

Vancouver Parks and Recreation Services: Proposed Governance Transition

Transition Plan Summary



GOVERNANCE TRANSITION

Transition Plan Summary

February 7, 2024

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1. BACKGROUND AND CONTEXT

Background: City Council Direction

On December 13, 2023, Council adopted a resolution requesting legislative amendments from the Government of B.C. that would transition the governance of parks and recreations services in Vancouver from a separate, elected Park Board to Council.

This transition is intended to simplify governance for parks and recreation services as core City services; ensure efficient service operations; reduce complexity in public service experiences; and reduce any duplication that has resulted from dual governance systems. These governance and operational changes are anticipated to result in service improvements, process simplification and financial savings that can be reinvested in parks and recreation and other City services.

Council also committed to enhancing parks protections and continuing the City's commitment to meaningful public access to governance and governance process related to parks and recreation services. The Council resolution is included in Appendix A.

Context: The Vancouver Charter

The *Vancouver Charter* ("VC") is the provincial statute that incorporates the City of Vancouver. 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* and the *Local Government Act*.

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.

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.

Current Roles and Responsibilities

The Park Board currently governs and operates 250 public parks and beaches – including Stanley Park, VanDusen Botanical Garden, Bloedel Conservatory – and public recreation facilities that include 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.

While the Park Board governs and operates these services through a team of employees, it is important to note that the Park Board is not a wholly separate legal entity from the City. The Park Board does not own the land or facilities that it oversees, nor is it a separate legal employer.

The land on which parks and recreation services are provided is primarily owned by the City, with some key properties such as Stanley Park and Vanier Park being leased from the federal government for the provision of park services. Likewise, all facilities currently under the governance of the Park Board are owned by the City.

Further, all employees who currently report to the Park Board are in fact employees of the City and the negotiated collective agreements with CUPE 1004 and CUPE 15 are agreements with the City that set out contractual obligations to bargaining unit employees.

2. CONSIDERATIONS AND GENERAL APPROACH

A. Considerations and General Approach

The City has a long history of organizational development and evolution. As the City has grown, so too has its services and operations. Recognizing the dynamic and changing environment in which the City operates, operational structures are regularly revised for improved policy alignment and service delivery. As such, the City has considerable experience in restructuring service departments and delivery. While the contemplated transition of parks and recreation services presents some unique complexities relative to the VC and current Park Board governance, the operational, human resource and legal considerations are similar to other organizational transitions.

Like other City operational reviews and resulting organizational structure changes, the planning for the proposed governance changes for parks and recreation services will be approached with thoughtfulness and care to maximize public benefit, while being considerate of staff.

Recognizing the complexity of the proposed transition, initial focus is on addressing critical issues for transition – primarily legal and by-law matters – while laying the foundation for early post-transition service and operational improvements and longer-term transformative opportunities. Importantly, the City is approaching this potential transition as an opportunity to enable significant service improvements across the City's operations; simplify processes and ensure faster decision-making for both the community and internally; reduce administrative duplication; improve leveraging of expertise across City operations; and increase permanent park designations.

Potential Timelines

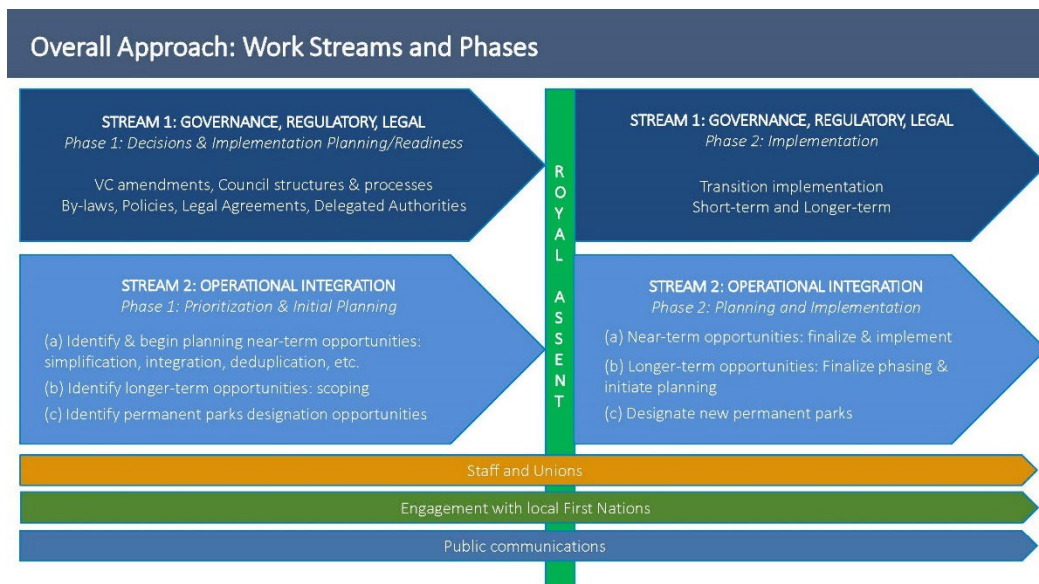
The City has not confirmed the timing of potential amendments to the VC. Seeking timely implementation of the VC amendment is of importance to the City as any prolonged period of uncertainty is operationally destabilizing and creates unnecessary stress for all stakeholders.

