



**REGULAR BOARD MEETING
MEETING MINUTES**

APRIL 10, 2017

The Regular Park Board meeting was held on Monday, April 10, 2017, at 7:50 pm, at the Park Board Office.

PRESENT: Commissioner John Coupar
Commissioner Casey Crawford
Commissioner Catherine Evans
Commissioner Sarah Kirby-Yung
Commissioner Stuart Mackinnon
Commissioner Erin Shum, Vice-Chair
Commissioner Michael Wiebe, Chair

GENERAL MANAGER'S OFFICE: Malcolm Bromley, General Manager
Shauna Wilton, Deputy General Manager
Cheryl Chan, Executive Office and Board Relations
Jessica Kulchyski, Recorder
Carol Lee, Meeting Clerk

WELCOME

The Chair acknowledged that we are on the unceded traditional territory of the Musqueam, Squamish and Tsleil-Waututh First Nations.

IN CAMERA

1. May 1, 2017 Meeting

MOVED by Commissioner Coupar
SECONDED by Commissioner Evans

THAT the Board will go into a meeting on May 1, 2017, which is closed to the public, pursuant to Section 165.2(1) of the *Vancouver Charter*, to discuss matters related to paragraphs:

- (g) litigation or potential litigation affecting the City or Park Board;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (k) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages and that, in the view of the Board, could reasonably be expected to harm the interests of the City and Park Board if they were held in public.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

1. Regular Board Meeting - March 27, 2017

MOVED by Commissioner Evans

SECONDED by Commissioner Coupar

THAT the Park Board minutes of the March 27, 2017 meeting be adopted, with the amendment to replace New Business Item 1 on Page 6 with:

“Commissioner Coupar read aloud a communication from four Commissioners, requesting that staff limit their involvement in the 4/20 Protest Event at Sunset Beach to measures that support public safety and traffic management, consistent with a protest rather than a special event. The letter dated March 15, 2017 from Commissioners Crawford, Coupar, Kirby-Yung and Mackinnon is appended to the minutes.”

CARRIED UNANIMOUSLY

COMMUNICATIONS

The Board was advised that a letter dated April 7, 2017 appointing Commissioner Wiebe as the liaison to the Riley Park Hillcrest Community Association was sent to Commissioners.

COMMITTEE REPORT

1. Report of the Park Board Committee - April 10, 2017

The Board considered the report containing recommendations and actions taken by the Park Board Committee. Its items of business included:

1. REPORT: Vancouver Folk Music Festival - Program Expansion
2. REPORT: Aboriginal Day Live - Special Event
3. REPORT: Our Cityride Vancouver - Special Event

MOVED by Commissioner Coupar

SECONDED by Commissioner Mackinnon

THAT the Board approve the recommendations and actions taken by the Park Board Committee at its meeting of April 10, 2017, as contained in items 1 through 3.

CARRIED

(Commissioner Kirby-Yung absent for the vote)

GENERAL MANAGER'S REPORT

Malcolm Bromley, General Manager, Park Board, advised that there were no reports pertinent to the Park Board on the agenda of the April 11, 2017 Council meeting.

STAFF REPORT

1. Community Centre Association Joint Operating Agreement with Legal Considerations

Malcolm Bromley, General Manager, Park Board, introduced Karin Grubb, Solicitor, City of Vancouver.

Shauna Wilton, Deputy General Manager, Park Board, led the review of a presentation reporting back on the legal review process undertaken at the direction of the Board on March 6, 2017:

- Community Centre Network
- Role and responsibilities of the Park Board and the Community Centre Associations (CCAs) with respect to the community centres
- Foundational principles
- Need to update the current Joint Operating Agreement (JOA)
- Renewal efforts leading to the “A New Way Forward” consultation process that commenced in spring 2016 to develop a new JOA
- “A New Way Forward” legal review
- Issues addressed and amendments proposed as a result of the legal review
- Outstanding issues
- Outcomes of the proposed JOA.

Ms. Wilton, along with Mr. Bromley, responded to questions from the Committee.

