

VanRIMS No.: 08-2000-20

MEMORANDUM

February 26, 2018

TO: Vancouver City Council

FROM: City Clerk

SUBJECT: Consent to Metro Vancouver Regional Parks Service Amendment
By-law No. 1260

At the February 20, 2018 Regular Council meeting, City Council approved adoption of *Metro Vancouver Regional District Regional Parks Service Amending By-law No. 1255, 2017*, by providing consent on behalf of the electors. Subsequently, the Board of Directors of the Metro Vancouver Regional District (Metro Vancouver) sought approval of By-law No. 1255 from the Inspector of Municipalities who recommended that a new by-law be prepared for Council consent. As such, at its February 23, 2018 regular meeting, Metro Vancouver gave three readings to the *Metro Vancouver Regional Parks Service Amending By-law No. 1260, 2018* and directed staff to seek consent of at least 2/3 of the participants to amend the service area to remove Abbotsford as a participant in the regional park function.

Metro Vancouver requests that Council approve adoption of *Metro Vancouver Regional Parks Service Amending By-law No. 1260, 2018*, by providing consent on behalf of electors. Section 346 of the *Local Government Act* applies to municipal participating area approval and therefore a Council may give participating area approval by consenting on behalf of the electors to the adoption of the By-law.

The Consent to Metro Vancouver Regional Parks Service Amendment By-law No. 1260 is attached for reference.

RECOMMENDATION

THAT Council approve adoption of *Metro Vancouver Regional District Regional Parks Service Amending By-law No. 1260, 2018*, by providing consent on behalf of electors.

FEB 26 2018

File: CR-12-01
Ref: RDP 2018 Feb 23

Janice MacKenzie, City Clerk
City of Vancouver
453 West 12th Avenue
Vancouver, BC V5Y 1V4

Dear Ms. MacKenzie:

Re: Consent to Metro Vancouver Regional Parks Service Amendment Bylaw No. 1260

At its February 23, 2018 regular meeting, the Board of Directors of the Metro Vancouver Regional District (Metro Vancouver) gave three readings to *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018*; directed staff to seek consent of at least 2/3 of the participants to amend the service area to remove Abbotsford as a participant in the regional park function; and following that, forward the Bylaw to the Inspector of Municipalities for approval.

Section 346 of the *Local Government Act* applies to municipal participating area approval and therefore a council may give participating area approval by consenting on behalf of the electors to the adoption of the Bylaw.

I respectfully ask that this matter be included on Council agenda. A sample resolution is set out below for your convenience:

“The Council of _____ approves adoption of *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018* by providing consent on behalf of the electors.”

A response, including Council resolution, to my attention by March 9, 2018 is appreciated. Should you have questions or need clarification, I can be reached at 604.432.6338 or by email at chris.plagnol@metrovancover.org.

Yours truly,



Chris Plagnol
Corporate Officer

CP/kh

Encl: Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018
Regional Parks Service Amendment Bylaw No 1260, dated February 19, 2018

24614992

**METRO VANCOUVER REGIONAL DISTRICT
BYLAW NO. 1260, 2018**

A Bylaw to Amend Greater Vancouver Regional District
Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005

BACKGROUND:

- A. By Division V of Letters Patent issued January 13, 1972, as amended by further Supplementary Letters Patent, Metro Vancouver Regional District was granted the function of regional parks (the “**Regional Parks Service**”), and the participating areas for the Regional Parks Service were deemed to include not only Metro Vancouver Regional District member municipalities, but also member municipalities of the former Vancouver-Fraser Park District;
- B. One of the member municipalities of the former Vancouver-Fraser Park District was the former District of Matsqui, which was not within the boundaries of the MVRD;
- C. On January 1, 1995, the former District of Matsqui and the former District of Abbotsford were incorporated as the City of Abbotsford;
- D. On July 25, 2005, the Board of Directors of the Metro Vancouver Regional District adopted “Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005”, a bylaw to convert the Regional Parks Service and to amend the participating areas to include the area within the boundaries of the former District of Abbotsford, such that the whole of the City of Abbotsford became a municipal participating area for the Regional Parks Service;
- E. The City of Abbotsford has consented to an amendment to the “Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005”, to remove the City of Abbotsford as a participating area from the Regional Parks Service;
- F. The Board of Directors of the Metro Vancouver Regional District wishes to amend “Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005”;
- G. Two-thirds of the participants in the Regional Parks Service have consented to the adoption of this Bylaw to amend the “Greater Vancouver Regional District Parks Service Conversion and Amendment Bylaw No. 1024, 2005”.

