



THE DISTRICT OF NORTH VANCOUVER

NORTH VANCOUVER MUSEUM AND ARCHIVES COMMISSION AGREEMENT BYLAW

BYLAW 6789

Effective Date – December 4, 1995

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Original Bylaw

Bylaw 6789

Date of Adoption

December 4, 1995

Amending Bylaw

Bylaw 7051

Date of Adoption

February 8, 1999

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (North Vancouver Museum and Archives Commission Agreement Bylaw – Bylaw 6789). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

BYLAW 6789

A bylaw to establish a joint civic properties commission and to authorize entering into an Agreement with The Corporation of the City of North Vancouver for the joint operation and the sharing of costs of the commission pursuant to sections 246, and 616 of the *Municipal Act (RSBC 1996, c.323)*

The Council for The Corporation of the District of North Vancouver enacts the following:

Title

1. This bylaw may be cited as "**NORTH VANCOUVER MUSEUM AND ARCHIVES COMMISSION AGREEMENT BYLAW**".

Establishment of Commission

2. The North Vancouver Museum and Archives Commission is established jointly with The Corporation of the City of North Vancouver and shall be operated in accordance with the agreement authorized in section 3.

Authorization to enter into Agreement

3. The Council authorizes The Corporation of the District of North Vancouver to enter into an Agreement with The Corporation of the City of North Vancouver to establish a joint civic properties commission as set out in the Agreement entitled "North Vancouver Museums and Archives Commission Agreement", attached to this bylaw.

Execution of Documents

4. The Mayor and Clerk are authorized to execute any documents required to give effect to the intent of this bylaw.

Amended by: 7051

NORTH VANCOUVER MUSEUM AND ARCHIVES COMMISSION AGREEMENT

IN THIS AGREEMENT made the 4th day of December, 1995.

BETWEEN:

The Corporation of the City of North Vancouver

141 West 14th Street in the City of North Vancouver,
British Columbia
(herein called the "City")

AND:

The Corporation of the District of North Vancouver

355 West Queens Road in the District of North Vancouver,
British Columbia
(herein called the "District")

FOR THE PURPOSE OF

- I. establishing a joint civic properties commission to serve as sole custodian of the City and District cultural, archival and museum collections;
- II. mandating the commission to facilitate, encourage and, provide a broad array of museum and archives services within the City and the District and to incur liabilities for such services within the amounts included for it in the annual budget of each municipality; and
- III. sharing in the annual subsidy to the Commission on the basis of statistics collected by the Commission of services provided to the City and District; and

THE DISTRICT AND THE CITY AGREE

1. to establish a joint civic properties commission known as the North Vancouver Museum and Archives Commission, herein called the "Commission", which
 - (a) is comprised of eleven members, herein called "Commissioners" appointed as set out in section B.1 of Attachment B; **(7051)**
 - (b) is regulated in accordance with Attachment B,
 - (c) shall organize and conduct a broad array of cultural, museum and archives services;
 - (d) may incur liabilities for the purposes of (c) within the amounts included for it in the annual and capital budgets of the City and the District in accordance with Attachment D; and
 - (e) has possession of, shall manage, and shall maintain in good and safe condition the following property and facilities, herein referred to as "Facilities":
 - (i) the portion of Presentation House set aside for or occupied by the North Vancouver Museum and Archives;
 - (ii) the Pacific Great Eastern Station located at the foot of Lonsdale Avenue; **(7051)**

