

Board and Information Services
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File: CR-12-01
Ref: RD 2019 Nov 1

NOV 04 2019

Kate O'Connell, City Clerk
City of Burnaby
4949 Canada Way
Burnaby, BC V5G 1M2
VIA EMAIL: kate.oconnell@burnaby.ca

Note:

The City is in agreement with the proposed service amendment bylaw because this would see Metro Vancouver continue to operate Aldergrove Regional Park. The park is mostly contained within the Metro Vancouver Regional District and almost all of the visitation is from people who reside within the Metro Regional District. A resolution from Council is required.

Dear Ms. O'Connell:

Re: Consent to Metro Vancouver Regional Parks Service Amendment Bylaw No. 1290

At its November 1, 2019 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. 1290, 2019*; directed staff to seek consent of at least 2/3 of the participants to amend the service area to add an extraterritorial area to 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 _____ consents to the approval of the adoption of *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1290, 2019* on behalf of the electors; and directs staff to notify the Metro Vancouver Regional District Board of its consent."

Please provide a response in the form of a Council resolution to my attention by Friday, December 6, 2019.

Copied to: City Manager Dir. Parks, Recreation and Cultural Services
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If you have any questions with respect to the proposed bylaw amendment, please contact me by email at Chris.Plagnol@metrovancover.org or by phone at 604-432-6338.

Sincerely,



Chris Plagnol
Corporate Officer

CP/KH/mp

cc: Ravi Chhina, General Manager, Parks and Housing
Mike Redpath, Director, Regional Parks, Parks and Housing

Encl: Report dated October 22, 2019, titled "Regional Parks Service Amendment Bylaw No. 1290"
(Doc# 33135580)

To: MVRD Board of Directors

From: Carol Mason, Chief Administrative Officer
Chris Plagnol, Corporate Officer

Date: October 22, 2019 Meeting Date: November 1, 2019

Subject: **Regional Parks Service Amendment Bylaw No. 1290**

RECOMMENDATION

That the MVRD Board:

- a) give first, second and third reading to *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1290, 2019*; and
 - b) direct staff to seek consent of at least 2/3 of the participants to amend the service area to add an extraterritorial area to the regional park function, and following that, forward the *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1290, 2019* to the Inspector of Municipalities for approval.
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PURPOSE

To consider first, second and third reading of the *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1290, 2019* that will initiate the inclusion of an extraterritorial area for a portion of Aldergrove Park located in the City of Abbotsford, and to direct staff to seek consent of at least 2/3 of the participants in the regional parks function in relation to the amendment.

BACKGROUND

The Province of British Columbia is expected to enact a Regulation to specifically authorize Metro Vancouver Regional District to establish and operate the regional parks service outside its boundaries for the portion of Aldergrove Park located in the City of Abbotsford. In anticipation of that Regulation and to facilitate the process in a timely fashion, it is advisable to amend the Regional Parks Service Bylaw to include this extraterritorial area in the defined boundaries of the parks service area.

This report brings forward the proposed bylaw amendment for the Board's consideration.

ABBOTSFORD PARTICIPATION IN REGIONAL PARKS

The City of Abbotsford was a long-standing participant in the MVRD Regional Parks function, but after a parks service review, discussions were initiated between Metro Vancouver and the City of Abbotsford that examined the boundaries of the service area and explored consideration of the potential withdrawal of the City of Abbotsford from the MVRD regional parks function. In 2018 the City withdrew from the parks service.

Parkland Transfer to Abbotsford

As part of the agreement for the City of Abbotsford to withdraw from the MVRD regional parks service, in May 2018, Metro Vancouver transferred all interests in parkland within the boundaries of the City of Abbotsford to the City of Abbotsford, including the Aldergrove Regional Park. However, since that regional park straddles the border of the Township of Langley and the City of Abbotsford, it was agreed that a single local government to own and operate it. Given the majority of visitors to the Aldergrove Regional Park originate from Metro Vancouver, Metro Vancouver agreed that it was the appropriate jurisdiction to continue to own and operate this park.

Extraterritorial Area – Aldergrove Regional Park East

This ownership model posed a problem because the portion of Aldergrove Regional Park located in Abbotsford was outside the boundaries of the Metro Vancouver Regional District. Section 333(4) of the *Local Government Act* requires that a service provided outside of regional district boundaries must be identified as a separate participating area for the service “as if it were located in the regional district”. Given the unique history and circumstances associated with Aldergrove Regional Park, Metro Vancouver requested a remedy from the Province to authorize an exemption to the statutory requirement.

The Province proposed a Regulation to the *Local Government Act* that would provide the requested exemption, as described below.

MVRD ALDERGROVE REGIONAL PARK REGULATION

Staff have been advised that the Province is preparing a new Regulation that will make an exception to section 333(4) of the *Local Government Act*, and authorize Metro Vancouver Regional District to establish and operate the portion of Aldergrove Regional Park in Abbotsford as an “extraterritorial area”. This extraterritorial area must be included in the defined boundaries of the parks service area, as set out in the Regional Parks Service Bylaw.

Land Transfer to Metro Vancouver

In anticipation of the provincial Regulation, the MVRD Board, at its meeting held May 24, 2019, approved the *Abbotsford Disposition of Eastern Portion of Aldergrove Park Land Agreement* between the Metro Vancouver Regional District and the City of Abbotsford for the sale and transfer of the eastern portion of the Aldergrove Regional Park lands within the municipal boundary of Abbotsford back to Metro Vancouver Regional District.

