services. It also stresses the strong link between the Commission and the community in matters relating to parks, recreation and culture.

Should Council choose to adopt the new Commission By law, staff will then review the *Parks, Recreation and Cultural Facilities Regulation By-law No. 13480 (1998)* to ensure that it is harmonized with the new Commission By law, and will bring forward the results of its review for Council's further consideration.

SUMMARY

The existing Commission By-law has become outdated, and is at odds with current Council and Corporate policies. Staff recommend that Council rescind the existing Commission By-law No. 13663, and instruct the City Clerk to introduce a new by-law to establish a Parks, Recreation and Culture Commission.

Should Council adopt the proposed new Commission By-law, staff will review the *Parks, Recreation and Cultural Facilities Regulation By law No. 13480 (1998)* to ensure consistency with the new by law; the results of that review would then be brought forward in the autumn for Council's consideration.

Umendra Mital, P.Eng
City Manager

-City Clerk

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-Assistant City Solicitor, By-laws

APPENDIX 1

Existing By-law No. 13663

CITY OF SURREY

BY-LAW NO. 13663

As amended by By-law No. 13932

A by-law to establish a Parks, Recreation and Culture Commission pursuant to Section 619 of the "Municipal Act", Statutes of British Columbia, 1996, Chapter 323 as amended.
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THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

The Council of the City of Surrey in open meeting assembled, enacts as follows:

1. This By-law may be cited as "Surrey Parks, Recreation and Culture Commission By law, 1999, No. 13663."
2. The Council does hereby establish a Parks, Recreation and Culture Commission of Nine (9) members, Six (6) appointed from the citizenry at large and Two (2) from the City Council and One (1) from the Board of School Trustees (School District #36). The Parks, Recreation and Culture Commission so established is referred to as the "Commission" in this By-law.
3.
 - (1) The Council shall, not later than January 31 of each year, appoint members by resolution for terms of Two (2) Years to fill vacancies created by members of the Commission whose appointments have expired. The Council shall, at the same meeting, appoint by resolution Two (2) of its own members and a School Board Trustee to the Commission for a One (1) Year term.
 - (2) Members of the Commission shall hold office until their successors are appointed by the City Council.
 - (3) Any member of Council appointed as a member of the Commission shall continue as a member of the Commission only as long as the member is a member of Council.
 - (4) Any member of the School Board appointed as a member of the Commission shall continue as a member of the Commission only as long as the member is a member of the Board.
4.
 - (1) Each member of the Commission shall be a resident of the City of Surrey.
 - (2) Whenever a member of the Commission ceases to be a resident of the City of Surrey, the member shall forthwith cease to be a member of the Commission.
5.
 - (1) Where any member of the Commission attends meetings irregularly, and where it is the Commission's opinion that such irregular attendance impairs the efficient functioning of the Commission, the Commission may request Council to terminate the appointment of such member.
 - (2) The Commission may grant a leave of absence to a member for a period of up to three (3) months for business, vacation, illness or other such cause as judged to be reasonable by the Commission.

6. (1) Council, upon a vacancy arising from any cause other than the expiration of a member's term of office, shall forthwith appoint a new member who shall serve for the unexpired portion of the term vacated.
- (2) If such a vacancy occurs, the Commission may make a recommendation to Council that an appointee with certain specified qualifications be considered for appointment.
7. A member of the Commission may not serve for more than Three (3) consecutive two-year terms, provided, however, that after at least One (1) year out of office, the member may be re-appointed.
8. (1) The Commission shall, at its first meeting in January of each year, appoint one of its members as Chair and a second as Deputy Chair. The Chair shall preside at the meeting of the Commission when present, and in the absence of the Chair, the Deputy Chair shall preside. The Commission shall, at the same meeting, appoint a Secretary (ex officio). **Amended
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- (2) A Chair may serve in that capacity for a maximum of Three (3) consecutive years.
9. (1) Meetings shall be held twice a month as a general rule, on the day set each year by the Commission. Meetings in July, August and December shall be called at the discretion of the Chair, with at least one regular meeting of the Commission to be held in July and December.
- (2) At all meetings of the Commission, Five (5) members shall constitute a quorum.
10. (1) The Chair or any Two (2) members may summon a special meeting of the Commission by giving at least Two (2) business days' notice in writing to each member, stating the purpose for which the meeting is called.
- (2) In case of emergency, the Chair has the discretion to waive the requirement for notice in writing.
11. (1) The Chair shall appoint such Committees as may be deemed necessary by the Commission.
- (2) A majority of any Committee shall constitute a quorum.
- (3) Section 12 shall apply to meetings of any Committee appointed pursuant to this Section.
12. All members of the Commission, including the presiding members, may vote on questions before it, and in all cases where the votes of the members present are equal for and against the question, the question shall be negated. Any member who abstains from voting shall be deemed to have voted in the affirmative.
13. The Chair shall preserve order and decide all points of order which may arise, subject to an appeal to the other members present. All such appeals shall be decided without debate and the Chair, or other presiding member appealed from, shall not vote thereon.
14. All questions before the Commission shall be decided by a majority vote.