- (iii) any leased space occupied by the North Vancouver Museum and Archives; and
including any plant, equipment, fixtures, fittings, off-street parking areas, walkways and landscaped grounds associated with a Facility;
- 2. to provide funding for the museum and archives services
 - (a) as approved by the Councils of the City and the District in the Commission's Annual Operating Budget, as set out in Attachment D; and
 - (b) as approved by the Councils of the City and the District in the Commission's Annual Capital Budget as set out in Attachment D;
- 3. that, before a museum and archives facility intended to be added to section (1)(e) of this Agreement is developed,
 - a) first, the facility concept shall be prepared by the Commission and presented to the City and the District;
 - b) if the facility and the timing of the development of the facility are acceptable to the City and the District, the City and the District shall then make provision in their respective capital budgets in the appropriate years for the costs of the capital project;
 - c) then the facility shall be constructed and equipped under the management and supervision of the City and the District;
- 4. that the attachments to this Agreement are part of this Agreement;
- 5. that should one party desire to change this agreement, from time to time, to meet newly identified or newly arising requirements, upon written request to the other party, the parties agree to enter into good faith discussions of requested changes to this bylaw with a view to reaching agreements on required amendments to this agreement, and to amend the North Vancouver Museum and Archives Commission Bylaw accordingly;
- 6. that any dispute arising out of the interpretation or application of this Agreement shall be referred
 - (i) in the first instance, to the Chief Administrative Officers to resolve the dispute, and, if they do so, their decision is final and binding upon the parties;
 - (ii) if the Chief Administrative Officers are unable to resolve the dispute, to the Councils of the City and the District in a joint meeting to resolve the dispute and, if they do so by majority vote of each Council, their decision is final and binding upon the parties; and
 - (iii) if the Councils are unable to resolve the dispute, to the Inspector of Municipalities for final determination; and
- 7. that this Agreement comes into effect on January 1, 1996 and continues in effect until terminated by either party upon one year's written notice to the other;

AND the parties execute this Agreement on the day and year above mentioned.

The Corporate Seal of THE CORPORATION
OF THE CITY OF NORTH VANCOUVER
was hereunto affixed in the presence of:

Mayor

City Clerk

The Corporate Seal of THE CORPORATION
OF THE DISTRICT OF NORTH VANCOUVER
was hereunto affixed in the presence of:

Mayor

Municipal Clerk

Attachment A

THE MANDATE

An understanding and appreciation of our social, cultural, artistic, political and economic history is an essential and necessary component of the fabric of our community life. The Councils of the City, and District, therefore, mandate the Commission to develop and maintain an appropriate level of museum and archives services, in accordance with commonly accepted standards, to meet the needs and interests of public bodies, corporations and organizations doing business in North Vancouver and private citizens living in the two municipalities.

MEETING THE MANDATE

In fulfillment of the Mandate, the Commission shall strive to provide services to the people of North Vancouver in accord with the following:

The Commission shall maintain and develop collections that reflect the social, political and economic history of North Vancouver. It is charged with the responsibility of seeing to the safe-keeping of all materials entrusted to its care and shall manage the collections in accordance with a Collections Policy amended as necessary from time to time and approved by both Councils.

The Commission shall provide access to archival resources and museum exhibits and programs for periods of time each week and at hours of the day that may best serve the interests of the citizens of North Vancouver.

The Commission shall be aware of and, whenever practical, work with other public bodies or private citizens involved or interested in the provision of museum and archives services, to harmonize its efforts with the plans and programs of other such providers so that all plans and programs can complement each other.

The Commission shall be aware of the changing needs of the community, and of the practice of museum and archives work. Both short and long term plans shall be developed to accommodate these changes and shall be submitted to the Councils of the City and District for approval within the context of ongoing annual operating and capital budgets.

Attachment B

THE COMMISSION

Appointments to Commission

B.1 Appointments shall be made to the Commission as follows: **(7051)**

- a) the City shall appoint **five** persons to serve as Commissioners, one of whom may be a member of the Council for a one year term and the others appointed at large;
- b) the District shall appoint **five** persons to serve as Commissioners, one of whom may be a member of the Council for one year terms and the others appointed at large;
- c) the Friends of the North Vancouver Museum Society may appoint a member of the Society to serve as a Commissioner.

Initially, Commission members appointed at-large, or by the Friends of the North Vancouver Museum Society may be appointed for either a one, two or three year term."

Term of Office

B.2 Except as otherwise provided in section B.1, the term of a Commissioner is three years.

Commencement of Term

B.3 The term of a Commissioner commences,

- (a) in the case of a one year term, on the day of the regular January meeting of the Commission;
- (b) in the case of a two year term, on the day of the regular January meeting of the Commission held in an even numbered year; and
- (c) in the case of a three year term, on the day of the regular January meeting of the Commission held is a year in which a local general election is held.

Qualifications for At Large Appointments

B.4 A person who is

- a) 18 years of age or older;
- b) is not serving a sixth consecutive year as a Commissioner may be appointed a Commissioner at large;
- c) has one or more of the following qualifications;
 - (i) knowledgeable in the field of history;
 - (ii) interested in archivist work;
 - (iii) interested in promoting appreciation of the history of the City and the District;
 - (iv) interested in promoting appreciation of the cultural and artistic works and history in the City and the District.