MOVED by Commissioner Coupar
SECONDED by Commissioner Crawford

BE IT RESOLVED:

- A. THAT the Vancouver Park Board approve the form of Joint Operating Agreement (attached as Appendix B); and
- B. FURTHER THAT the Vancouver Park Board authorize the General Manager of the Park Board to offer to each Community Centre Association (CCA) currently operating a community centre jointly with the Park Board to enter into a new Joint Operating Agreement, based on the form approved by the Park Board and completed for each respective CCA as indicated in the form of agreement, subject to the General Manager of the Park Board first being satisfied that:
 1. The CCA is in compliance with its financial disclosure obligations under the current Joint Operating Agreement;
 2. The CCA is not in arrears of any payments due from the CCA to the Park Board; and
 3. Any outstanding litigation between a CCA and the Park Board has been brought to an end through:

- a. At the option of the Park Board, a Consent Dismissal Order being entered with the Court dismissing the outstanding litigation or a Notice of Discontinuance being filed with the Court discontinuing the action against the Park Board; and
- b. A Mutual Release being executed by the Park Board and the CCA releasing all claims.

Motion to Refer

MOVED by Commissioner Shum
SECONDED by Commissioner Wiebe

THAT the Vancouver Park Board directs staff to direct legal counsel to finalize outstanding issues including term, membership, retained earning, and use of revenue with legal counsel and the representatives of Community Centres Association and to report back by May 1, 2017.

DEFEATED
(Commissioners Shum and Wiebe voted in favour)

Amendment to the Main Motion

MOVED by Commissioner Kirby-Yung
SECONDED by Commissioner Mackinnon

THAT Item A be amended to:

- A. THAT the Vancouver Park Board approves the form of Joint Operating Agreement (attached as Appendix B) with the following modifications to be enacted to reflect the intent of each of the following revisions:
 1. Modify Clause 8 Association Membership in support of an Opt Out or an Opt In model, at the Association's discretion, with such membership to be free of charge;
 2. Modify Clause 3 Term of Agreement to include: a) (3.1) - an initial term of (10 years) b) (3.2) - a renewal term of (5) years as well as various references to the "7 year term" to become "10 year term";
 3. Modify Clause 14.1(c) paragraph one to insert "& purposes" as follows:
All Facility-Generated Revenue or other revenue generated through the use of the Jointly Operated Facilities, Common Spaces or with the assistance of the Park Board or Park Board Personnel that is received by the Associations will be used by the Association to directly benefit the public through the provision of Programming and services at or from the Jointly Operated Facilities, the acquisition of equipment, minor capital and supplies used for the provision of such Programming and services, or for the payment of expenses incurred in respect of the Association's operations and purposes pursuant to this Agreement, unless otherwise agreed to by the Park Board;

4. Modify the definition and Clause 14.3(c) Surplus Revenue to amend terminology to Retained Earnings

Prior to the end of the first year of the Term, the Association will develop a plan to spend and/or to keep as operating contingency at the Association's discretion, its Retained Earnings and will update that plan on an annual basis to reflect amounts actually spent in the past year, use of funds, the current balance of Retained Earnings and any revised plans for future spending of the Retained Earnings. The Association will make its plan publically available and will post its plan and all updates on the Association's website.

The Association will use its best efforts to execute on its plan and shall make expenditures of Retained Earnings in accordance with the plan, as it is updated from time to time. Subject to the foregoing, the Association agrees that Retained Earnings may only be spent on physical improvements to or capital projects within the Community Centre Network or for the direct provision of Programming or services to the public at or from the Jointly Operated Facilities.

The Association acknowledges and agrees that the buildings and Fixtures comprising the Entire Facility are and will continue to be owned by the City and Park Board, notwithstanding any contribution of funds (including Retained Earnings and grant revenue) by the Association;

5. Modify 14.5(a) Operations Fee table to reflect 2% each year for Years 3-10; and

Amendment to the Amendment

MOVED by Commissioner Evans

SECONDED by Commissioner Crawford

THAT Item A be amended by adding Item 6:

6. Amend the definition of Operations Fee in Section 1(dd) to state: "Operations Fee" means a fee paid by the CCAs to the Park Board to be used to increase equity and achieve Public Policy goals across the Community Centre Network; and

CARRIED UNANIMOUSLY

Commissioner Kirby-Yung responded to questions regarding the proposed amendment to the Main Motion.