Once the conditions in this agreement are satisfied - a Regulation is in place allowing Metro Vancouver to own and operate the eastern portion of Aldergrove Regional Park without requiring the City of Abbotsford to be a member of the MVRD for regional park purposes - Metro Vancouver will be returned ownership and will continue operation of both the western and eastern portions of the Aldergrove Regional Park, with the eastern portion being an ‘extraterritorial area’.

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* (proposed in this report) is required to bring effect to the aforementioned Regulation. The required amendment to the Regional Parks Service Bylaw is to include the extraterritorial area in the defined boundaries of the parks service area.

In addition, two minor housekeeping amendments are proposed: two section references to the *Local Government Act* that appear in the Amending Bylaw were outdated, and have been updated to reflect the current numbering in the Act.

The 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 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. If approved by the Inspector, the Amending Bylaw will be presented to the Board for consideration of final adoption.

ALTERNATIVES

1. That the MVRD Board:
 - a) give first, second and third reading to *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1290, 2019*; and
 - b) direct staff to seek consent of at least 2/3 of the participants to amend the service area to add an extraterritorial area to the regional park function, and following that, forward the *Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1290, 2019* to the Inspector of Municipalities for approval.
2. That the MVRD Board receive for information the report dated October 22, 2019, titled “Regional Parks Service Amendment Bylaw No. 1290”, and provide alternate direction.

FINANCIAL IMPLICATIONS

If the Board approves alternative one, there will be no additional financial impacts as staff previously anticipated approval of the provincial regulation when preparing the 2020 budget. Under an existing agreement between the MVRD and the City of Abbotsford that has been in place while awaiting Provincial regulatory approval, Metro Vancouver Regional Parks has operated and maintained both the Langley (West) and Abbotsford (East) portions of Aldergrove Regional Park. The operating costs for Aldergrove Park East are included in the 5-year financial plan.

SUMMARY / CONCLUSION

The Province of British Columbia is expected to enact a Regulation to authorize Metro Vancouver Regional District to operate the regional parks service outside its boundaries for the portion of Aldergrove Park located in the City of Abbotsford, without the City being a participant in the parks service. To bring effect to that Regulation, the *Greater Vancouver Regional District Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005* must be amended to include this extraterritorial area in the defined boundaries of the parks service area. This report brings forward the associated Amending Bylaw for consideration by the Board. Staff recommend Alternative One.

Attachments

1. Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1290, 2019

33135580

**METRO VANCOUVER REGIONAL DISTRICT
BYLAW NO. 1290, 2019
A Bylaw to Amend Greater Vancouver Regional District
Regional Parks Service Conversion and Amendment Bylaw No. 1024, 2005**

WHEREAS:

- A. By Division V of Letters Patent issued January 13, 1972, as amended by further Supplementary Letters Patent, Metro Vancouver Regional District (formerly Greater Vancouver Regional District) was granted the function of operating 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. 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;
- C. On April 27, 2018, the Board of Directors of the Metro Vancouver Regional District adopted “Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018”, a bylaw to amend the participating areas to remove the City of Abbotsford as a municipal participating area for the Regional Parks Service;
- D. The Board of Directors of the Metro Vancouver Regional District has obtained approval from the Province of British Columbia to establish and operate the regional parks service in an extraterritorial area comprising that portion of Aldergrove Regional Park located within the boundaries of the City of Abbotsford;
- E. 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”;

NOW THEREFORE the Board of the Metro Vancouver Regional District 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) In the preamble of the Bylaw, add new paragraphs G and H respectively, at the end of this section, as follows:
 - “G. On April 27, 2018, the Board of Directors of the Metro Vancouver Regional District adopted “Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1260, 2018”, a bylaw to amend the participating areas to remove the City of Abbotsford as a municipal participating area for the Regional Parks Service;

- H. Consent from at least two-thirds of the Service participants to add an extraterritorial area comprising that portion of Aldergrove Regional Park located within the boundaries of the City of Abbotsford was received;”
- b) In section 4 of the Bylaw, titled “Service Area”, delete and replace the section in its entirety with the following:
- “4. The service area for the Service consists of:
- (a) all that land within the boundaries of the Participating Areas; and
- (b) all that land in the eastern portion of Aldergrove Regional Park, identified as Extraterritorial Area, as shown on the map in Schedule A, hereto affixed and forming part of the Bylaw.”
- c) In section 5 of the Bylaw, titled “Cost Recovery”, sub section (b), delete the words “Division 4.3” and replace them with the words “Part 11, Division 3”.
- d) In section 6 of the Bylaw, titled “Cost Apportionment,” delete the words “section 804(2)(a)” and replace them with “section 380(2)(a)”.
2. This bylaw may be cited as “Metro Vancouver Regional District Regional Parks Service Amending Bylaw No. 1290, 2019”.

Read a first time this _____ day of _____, _____.

Read a second time this _____ day of _____, _____.

Read a third time this _____ day of _____, _____.

Approved by the <Inspector of Municipalities this _____ day of _____, _____.

Passed and finally adopted this _____ day of _____, _____.

Sav Dhaliwal, Chair

Chris Plagnol, Corporate Officer

Schedule A

Aldergrove Regional Park Extraterritorial Area to be Added to Regional Parks Service