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

1. The Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005 (the "Bylaw") is hereby amended as follows:
 - a) By deleting section 2 of the Bylaw; and
 - b) In section 3 of the Bylaw, by striking the phrase "City of Abbotsford" in its entirety.
2. This bylaw may be cited as "Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018".

READ A FIRST TIME THIS 23 day of February, 2018.

READ A SECOND TIME THIS 23 day of February, 2018.

READ A THIRD TIME THIS 23 day of February, 2018.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS _____ day of _____, 2018.

PASSED AND FINALLY ADOPTED THIS _____ day of _____, 2018.

Greg Moore, Chair

Chris Plagnol, Corporate Officer

To: MVRD Board

From: Chris Plagnol, Corporate Officer

Date: February 19, 2018

Meeting Date: February 23, 2018

Subject: **Regional Parks Service Amendment Bylaw No. 1260**

RECOMMENDATION

That the MVRD Board:

- a) give first, second and third reading to *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018*; and
 - b) direct staff to seek consent of at least 2/3 of the participants to amend the service area to remove Abbotsford as a participant in the regional park function, and following that, forward the *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018* to the Inspector of Municipalities for approval.
-

PURPOSE

To consider first, second and third reading of the *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018* that will initiate the withdrawal of the City of Abbotsford as a participant in the regional parks function, and to direct staff to seek consent of at least 2/3 of the participants in the regional parks function in relation to the withdrawal of the City of Abbotsford as a participant.

BACKGROUND

On January 26, 2018, the MVRD Board furthered the withdrawal of the City of Abbotsford as a participant in the MVRD Regional Parks Service by giving second and third reading to the *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1255, 2017*, and by directing staff to seek consent of the participants for the Amending Bylaw.

This Amending Bylaw had been previously provided to the Ministry of Municipal Affairs and Housing for its preliminary consideration and to highlight any areas of concern given the complexity of the matter.

On February 15, 2018, the Ministry informed Metro Vancouver that after further investigation, the Amending Bylaw 1255 could not be approved by the Inspector of Municipalities. The Bylaw contained a reference to an Order-in-Council which the Ministry reasoned could not override the statutory requirements for operating a park outside the boundaries of the regional district. On that basis, the Inspector of Municipalities has indicated that the Amending Bylaw cannot be approved, but has recommended a new Amending Bylaw be prepared.

This report brings forward a new Amending Bylaw to initiate the withdrawal of the City of Abbotsford as a participant in the regional parks function.

MVRD REGIONAL PARKS AMENDING BYLAW

The adoption of a bylaw to amend the *Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005* is required to facilitate the withdrawal of the City of Abbotsford from the Metro Vancouver Regional Parks function. If approved, the Amending Bylaw will amend the participants in the service area by removing the City of Abbotsford as a participant under section 2 and section 3 of Conversion Bylaw 1024.

The proposed Amending Bylaw 1260 is substantially similar to the former Amending Bylaw 1255 (which will be abandoned) except it no longer contains a clause intended to continue park operations outside the boundaries of the regional district. A complete background on various elements of Abbotsford's withdrawal from the service was provided in the report dated January 26, 2018, titled "Regional Parks Service Amendment Bylaw No. 1255".

The new Amending Bylaw is before the Board for first, second and third reading. Once third reading is given, the Amending Bylaw will be circulated to all service area participants (which includes the City of Abbotsford) to obtain their consent to the adoption of the Bylaw. Two-thirds consent of participants is required before the Amending Bylaw can be considered for adoption by the Board. Once consent is obtained, the Amending Bylaw will be forwarded to the Inspector of Municipalities for approval.