Park Board Staff Participation

The Park Board’s current direction to staff to not support transition planning significantly impacts planning of any service and operational improvements and integration. While City staff can certainly prioritize areas for focus based on decades of working in the dual governance environment, it is not feasible to finalize decisions without the input of Park Board staff who are engaged in leading and doing the work.

General Approach

The project team has parsed the work into two streams (i) governance, regulatory and legal and (ii) operational integration, with some cross-cutting workstreams related to engagement with the local First Nations, staff and Union engagement, and public communications. The project team has also phased the work based on timing of the legislative changes. The chart below illustrates the overall project streams, noting the moment any VC amendments come into force as “Royal Assent”, while recognizing that changes to the legislation could in fact be deemed to be effective as of a certain date.



Further information about each of these streams of work is provided below.

B. Stream I: Governance, Regulatory, and Legal Matters

There are four areas of work within this stream:

- a) Governance
- b) Legislation and Regulatory
- c) Policies and Delegated Authorities
- d) Existing Legal Obligations

a) Governance

While transitioning governance to Council is straightforward in that Council becomes the sole elected body, how Council will structure its governance responsibilities and enable meaningful public access to them as the elected governors for parks and recreation services is important to communities. There are a variety of options that could be considered in relation to how Council structures its parks and recreation related deliberations and various pathways for how the community could provide input into Council decisions. Overall, we would consider these governance options and access to governance considerations.

Through its resolution, Council committed to the establishment of a Parks and Recreation Transition Working Group (“Working Group”) (Type D advisory body) to facilitate the smooth transition of responsibility for parks and recreation services from the current oversight by an elected Park Board to oversight by Council.

Council has established and appointed the Working Group and adopted its terms of reference. The Working Group will provide recommendations and feedback to Council on efficient, effective and meaningful pathways for community engagement with and input to Council in its proposed governance role for parks and recreation services. It is anticipated that the Working Group will:

1. Continue engagement with local First Nations regarding Council’s proposed governance of parks.
Please note: With respect to this item, the City’s relationships with the First Nations are treated as government-to-government relationships. The engagement with Nations requested via the Working Group will be on the Working Group’s focused scope of engagement. Other matters related to this transition will be discussed through established government-to-government relations. Further discussion is provided below.
2. Gather and review feedback from stakeholders regarding considerations and options for stakeholder engagement related to Council’s proposed governance of parks and recreation services.
3. Review governance models from other municipalities.
4. Develop options and advice for meaningful, effective and efficient processes for public input to Council regarding governance of parks and recreations services.
5. Facilitate smooth transition to new governance processes.

As per the Council resolution, the Working Group includes the Mayor, two Councillors, one Park Board member, the Mayor’s Chief of Staff and up to six members of the community. The Working Group will be supported with advice from the City Manager, a Deputy City Manager and the General Manager for the Park Board. Additional staff supports related to administration and subject matter expertise will be provided as needed.

The Working Group will be in place for six months to support Council as Council determines how to implement the proposed assumption of governance responsibilities.

b) Legislation and Regulatory

There are two primary areas of work in this category: (i) VC amendments and (ii) By-laws and authorities.

(i) Vancouver Charter Amendments

Legal Services will provide input to counterparts at the Government of B.C. regarding any necessary amendments to the VC as the provincial government reviews and considers the Council resolution. While the Community Charter provides a working example of how all other municipal councils across B.C. already effectively govern parks and recreation, there are unique considerations arising from the VC that require further consideration.