15. Except as otherwise provided in this By-law, the Commission shall, by resolution, use Roberts Rules of Order to govern the conduct of its meetings.
16. No act or other proceeding of the Commission shall be valid unless it is authorized by resolution at a regular or special meeting of the Commission.
17. The minutes of the proceedings of all meetings of the Commission shall be legibly recorded. The minutes shall be certified and adopted by the Commission at its next meeting.
18. The Council does hereby delegate to the Commission, the powers of Council as set out in Schedule "A" attached to and made part of this By-law.
19. The powers delegated to the Commission shall not extend to or include any powers of the Council which are exercisable by By-law only.
20. The City Manager of the City of Surrey shall exercise with respect to the Commission, all of the duties and powers set forth in Section 197 of the "Municipal Act".
21. The Commission shall be an autonomous body acting within the terms of this By-law and the allocated Budget.
22. The Commission shall cause to be prepared and submitted to the Council, a detailed budget according to the guidelines established by Council. The estimate shall be considered by the Council and adopted in whole or in part.
23. Save by resolution of the Council, the Commission shall not authorize any expenditures except those provided for in the annual budget as adopted by the Council.
24. The City Clerk shall advertise for citizens interested in being appointed to the Commission in the Fall of each year. All applications must be received by the Clerk's Office.
25. The following By-laws are hereby repealed:
 - "Surrey Parks and Recreation Commission By-law, 1970, No. 3113"
 - "Surrey Parks and Recreation Commission By-law, 1970, No. 3113, Amendment By-law, 1970, No. 3138"
 - "Surrey Parks and Recreation Commission By-law, 1970, No. 3113, Amendment By-law, 1977, No. 5161"
 - "Surrey Parks and Recreation Commission By-law, 1970, No. 3113, Amendment By-law, 1988, No. 9814"
 - "Surrey Parks and Recreation Commission By-law, 1970, No. 3113, Amendment By-law, 1989, No. 10093"

PASSED THREE READINGS on the 22nd day of February, 1999.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 1st day of March, 1999.

"D.W. McCALLUM" MAYOR

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SCHEDULE "A"

1. Council does hereby delegate to the Commission all of the administrative powers of the Council relating to parks and parks property, museums and cultural facilities, except the power to acquire, lease or dispose of property, and the power to administer the construction of any building projects.
2. The administrative authority, described in Section 1, shall include authority to authorize expenditures, and authority to incur liabilities, for the purposes of carrying out its duties as set forth in this By-law, within the amounts prescribed in the annual budget of the City.
3. The Commission shall have the custody, care and management of all parks and parks property, museums and cultural facilities, and shall have the power to develop, maintain and operate them.
4. The Commission shall enforce all by-laws of the Council respecting parks and parks property, museums and cultural facilities.
5. The Council does hereby authorize and empower the Commission:
 - (a) to organize and conduct recreation, parks and cultural programs;
 - (b) to conduct part or parts of the recreation, parks and cultural programs outside of the City; and
 - (c) to expend other moneys lawfully received by the Commission for these purposes.
6. All requests for grants and financial assistance to athletic, recreational and cultural bodies shall be directed to the Commission which shall examine these requests and recommend appropriate action to the Council.
7. The funds appropriated for or received by the Commission shall be held on behalf of the Commission by the General Manager, Finance and Technology, who shall disburse the funds upon the requisition of the Commission.
8. The General Manager, Finance and Technology shall report annually to the Council and to the Commission on the receipts and disbursements of the Commission.
9. The Commission shall make full and complete reports on its activities to the Council when requested to do so.

APPENDIX 2

Proposed New By-law

CITY OF SURREY

BY-LAW NO.

A by-law to establish a Parks, Recreation and Culture Commission pursuant to Section 176(1)(g) of the *Local Government Act, R.S.B.C, 1996, Chapter 323* as amended.
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WHEREAS the Council of the City of Surrey (the "Council") may, by by-law, establish a Parks, Recreation and Culture Commission adopted by at least two-thirds of all its members;

AND WHEREAS the Parks, Recreation and Culture Commission is a policy advising body established by Surrey City Council to focus on the park lands within the City of Surrey, as well as public leisure and culture services;

AND WHEREAS Council has deemed the role of the Commission to be:

- advocate and champion Council's initiatives related to key services and programs;
- advise Council on the priorities for parks, recreation and culture services;
- serve as ambassadors for the City in matters relating to parks, recreation and culture;
- provide input, based on community values, into the development of Council and corporate policies and provide input on the creation of Parks, Recreation and Culture Department (the "Department") policies relating to the provision of parks, recreation and culture services;
- waive Departmental policy requirements, where warranted;
- advise the Department on matters that it believes are important relative to parks, recreation and culture services;

AND WHEREAS under this role, the Commission is uniquely positioned to assist Council and the Department because of its close ties to the community and its familiarity with the facilities and services provided by the Department, representing all segments of the community by providing a dynamic link between the community, the Department and City Council;

NOW THEREFORE, the Council of the City of Surrey in open meeting assembled, enacts as follows:

POWERS OF THE COMMISSION AND THE CITY

MANAGER

1. The Commission shall be an autonomous body acting within the terms of this By law.
2. The Council does hereby delegate to the Commission the powers of Council as set out in all applicable sections of "Surrey Parks, Recreation and Cultural Facilities Regulation By law, 1998, No. 13480", as may be amended from time to time.
3. The City Manager of the City of Surrey shall exercise with respect to the Commission, all of the duties and powers set forth in Section 197 of the *Local Government Act*.