Question on the Amendment, as Amended

- A. THAT the Vancouver Park Board approves the form of Joint Operating Agreement (attached as Appendix B) with the following modifications to be enacted to reflect the intent of each of the following revisions:

1. Modify Clause 8 Association Membership in support of an Opt Out or an Opt In model, at the Association's discretion, with such membership to be free of charge;
2. Modify Clause 3 Term of Agreement to include: a) (3.1) - an initial term of (10 years) b) (3.2) - a renewal term of (5) years as well as various references to the "7 year term" to become "10 year term";
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4. Modify the definition and Clause 14.3(c) Surplus Revenue to amend terminology to Retained Earnings

Prior to the end of the first year of the Term, the Association will develop a plan to spend and/or to keep as operating contingency at the Association's discretion, its Retained Earnings and will update that plan on an annual basis to reflect amounts actually spent in the past year, use of funds, the current balance of Retained Earnings and any revised plans for future spending of the Retained Earnings. The Association will make its plan publically available and will post its plan and all updates on the Association's website.

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The Association acknowledges and agrees that the buildings and Fixtures comprising the Entire Facility are and will continue to be owned by the City and Park Board, notwithstanding any contribution of funds (including Retained Earnings and grant revenue) by the Association;

5. Modify 14.5(a) Operations Fee table to reflect 2% each year for Years 3-10;
6. Amend the definition of Operations Fee in Section 1(dd) to state: "Operations Fee" means a fee paid by the CCAs to the Park Board to be

used to increase equity and achieve Public Policy goals across the Community Centre Network; and

Motion to Recess

MOVED by Commissioner Wiebe
SECONDED by Commissioner Shum

THAT the Vancouver Board of Parks and Recreation recess the meeting at 8:58 pm to an In Camera meeting.

CARRIED
(Commissioners Coupar and Kirby-Yung opposed)

Meeting Reconvened

The Regular Board meeting of the Vancouver Board of Parks and Recreation reconvened on Monday, April 10, 2017 at 9:23 pm.

Question on the Amendment, As Amended:

Question was called on the amendment, as amended, and it was:

CARRIED
(Commissioners Shum and Wiebe opposed)

Question on the Main Motion, As Amended

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the Jointly Operated Facilities, the acquisition of equipment, minor capital and supplies used for the provision of such Programming and services, or for the payment of expenses incurred in respect of the Association's operations and purposes pursuant to this Agreement, unless otherwise agreed to by the Park Board;

4. Modify the definition and Clause 14.3(c) Surplus Revenue to amend terminology to Retained Earnings

Prior to the end of the first year of the Term, the Association will develop a plan to spend and/or to keep as operating contingency at the Association's discretion, its Retained Earnings and will update that plan on an annual basis to reflect amounts actually spent in the past year, use of funds, the current balance of Retained Earnings and any revised plans for future spending of the Retained Earnings. The Association will make its plan publically available and will post its plan and all updates on the Association's website.

The Association will use its best efforts to execute on its plan and shall make expenditures of Retained Earnings in accordance with the plan, as it is updated from time to time. Subject to the foregoing, the Association agrees that Retained Earnings may only be spent on physical improvements to or capital projects within the Community Centre Network or for the direct provision of Programming or services to the public at or from the Jointly Operated Facilities.