(ii) By-laws

The Park Board has enacted six by-laws that govern the services and operations under its current purview. Some of these by-laws govern matters unique to parks and recreation services, such as the Park Control By-law, while others, such as the Freedom of Information and Protection of Privacy By-law, govern matters that are common with the City.

Staff will be recommending to the Government of B.C. that all the by-laws be continued by the provincial government, until Council can address them as the governing body for parks and recreation. A closer look at by-laws that represent governance and administrative duplication will almost certainly allow for the repeal of some by-laws; that review is underway.

c) Policies and Delegated Authorities

There are also two areas of work in this category: (i) Policies and (ii) Delegated Authorities.

(i) Policies

The Park Board has developed numerous administrative and other policies. Staff will review these for recommended adoption, revision, or repeal. Staff will also review Council and City policies to ensure they address staff and work formerly under the purview of the Park Board.

Please note that strategies and resolutions or motions of the Board would also be considered within this category of work.

(ii) Delegated Authorities

Delegated authorities will need to be established for matters previously under the purview of the Park Board. Of note, the Park Board currently addresses issues on a relatively granular level compared to how Council conducts its governance responsibilities. There may be significant opportunity for faster decision making, and a simplified process for community stakeholders, if the City's levels of delegated authorities to staff were applied to parks and recreation services.

d) Existing Legal Obligations

The Park Board is a signatory to a host of legal commitments. These commitments are expressed through a range of written agreements, including joint operating agreements, leases, service contracts and grant agreements. Other non-legal agreements such as memoranda of understanding will be considered in this category as well. Providing a complete list of all agreements is not feasible at this time, given how varied and numerous the agreements are.

For administrative simplicity and to provide assurances to those who are party to the various agreements, the City will propose assuming responsibility for all legal obligations in these agreements. Legal Services is considering the most expeditious approach to assume responsibility, which is likely an amendment to the VC.

The City is already the insurer for the Park Board and so there are no additional risk management or insurance considerations.

The City is already the employer of all Park Board workers, so there appears to be no additional considerations related to existing employment contracts or collective agreements.

C. Stream II: Operational Integration

Two areas of work will be undertaken in this workstream. First, staff will begin to scope and plan for immediate and longer-term opportunities for implementation should the proposed transition proceed. Second, staff will identify which temporary or other parks could be brought forward for immediate designation as permanent parks should Council become the sole governing body for parks.

Work Area: Service Integration

Integrating parks and recreation operations with City operations presents some real opportunities for service improvements, process simplification, policy and service coherence and savings that could be reinvested into public services. To be clear, these opportunities exist on both sides of the current operational structure – City and Park Board – and arise primarily from areas in which decades of the dual governance structure have resulted in operational duplication, service complexity, inefficiencies and/or additional costs.

Importantly, we are not approaching this as a service and operational design exercise that only involves parks and recreation. Rather, we recognize an opportunity across all areas of the City services and operations to come together and think differently about how we structure our work to deliver services to and interface with community partners, service users and stakeholders. These considerations have the potential to be quite transformative for the City's operations.

Some integration opportunities will be straightforward, yielding immediate cost or public service benefits. Others will be more complex to implement, requiring further consideration and planning. For all operational discussions, we will apply the following guiding principles:

- Deliver the greatest benefit to users, residents and taxpayers.

- Minimize disruption to public and ensure services continue to work.
- Seek administrative and service simplicity and efficiency.
- Be clear and transparent on the public and taxpayer benefit: Measurable outcomes – service experience, financial, etc.
- Recognize time is of the essence and be efficient and ensure informed decision-making.
- Be considerate as possible of the impacts of change and uncertainty on our employees.
- Respect labour and employee relation obligations.

These guiding principles for decision-making will help ensure transparency of intent as we work through the many operational considerations.

As already noted above, the current inability for Park Board staff to participate in discussions is unfortunate and we would be remiss to venture too far into operational planning without their participation. That noted, there are some immediate, straightforward opportunities that we would seek to implement as soon as feasible should the proposed transition proceed. The more transformative opportunities will need to wait until we can discuss with colleagues directly involved in the planning and delivery of parks and recreation services.

Measuring Outcomes

It is expected that the City will articulate any financial or service benefits associated with a restructuring. Staff will track any service improvements (e.g., simplified public service), operational efficiencies (e.g., reduction of duplication or leveraging expertise) and cost savings (e.g., using internal resources vs. outsourcing), and report on them as we implement any changes.