Vacancy

- B.5 A vacancy created by death, resignation, loss of office or of membership in the body that made the appointment shall be reported by the Chair of the Commission to the body making the original appointment and that body shall appoint a replacement.

Absenteeism

- B.6 A Commissioner who, without leave of the Commission, is absent from three consecutive regular meetings of the Commission is deemed to have resigned effective at the end of the third such meeting.

Rules of Procedure

- B.7 The Commission shall observe the following rules of procedure in the calling of and conduct in its meetings:

Election of Chair and Vice-Chair

- (a) At the regular January meeting of the Commission the first order of business is the selection of a Chair, during which the Director of Museum and Archives shall preside, and the selection of a Vice-Chair.

Vice-Chair

- (b) In the absence or incapacity of the Chair, the Vice-Chair has all the powers and is subject to the same rules as the Chair.

Regular Meetings

- (c) The Commission shall meet regularly and not less than nine times a year.

Special Meetings

- (d) The Commission may meet for a special meeting at the call of the Chair or, in the absence of the Chair and the Vice-Chair, at the call of three Commissioners.

Notice

- (f) Notice of a regular meeting, together with the agenda for the meeting, shall be delivered to each Commissioner with copies to the Clerk of each municipality at least three days prior to the meeting.

Quorum

- (g) A quorum of the Commission is six Commissioners.

Conduct of Meeting

- (h) The Chair shall preside at all meetings of the Commission and shall be guided by the following rules:

- (i) The order of business shall be as set out in the agenda, except that an item may be added to or withdrawn from the agenda by the Chair, a majority vote of the Commissioners present being required if a Commissioner objects.

- (ii) All decisions of the Commission shall be made by resolution and by a majority vote of all Commissioners present; on a tie vote, the question shall be negated.

- (iii) The Commission shall meet in public, except for the following matters which shall be considered in camera:

- a) wage and salary negotiations and other personnel matters; and
b) matters which are in or have potential for litigation, disputed claims, and matters involving legal agreements or contracts where legal advice is required.

- (iv) When a matter is no longer confidential, the Chair shall announce at the earliest Commission meeting any decisions reached in an in camera meeting on the matter.
- (v) The Chair shall maintain order by following these rules and any supplementary rules adopted by the Commission.

Supplementary Rules

- (i) The Commission may adopt any supplementary rules of procedure that do not conflict with those contained in (g)

Minutes

- (j) Minutes shall be taken of all meetings of the Commission and shall
 - (i) record the mover and seconder of, and the voting on all resolutions;
 - (ii) be signed by the Chair as a true record of the decisions of the Commission, and by the person taking the minutes;
 - (iii) except in the case of in camera minutes, be distributed before the next regular meeting to the Commissioners to the Commission Auditors, in appropriate numbers to the City Clerk and the District's Director of Legislative Services for distribution to members of Councils of the City and the District to others as deemed appropriate by the respective Chief Administrative Officers and, after correction of the minutes, to members of the public in accordance with current Commission policy;
 - (iv) in the case of in camera minutes, be distributed before the next regular meeting to the Commissioners; and
 - (v) be subject to correction at the next meeting of the Commission.

Standing Committees

- (k) The Chair may appoint standing committees comprised of Commissioners, who shall serve at the pleasure of the Commission, and upon which the Chair and Director of Museum and Archives, or the Director's delegate, may sit as non-voting members; and minutes of the meetings of the committees shall be kept and copies sent to the Commissioners.

Reports to Council

- B.8 The Commission shall report to the Councils of the City and of the District on any matter within the mandate of the Commission when requested to do so by either Council, or when the Commission considers it necessary.

Advisory Committees to the Commission

- B.9 The Commission shall, as funding permits, provide staff support to facilitate the functioning of those advisory committees to the Commission that represent community groups actively providing services to the residents of North Vancouver Museum and Archives.