ALTERNATIVES

1. That the MVRD Board:
 - a) give first, second and third reading to *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018*; and
 - b) direct staff to seek consent of at least 2/3 of the participants to amend the service area to remove Abbotsford as a participant in the regional park function, and following that, forward the *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018* to the Inspector of Municipalities for approval.

2. That the MVRD Board receive for information the report dated February 19, 2018, titled "Regional Parks Service Amendment Bylaw No. 1260" and provide alternate direction.

FINANCIAL IMPLICATIONS

If the Board approves alternative one, the financial implications include an adjustment to Metro Vancouver's 2018 Annual Budget and Financial Plan (which will be brought forward in March), a reimbursement from the Fraser Valley Regional District on the City of Abbotsford's behalf for its allocated costs of participating in the MVRD regional parks function for the months from January to March 2018, and a one-time payment by Metro Vancouver to the City of Abbotsford representing the proportional return of Park Reserve Fund contributions and transitional costs.

The Fraser Valley Regional District is in the process of establishing a new sub-regional parks function with the City of Abbotsford as a participant beginning in 2018. The transferred regional parks will form part of the new FVRD regional parks function.

If the Board does not approve the Amending Bylaw, the City of Abbotsford will remain as a participant in the MVRD Regional Parks function. The approval of this alternative will require a review of the terms and conditions agreed upon by Metro Vancouver and the City of Abbotsford with respect to its withdrawal from the function and the disposition of parkland.

SUMMARY / CONCLUSION

The MVRD Board approved the terms for the withdrawal of the City of Abbotsford as a participant in the MVRD Regional Parks Service. This change to the service area requires an amendment to the *Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005* to amend service area participants. This report brings forward the associated Amending Bylaw to facilitate this service withdrawal for consideration by the Board. Staff recommend Alternative One.

Attachments:

1. *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018*

24599727

**METRO VANCOUVER REGIONAL DISTRICT
BYLAW NO. 1260, 2018**

A Bylaw to Amend Greater Vancouver Regional District
Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005

BACKGROUND:

- A. By Division V of Letters Patent issued January 13, 1972, as amended by further Supplementary Letters Patent, Metro Vancouver Regional District was granted the function of regional parks (the “**Regional Parks Service**”), and the participating areas for the Regional Parks Service were deemed to include not only Metro Vancouver Regional District member municipalities, but also member municipalities of the former Vancouver-Fraser Park District;
- B. One of the member municipalities of the former Vancouver-Fraser Park District was the former District of Matsqui, which was not within the boundaries of the MVRD;
- C. On January 1, 1995, the former District of Matsqui and the former District of Abbotsford were incorporated as the City of Abbotsford;
- D. On July 25, 2005, the Board of Directors of the Metro Vancouver Regional District adopted “Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005”, a bylaw to convert the Regional Parks Service and to amend the participating areas to include the area within the boundaries of the former District of Abbotsford, such that the whole of the City of Abbotsford became a municipal participating area for the Regional Parks Service;
- E. The City of Abbotsford has consented to an amendment to the “Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005”, to remove the City of Abbotsford as a participating area from the Regional Parks Service;
- F. The Board of Directors of the Metro Vancouver Regional District wishes to amend “Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005”;
- G. Two-thirds of the participants in the Regional Parks Service have consented to the adoption of this Bylaw to amend the “Greater Vancouver Regional District Parks Service Conversion and Amendment Bylaw No. 1024, 2005”.

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

1. The Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005 (the “**Bylaw**”) is hereby amended as follows:
 - a) By deleting section 2 of the Bylaw; and
 - b) In section 3 of the Bylaw, by striking the phrase “City of Abbotsford” in its entirety.
2. This bylaw may be cited as “Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018”.

READ A FIRST TIME THIS _____ day of _____, 2018.

READ A SECOND TIME THIS _____ day of _____, 2018.

READ A THIRD TIME THIS _____ day of _____, 2018.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS _____ day of _____, 2018.

PASSED AND FINALLY ADOPTED THIS _____ day of _____, 2018.

Greg Moore, Chair

Chris Plagnol, Corporate Officer