Work Area: Permanent Parks Designations

The Park Board currently manages over 250 parks in Vancouver comprised of approximately 765 parcels of land. However, it is important to note that while an area may be enjoyed and used as a park, the land itself or the agreements by which it or its component parcels are managed will vary and the space may not be a designated park but is instead an area under the management of the City or Park Board.

City-owned Parks: Types of Parks and Change of Use Requirements

Type	Current Jurisdiction and Change of Use	Changes Proposed by December 2023 Resolution	Impact on Park preservation
Permanent Public Park	Exclusive jurisdiction and control of the Park Board. Change of use requires a 2/3 vote by both Council and Park Board.	Change of use requires unanimous vote of Council. Provisions for a public referendum.	Strengthened
Temporary Public Park	Exclusive jurisdiction and control of Park Board. Change of use requires a 2/3 vote of Council.	No changes suggested.	Same

Custody, Care and Management (CCM) Lands	Powers prescribed by Council are granted to Park Board. Change of powers granted to Park Board requires a majority vote of Council.	No changes suggested.	Same
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In all cases of City-owned parks, the fee-simple ownership of the park lands remains with the City in accordance with section 289(1) of the VC. Notably, there are 25 parks in Vancouver that exist on land not owned by the City of Vancouver, such as leases from the Crown, BC Crown, Vancouver Fraser Port Authority, TransLink, and CP Rail.

Designation of Permanent Parks

In the resolution passed in December, Council also directed staff to undertake an analysis of temporary parks and other lands under the care, custody and management of Park Board to identify opportunities for additional permanent park designations if/when the existing jurisdictional separation is resolved through a Charter amendment.

Given that the proposed transition would resolve the existing jurisdictional complexity which presents a barrier to permanent park designations, there are opportunities for expediting and expanding designations of permanent parks. Council may be more willing to designate permanent parks if it has exclusive possession and control of them.

Staff will develop a list of such potential designations for Council consideration following implementation of the requested VC amendments.

Permanent Park Protections

In its request to the Provincial Government to amend the VC, Council is seeking establishment of a higher threshold for a change in land designated as permanent parks. Specifically, Council has requested that such a change in use be conditional upon a unanimous vote of Council and the result of a public referendum.

D. Stream III: Cross-cutting Work

Staff and Unions

Workforce Composition and Representation

The implications for workers at Park Board are straightforward. All staff are employed by the City and are subject to collective agreements or employment contracts negotiated with the City.

Currently, the Park Board is composed of 2,617 employees (558 CUPE1004; 1943 CUPE15; 116 exempt). This translates to 1,198 FTE (682 RFTE, 126 TFTE, 52 RPTE, 357 Aux/Casual) positions. While these

employees are managed by the Park Board, the Park Board is not a separate employer. These employees are City employees.

The included staff are represented by two Unions – CUPE 15 for the inside workers and CUPE 1004 for the outside workers – which also represent City inside and outside workers, respectively. There are separate CUPE 15 and CUPE 1004 collective agreements between the Unions and the City for Park Board staff. Those contracts will remain in force and are not impacted by a change in parks governance.

Within the City, there are multiple service departments whose work intersects with parks and recreation. In some cases, there is parallel but unaligned work, and in other cases, task duplication resulting from dual governance has thwarted the ability to leverage expertise across departments. Some of these areas include Engineering Services, Arts, Culture, and Community Services, REFM and Planning.

Approach to Restructuring

The City recognizes that any type of service or operational restructuring can create concern for employees. As an organization, employees are our most important resource and supporting them through times of change is a significant priority in any restructuring effort.

The City has significant experience with restructuring across service departments to improve alignment and operations. The City is also an organization that is always learning from previous projects and initiatives to improve approaches to our work. Our commitment is always to respect the obligations in our Collective Agreements and to keep the Unions apprised, seeking feedback and agreement on labour relations processes or matters when appropriate.

With respect to any future operational integration and impacts on specific positions or teams within the Parks or City organizations, as feasible, we would aim to manage those impacts through attrition, existing vacancies or reassignment.

Engaging with the two unions and communicating with staff will be key activities anticipated as part of this transition plan.