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5. Modify 14.5(a) Operations Fee table to reflect 2% each year for Years 3-10;
6. Amend the definition of Operations Fee in Section 1(dd) to state: "Operations Fee" means a fee paid by the CCAs to the Park Board to be used to increase equity and achieve Public Policy goals across the Community Centre Network; and

- B. FURTHER THAT the Vancouver Park Board authorize the General Manager of the Park Board to offer to each Community Centre Association (CCA) currently operating a community centre jointly with the Park Board to enter into a new Joint Operating Agreement, based on the form approved by the Park Board and completed for each respective CCA as indicated in the form of agreement, subject to the General Manager of the Park Board first being satisfied that:

1. The CCA is in compliance with its financial disclosure obligations under the current Joint Operating Agreement;
2. The CCA is not in arrears of any payments due from the CCA to the Park Board; and

3. Any outstanding litigation between a CCA and the Park Board has been brought to an end through:
 - a. At the option of the Park Board, a Consent Dismissal Order being entered with the Court dismissing the outstanding litigation or a Notice of Discontinuance being filed with the Court discontinuing the action against the Park Board; and
 - b. A Mutual Release being executed by the Park Board and the CCA releasing all claims.

CARRIED
(Commissioner Shum abstained)

Recess

The meeting recessed at 9:41 pm and reconvened at 9:53 pm.

Motion to Suspend Rules

MOVED by Commissioner Mackinnon
SECONDED by Commissioner Coupar

THAT the Vancouver Board of Parks and Recreation suspend the Park Board rules to allow the meeting to continue beyond 10:00 pm.

CARRIED UNANIMOUSLY

MOTIONS ON NOTICE

1. Recreation Fees for Pre-Schoolers and Families

Commissioner Crawford introduced the motion and commented on the need to allow staff sufficient time to assess the capacity within the 2018 operating budget to incorporate a significant change to support families. Commissioner Crawford responded to questions from the Board.

MOVED by Commissioner Crawford
SECONDED by Commissioner Mackinnon

WHEREAS:

1. Creating accessible facilities that encourage participation and engage families and children in physical activity are objectives supported by and valued by the citizens of Vancouver and by the Vancouver Board of Parks Recreation;

2. The stated goals of the Park Board strategic plan include delivering parks and recreation services that meet the needs of our communities both now and in the future;
3. Park Board goals also include a commitment to connecting people, facilitating healthy lifestyles and enriching communities;
4. With high housing, transportation and child-care costs, families in Vancouver with young children find it challenging to balance basic needs with active lifestyle choices like sports and recreation; and
5. In the process of developing an operating budget, the Park Board should review pricing structures and consider opportunities to support families and encourage healthy and active communities.

THEREFORE BE IT RESOLVED:

- A. THAT the Vancouver Board of Parks and Recreation direct staff to review the current pricing structure for the pre-school category at Park Board facilities during the development of the 2018 operating budget; and
- B. THAT staff investigate the budget implications of adjusting the pre-school age category from the current '2 years of age and under', to '5 years of age and under'; and
- C. FURTHER THAT staff report back to the Board with recommendations on how to proceed before finalizing the 2018 operating budget.

CARRIED UNANIMOUSLY

NEW BUSINESS

Commissioner Mackinnon recognized the passing of Bill Wong of Chinatown's Modernize Tailors on April 8, 2017. Commissioner Mackinnon requested that the Board join him in extending condolences to Mr. Wong's family.

Commissioner Shum advised that April is Autism Awareness Month and encouraged Commissioners to wear blue or to attend the events around Vancouver and the Province.

Commissioner Crawford invited Commissioners to join him and the West End Families Association in a walk around the west end on May 8, 2017 to understand their thoughts and concerns regarding play spaces. The invitation with further details will be forwarded to Commissioners.

ENQUIRIES

1. A Board member enquired if the Park Board or the City has a policy on the placement of charity boxes on public lands. Malcolm Bromley, General Manager, Park Board, undertook to have staff investigate and report back.

2. A Board member enquired if a previous Board had approved the Ireland Canada monument project. Mr. Bromley confirmed that it was approved by a previous Board and would have staff provide an update.
3. A Board member enquired regarding the hosting of small ceremony to mark the refurbishment of the Lions Clock in Queen Elizabeth Park. Mr. Bromley suggested that the request be sent to his office for staff consideration.

ADJOURNMENT

There being no further business, the meeting was adjourned.

The Board adjourned at 10:12 pm.

* * * * *

Malcolm Bromley
General Manager

Commissioner Michael Wiebe
Chair