Attachment C

MUSEUM AND ARCHIVES SERVICES

Duties of Commission

- C.1 The Commission has the duty to plan for, appropriately develop, and conduct, within the approved funding, comprehensive and balanced museum and archives programs for people of all ages and differing intents in the City and the District, and for that purpose may
- (a) use the Facilities;
 - (b) establish committees of users and other persons on any matters within the mandate of the Commission;
 - (c) make recommendations to the Councils with respect to the need for additional facilities or for changes to existing Facilities, or policies, or in relation to the development of policies and Facilities to meet museum and archives needs affecting both the City and the District.
 - (d) implement policies under which the museum and archives services shall operate and rules under which the Facilities shall be used for museum and archives purposes or other appropriate community needs;

Director of Museum and Archives

- C.2 The Commission shall employ a person in the capacity of Director of Museum and Archives, herein called the Director, who shall
- (a) be responsible for managing the Museum and Archives programs of the Commission and for the implementation of the Commission's policies and rules, and may make recommendations respecting any matter contained in section C.1;
 - (b) have authority to hire within the approved complement and budget, and to direct, discipline and discharge such employees as necessary for the effective and efficient administration of the Commission, and for the proper operation, maintenance and supervision of the Facilities in the possession of the Commission, and the programs related thereto.

Attachment D

MUSEUM AND ARCHIVES COMMISSION FINANCES

Operating Budget

D.1 The Commission shall prepare a draft operating budget for the upcoming year, setting out in detail the operating funds required by the Commission for the carrying out of its mandate, and a summary of the budget to show the anticipated contributions from the operating budgets of the City and of the District such contribution to be calculated by subtracting the estimated revenues, including funds received from all other sources, from the estimated expenditures and apportioning the difference as follows:

- (a) 50% to City and;
- (b) 50% to the District.

Transitional

D.1.1 The cost sharing of the operating budget shall be phased in to the level provided in D.1 over 4 years as follows:

YEAR	CITY % Share	DISTRICT % Share
One	87.5	12.5
Two	75.0	25.0
Three	62.5	37.5
Four	50.0	50.0

Capital Budget

D.2 The Commission shall prepare a draft capital budget for the upcoming year, setting out in detail capital funds required by the Commission for the carrying out of its mandate in the following manner:

- (i) the estimated *capital expenditures* for any new facility or major addition to an existing Facility with separate amounts for
 - (a) design and management,
 - (b) construction, and
 - (c) fittings, furnishings and equipment,

as a part of the municipality's capital budget; and an estimate of annual operating costs and revenues and the net annual contribution required from each municipality;

- (ii) the estimated *capital expenditures* for the acquisition of new equipment for museum and archives activities and to make internal alterations and additions to a facility as part of the owner municipality's capital budget, except where the estimated expenditure cannot be attributed to a Facility, in which case the expenditures are apportioned as set out in D.1;

and a 5 year capital budget in a format acceptable to the Treasurers of the City and of the District and for the purposes of this section, *capital expenditures* means expenditures of more than \$1000 on an asset with a useful life of greater than one year or for the purpose of appreciably extending the useful life of an existing asset.

Budget Submissions

D.3 The operating budget and the capital budget shall be prepared and submitted in a manner that,

- (a) for the portions of the budget that apply to the City, meets the budget preparation requirements of the Treasurer of the City, and
- (b) for the portions of the budget that apply to the District, meets the budget preparation requirements of the Treasurer of the District.

Budget Adoptions

- D.4 Within 30 days of the approval of the Commissioner's operating budget by the City and the District, the Commission shall adjust its draft annual budget and the capital budget, as necessary accordingly, and shall then adopt the resultant budgets.

Fees and Charges

- D.5 The Commission may establish fees for the use of museum and archives services.

Use of Funds

- D.6 The Commission may expend funds as required during the budget year for the purposes and up to the amounts set out in the operating budget and the capital budget as adopted under section D.4, and shall not incur an indebtedness or a liability to make any expenditure other than as provided for in the budgets, except that

- (a) funds may be otherwise expended by the Commission with the prior approval of both Councils;
- (b) funds may be re-allocated by the Commission within each of the operating budget allocations; and
- (c) when an expenditure is required for the emergency replacement of a capital item essential for the continual operation of all or part of a facility, the chair together with the Director may authorize an expenditure from the Emergency Capital Replacement Fund established pursuant to section 2(b) of this agreement; and the Director shall provide each treasurer with a listing of expenditures from the fund at the ends of each fiscal year.