Engagement with Local Nations

The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the x^wməθk^wəyəm (Musqueam), Sk̓wxwú7mesh (Squamish), and səliwətał (Tsleil-Waututh) Nations. Importantly, relationships with the First Nations are treated as government-to-government relationships. Ongoing Council-to-Council discussions and meetings and the MSTV UNDRIP Task Force are key places to discuss matters specific to City relations with the local Nations.

We can confirm that there is no intent to disrupt any of the ongoing work with the Nations in relation to the Stanley Park Comprehensive Plan and its inter-governmental working group or other parks related work or considerations with the Nations. More generally, consistent with Council's foundational commitment to UNDRIP, we expect to maintain the close engagement with the three Nations in relation to parks.

The City will seek to engage with each Nation as they prefer as we work through the various governance considerations arising from the proposed transition.

City of Reconciliation

Vancouver was designated a City of Reconciliation when the [Reconciliation Framework PDF file \(150 KB\)](#) was adopted by Council on July 8, 2014. Vancouver's Reconciliation efforts to date are based on our commitment to working towards Reconciliation with xwməθkwəyəm (Musqueam Indian Band), Skwxwú7mesh (Squamish Nation), səliłwətał (Tsleil-Waututh Nation), and the diverse Indigenous Peoples living in the City. Our Reconciliation goals are to establish and maintain mutually respectful relationships between Indigenous and non-Indigenous peoples in the city and to respect the rights of the local First Nations.

Long-Term Relations: UN Declaration of the Rights of Indigenous Peoples (UNDRIP)

In March 2021, Council unanimously adopted a motion to create an UNDRIP Task Force. The Task Force was convened in partnership with the Musqueam Indian Band, Squamish Nation, and Tsleil-Waututh Nation, the Indigenous governments of these lands. The intergovernmental Task Force met regularly from July 2021 to October 2022 to develop recommendations for Mayor and Council on how the City can implement UNDRIP as the framework for Indigenous relations and Reconciliation.

After over a year of intergovernmental collaboration and dialogue, the Task Force developed the [UNDRIP Task Force Final Report PDF file \(1.4 MB\)](#). It contains 79 recommendations for actions and initiatives we can take to support, uphold, and recognize Indigenous rights.

In 2023, the Task Force met to sequence and refine the recommendations of the UNDRIP Task Force Final Report into more specific shared actions and goals that we can implement over the next 5 years (2024-2028).

The City's long-term relations with the Nations will continue to be guided by this collaborative work.

Public Communications

Recognizing the high public interest in parks and recreation services, we will work to communicate often and regularly about the work on this proposed transition. A public website has been set up at <https://vancouver.ca/your-government/proposed-changes-to-the-governance-of-the-park-board.aspx>.

3. PROJECT STRUCTURE

As occurs in most restructuring efforts, the City has set up an operational governance structure that includes a senior steering committee. Different project working teams have been and will be set up to explore and make recommendations regarding various components of the proposed transition. The plan is being supported by a project director and managers assigned from the City's Business Planning and Project Support Department.

The City will engage Park Board staff in the work to the extent possible without creating conflict with current Park Board direction. If there is a need to move forward, the City will do so based on best information available, recognizing that many operational decisions can only be finalized once the requested VC amendments are in place.

4. FINAL REMARKS

Parks and recreation services are critical to the health and well-being of the whole community. Successive Councils have supported extensive investments in parks and recreation services, deploying City land and capital dollars to expand and grow these community services. That commitment has not changed with this resolution. However, in planning for the future, through this resolution, Council is seeking streamlined and simplified processes, both within operations and governance. Through this Transition Plan, staff seek to plan for the implementation of the proposed changes responsibly, thoughtfully, and with care for our employees, community users and stakeholders and government partners.

APPENDIX

December 13, 2024

FINAL MOTION AS APPROVED

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 Government of BC 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 Provincial Government;
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 Council, the Mayor's Chief of Staff, two City Councillors appointed by Council, a current Park Board Commissioner appointed by Council, and up to six (6) members of the public appointed by Council, with Terms of Reference for the working group to be determined by Council in consultation with, and under the advisement of, the City Manager and the General Manager of Parks and Recreation.

- C. THAT Council direct staff to report back on parks that are currently designated as temporary parks following enactment by the Province of the Charter changes requested in clause "A" above;

FURTHER THAT the report include the status of the ongoing directed staff work to review properties currently designated as temporary parks or that were previously designated by Council as under the care, custody and management of the Park Board, in order to accelerate the transition to permanent park status