COMPOSITION OF THE COMMISSION

4. The Council does hereby establish a Parks, Recreation and Culture Commission of Nine (9) members, Six (6) appointed from the citizenry at large and Two (2) from the City Council and One (1) from the Board of School Trustees (School District #36). The Parks, Recreation and Culture Commission so established is referred to as the "Commission" in this By-law.
5. The City Clerk shall advertise for citizens interested in being appointed to the Commission in the Fall of each year. All applications must be received by the Clerk's Office.
6.
 - (a) The Council shall, not later than January 31 of each year, appoint members by resolution, to fill vacancies created by members of the Commission whose appointments have expired, with the term of appointment customarily being Two (2) Years. The Council shall also appoint by resolution Two (2) of its own members and a School Board Trustee to the Commission for a One (1) Year term, taking into account the wishes of the Board of Trustees of School District No. 36 with respect to the appointment of the School Board Trustee.
 - (b) Members of the Commission shall hold office until their successors are appointed by the Council.
 - (c) Any member of Council appointed as a member of the Commission shall continue as a member of the Commission only as long as the member is a member of Council.
 - (d) Any member of the School Board appointed as a member of the Commission shall continue as a member of the Commission only as long as the member is a member of the School Board.
7.
 - (a) Each member of the Commission shall be a resident of the City of Surrey.
 - (b) Whenever a member of the Commission ceases to be a resident of the City of Surrey, the member shall forthwith cease to be a member of the Commission.
8.
 - (a) Where, in the opinion of the Commission Chair, the performance of an individual Commissioner impairs the effective functioning of the Commission, the Commission Chair may recommend to Council to terminate the appointment of such member.

- (b) Where any member of the Commission attends meetings irregularly, and where it is the Commission Chair's opinion that such irregular attendance impairs the efficient functioning of the Commission, the Commission Chair may recommend to Council to terminate the appointment of such member.
 - (c) The Commission may grant a leave of absence to a member for a period of up to three (3) months for business, vacation, illness or other such cause as judged to be reasonable by the Commission.
9. (a) Council, upon a vacancy arising from any cause other than the expiration of a member's term of office, shall forthwith appoint a new member who shall serve for the unexpired portion of the term vacated.
10. Members of the Commission appointed from the citizenry at large may not serve for more than Three (3) consecutive two year terms.

CONDUCTING COMMISSION MEETINGS

11. (a) The Commission shall, at its first meeting in January of each year, appoint one of its members as Chair and a second as Deputy Chair. The Chair shall preside at the meeting of the Commission when present, and in the absence of the Chair, the Deputy Chair shall preside.
- (b) A Chair may serve in that capacity for a maximum of Three (3) consecutive years.
12. (a) Meetings shall be held at the call of the Chair, with the Commission meeting a minimum of once per calendar quarter.
- (b) At all meetings of the Commission, Five (5) members shall constitute a quorum.
13. (a) In case of emergency, the Chair has the discretion to call a special meeting of the Commission without the requirement for notice in writing.
- (b) Any three (3) members may summon a special meeting of the Commission by giving at least Three (3) business days' notice in writing to each member, stating the purpose for which the meeting is called.
14. The Chair shall appoint such standing or adhoc committees as may be deemed necessary by the Commission.
15. All members of the Commission, including the presiding members, may vote on questions before it, and in all cases

where the votes of the members present are equal for and against the question, the question shall be negated. Any member who abstains from voting shall be deemed to have voted in the affirmative.

16. The Chair shall preserve order and decide all points of order which may arise, subject to an appeal to the other members present. All such appeals shall be decided without debate and the Chair shall not vote thereon.
17. All questions before the Commission shall be decided by a majority vote.
18. The Commission shall, as required by Section 235 of the *Local Government Act*, conduct its meetings in accordance with "Council Procedure By-law, 1999, No. 13600".
19. No act or other proceeding of the Commission shall be valid unless it is authorized by resolution at a regular or special meeting of the Commission.
20. The minutes of the proceedings of all meetings of the Commission shall be legibly recorded. The minutes shall be certified and adopted by the Commission at its next meeting and forwarded to City Council without delay.
21. The following By-laws are hereby repealed:
 - "Surrey Parks, Recreation and Culture Commission By-law, 1999, No. 13663"
 - "Surrey Parks, Recreation and Culture Commission By-law, 1999, No. 13663, Amendment By-law, 2000, No. 13932".
19. This by-law may be cited as "Surrey Parks, Recreation and Culture Commission By-law, 2003, No. xxxxx"

PASSED THREE READINGS on the _____.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on _____.

_____MAYOR

_____CLERK