Maintenance of Records

- D.7 The Treasurer of the City shall

- (a) exercise the duties and powers of the Treasurer as provided in the *Municipal Act, RSBC c323*, in dealing with the Funds of the Commission;
- (b) ensure that accounting and payroll records of the Commission are properly prepared and maintained, such records to include payroll, accounts payable, cash receipts and disbursements, accounts receivable, general ledger, subsidiary cost ledger, financial statements, and reports and supporting documents to the foregoing, such records being deemed to be requested by the Commission;
- (c) provide, when possible, any additional financial systems that have been requested by the Commission;
- (d) direct, to the extent necessary to ensure that the systems and procedures established for financial controls are in effect and are in accordance with the *Municipal Act*, the Manager of Administrative Services and the accounting staff employed by the Commission; and
- (e) ensure that the statistics collected by the Commission of City and District users of the Facilities would permit an equitable revision of the sharing ratio as and when necessary.

Reimbursement of City

- D.8 The Commission shall reimburse the City for the financial services provided, based on a detailed estimate from the City of the actual costs including overhead.

Examination of Records

- D.9 The Treasurer of the District may conduct audits or examinations to see that adequate financial controls and checks are being maintained by the Commission.

Budget Year

- D.10 The budget year of the Commission is the calendar year.

Execution of Documents

- D.11 The Chair or, in the absence of the Chair, two Commissioners are authorized together with the Director to execute any agreements or contracts in behalf of the Commission.

Insurance

- D.12 The Commission shall arrange for insurance coverage for any exposures of consequence, including
- (a) at a level recommended by the Municipal Insurance Association that is acceptable to the treasurer for the City and the District, but in any case not less than \$2,000,000 per event of public liability in respect of programs operated or sponsored by the Commission, and
 - (b) replacement cost and property damage incurred on the physical plant and equipment, vehicles, goods, chattels, monies and securities in the care, custody and control of the Commission;
- and copies of the insurance policies or binders shall be sent to the Treasurers of the City and the District.

Remuneration and Reimbursement

- D.13 Commissioners and Members of Committees shall serve without remuneration, it being understood that
- (a) the admission of Commissioners to Commission programs or Facilities at a rate less than that paid by the general public shall not be considered to be a form of remuneration; and
 - (b) by resolution of the Commission, a Commissioner or member of a Committee may be reimbursed for expenses properly incurred on behalf of or in respect to the business of the Commission or Committee.

Ownership of the Collection

- D.14 Ownership of the Collection is as follows:
- (a) All material in the possession of the North Vancouver Museum and Archives at 31 December 1995 is owned by the City.
 - (b) After 31 December 1995, all materials donated or transferred to the museum and archives
 - i) by the City is owned by the City;
 - ii) by the District is owned by the District;
 - iii) by any other source is owned in accordance with the decision of the Commission as to whether the material is reflective of the history of the City, in which case it is owned by the City; reflective of the history of the District, in which case it is owned

by the District; or reflective of the history of both the City and the District or is of general interest, in which case it is owned equally by the City and the District.

Deaccession

- D.15 A recommendation for the deaccession of any material in the collection shall be referred by the Commission to the owner of the material for approval, and, if approved, any monies received from such deaccession shall be retained by the Commission to acquire appropriate material for the collection on behalf of the owner of the deaccessed material.

Distribution of Collection at Termination

- D.16 On the termination of the North Vancouver Museum and Archives all items in the collection shall be returned to the owner. In the case of items jointly owned an appraisal shall be made by a qualified appraiser acceptable to both parties. The City and the District will compensate each other for items transferred to them by mutual consent. In the case of the sale of any items jointly owned the proceeds shall be split on a 50-50 basis between the two municipalities.

Ownership of Capital Assets (excluding the Collections)

- D.17 All capital assets acquired by the Commission from funds contributed pursuant to the capital budget
- (a) are owned by the City and the District in direct proportion to the contribution each municipality made to the purchase of the asset;
 - (b) shall each be recorded in an inventory kept by the Commission and showing
 - (i) date of purchase,
 - (ii) cost,
 - (iii) location (Facility),
 - (iv) expected life, and
 - (v) depreciation rate; and
 - (c) shall each be dealt with at the termination of the Agreement as follows:
 - (i) if either municipality wishes to obtain full ownership of an asset, it shall pay to the other municipality the depreciated value of the other municipality's share, such depreciation to be based on the appropriate capital cost allowance used for income tax purposes.
 - (ii) if neither municipality wishes to retain possession or if both Municipalities wish to obtain full ownership of an asset, the asset shall be sold and the proceeds divided between the two Municipalities in direct proportion to the ownership of the asset as set out in (a).

