

COUNCIL MEMBERS' MOTION

2. Amendment to the *Vancouver Charter*

Submitted by: Mayor Ken Sim

WHEREAS

1. The City of Vancouver, including the Vancouver Board of Parks and Recreation ("Park Board"), is primarily created and governed by the *Vancouver Charter* ("VC"), a provincial statute enacted in 1953 that incorporates the City of Vancouver;
2. The VC sets out the statutory powers and authorities which govern the City of Vancouver, and provides a range of powers and responsibilities different from those of other communities governed primarily by the *Community Charter* ("CC") and the *Local Government Act* ("LGA");
3. The VC governs how the City operates, what by-laws Council can enact, and how budgets are determined. Under the VC, Council has the authority to enact by-laws to regulate such things as noise and land use, to buy and sell property, to collect certain taxes, to approve expenditures, and to take on debt, give grants, and hire and discharge employees;
4. The Park Board is established by section 485 of the VC (Part XXIII – Parks), which reads;

"A board of commissioners, to be known as the "Board of Parks and Recreation" or "Park Board," shall be elected as hereinafter provided, and shall consist of seven members or such other number as the Council may by by-law prescribe. The Board has the legal capacity to exercise the powers bestowed on it and to enforce those powers and the exercise thereof by actions, proceeding or prosecution.";
5. The Park Board looks after 250 public parks and beaches, including Stanley Park, VanDusen Botanical Garden, Bloedel Conservatory, and a large public recreation system of 24 community centres, swimming pools, rinks and arenas, sport playing fields, playgrounds, fitness centres, three championship golf courses, street trees, and marinas, among other services and facilities;
6. The City of Vancouver is the only municipality in Canada with an elected park board, with the exception of the Cultus Lake Park Board which is made up of five elected Commissioners (i.e., three elected from the Cultus Lake Park jurisdiction and two elected from the City of Chilliwack jurisdiction);

7. Vancouver's Auditor General (AGO) recently released a performance audit report of the revenue management practices of the Park Board. The audit determined that while some processes were used to inform fee-setting, the Park Board did not operate an effective framework for achieving revenue-related objectives for its revenue-generating assets and services;
8. The AGO's audit report further noted that the Park Board's overall funding structure, as set out in the VC, requires it to obtain City Council approval for all expenditures, including the expenditure of funds generated from revenue-generating activities. The audit found that while the Park Board has strategies to guide the delivery of parks and recreation services, it had not proactively engaged with City Council to align its priorities with available funding;
9. Vancouver's parks, recreation, and cultural assets are prized by Vancouverites and visitors alike and must be protected, maintained, and preserved sustainably and in good working order for future generations;
10. The Park Board, for most practical intents, functions like any other department of the City, albeit as a separate entity with significant independent authority through its elected board;
11. Over the years, the Province has amended the VC numerous times to accommodate the changing needs and priorities of the city. Some amendments have been significant while others have been consequential and/or incidental to other legislation introduced by the Province; and
12. In recent years it has become abundantly clear, given the poor state of Vancouver's parks, recreation services, and infrastructure, that a fundamental change in governance structure is not only needed, it is the only viable path forward to an efficient and effective parks and recreation service for the people of Vancouver.

THEREFORE BE IT RESOLVED

- A. THAT Council formally request that the Province of British Columbia amend or repeal section 485 of the *Vancouver Charter* ("VC") to remove the requirement for an elected board of commissioners, variously referenced in legislation and elsewhere as the "Board of Parks and Recreation" and/or "Park Board", including any and all consequential and/or incidental amendments required to the VC and/or other related legislation, including that any and all legal obligations of the Park Board be assumed by the City;

FURTHER THAT the legal capacity to exercise the powers currently bestowed on the Park Board under the VC, and the authority to enforce those powers, shall

be devolved to and bestowed upon Council, and the delivery of parks and recreation services shall be administered by the City in accordance with Council direction;

AND FURTHER THAT, in accordance with the above, Council formally request that the Province of British Columbia amend the process for revoking and/or cancelling the designation of areas designated as permanent public parks of the City under the VC, notably under section 488 of the VC ("Parks in care of Board"), to a unanimous vote of all Council members, along with provisions for a public referendum.

- B. THAT a Parks and Recreation Transition Working Group ("PRTWG") (Type D advisory body) be convened to facilitate the smooth transition of responsibility for park and recreation services, from the current oversight by an elected Park Board to the oversight of Council;

FURTHER THAT the PRTWG shall have a time-limited mandate of six (6) months to coordinate the ongoing engagement and relationships with park and recreation stakeholders, supported by City staff, and be comprised of the Mayor, the Mayor's Chief of Staff, two City Councillors appointed by the Mayor, a current Park Board Commissioner appointed by the Mayor, and up to six (6) members of the public appointed by the Mayor, with Terms of Reference for the working group to be determined by the Mayor in consultation with, and under the advisement of, the City Manager and the General Manager of Parks and Recreation.

* * * * *