

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2269

A Bylaw to authorize the execution of the Greater Victoria Public Library (Juan de Fuca Branch) Agreement.

WHEREAS Council may by bylaw pursuant to Sections 679 and 681 of the *Municipal Act*, acquire by purchase, lease or otherwise accept and hold any property in or outside the Municipality for the purposes of a public library and enter into agreements for the joint management, maintenance, improvement, operation, control and use of any such property, acquired or held by any Municipality party to the agreement and for the purpose of giving effect to such agreement, establish in conjunction with the other Municipalities joint boards or committees;

AND WHEREAS it is deemed expedient that the Municipality of Esquimalt enter into an agreement with the Greater Victoria Public Library Board and the Municipalities of Victoria, Saanich, Oak Bay, Colwood, Highlands, Langford and Metchosin for the aforesaid purpose;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

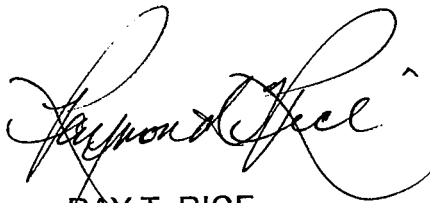
1. This Bylaw may be cited for all purposes as the "LIBRARY AGREEMENT (JUAN DE FUCA BRANCH) AUTHORIZATION BYLAW, 1996, NO. 2269."
2. The Corporation of the Township of Esquimalt is hereby authorized and empowered to enter into an agreement with the Greater Victoria Public Library Board, The Corporation of the City of Victoria, The Corporation of the District of Saanich, The Corporation of the District of Oak Bay, the City of Colwood, the District of Highlands, the District of Langford and the District of Metchosin in the form attached hereto as Schedule "A".
3. The Mayor and Municipal Clerk of the Corporation of the Township of Esquimalt are hereby authorized to execute the Greater Victoria Public Library (Juan de Fuca Branch) Agreement under the seal of the Corporation.

Read a first time by the Municipal Council on December 16, 1996.

Read a second time by the Municipal Council on December 16, 1996.

Read a third time by the Municipal Council on December 16, 1996.

ADOPTED by the Municipal Council on January 6, 1997.



RAY T. RICE
MAYOR



R. SERIGHT
MUNICIPAL CLERK

THIS AGREEMENT made as of August 12, 1996.

BETWEEN:

THE GREATER VICTORIA PUBLIC LIBRARY BOARD

(the Board)

AND:

THE CORPORATION OF THE CITY OF VICTORIA
THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT
THE CORPORATION OF THE DISTRICT OF SAANICH
THE CORPORATION OF THE DISTRICT OF OAK BAY

(the Core Members)

AND:

THE CORPORATION OF THE CITY OF COLWOOD
THE CORPORATION OF THE DISTRICT OF HIGHLANDS
THE CORPORATION OF THE DISTRICT OF LANGFORD
THE CORPORATION OF THE DISTRICT OF METCHOSIN

(the Western Community Members)

(the Core Members and Western Community Members together are
referred to as the Members)

BECAUSE:

- A. The Core Members entered into a Library Operating Agreement dated December 1, 1995 for the provision of library services in their municipalities;
- B. The Western Community Members became parties to the Library Operating Agreement by Addendum dated December 31, 1995;
- C. The Western Community Members have each agreed by Council resolution to pay for a portion of the construction and annual building maintenance costs of a new library branch (the New Branch) of approximately 15,000 square feet on a site at the Juan de Fuca Recreation Centre (the Site) owned by the Capital Regional District (the CRD).

- D. The Members have each agreed by Council resolution to pay for a portion of the construction and annual building maintenance costs of an additional wing of approximately 4,000 square feet (the Technical Services Wing) of the New Branch to accommodate the Technical Services department of the Board, which services the entire library system.
- E. The CRD has agreed to enter into a lease with the Board for a period of 15 years with an option to renew the lease for a further period of 15 years, for the use of the Site for the construction of the New Branch and Technical Services Wing and for their use for the above mentioned purposes.
- F. The CRD has resolved by its Bylaw No. 2438 to raise the finance for construction of the New Branch and Technical Services Wing on behalf of the Members.

THEREFORE the Board and the Members agree as follows:

- 1. The Western Community Members will pay the total construction cost of the New Branch estimated at \$2,100,000.00 according to the terms of CRD Bylaw No. 2438.
- 2. The Members will pay the total construction cost of the Technical Services Wing estimated at \$600,000.00 in the following proportional amounts: Saanich - 38.5%, Victoria - 33%, Oak Bay - 8%, Esquimalt - 7%, Langford 6.5%, Colwood - 4.5%, Metchosin - 1.9%, and Highlands - 0.6%.
- 3. Each of the Members will pay the amounts due under paragraph 2 of this Agreement, at its option, either:
 - (1) In cash, by advising the CRD of its intention prior to January 31, 1997, and making payment at a time as is acceptable to the CRD; or
 - (2) By annual payments of principal and interest at the rate and on the dates which coincide with the terms of repayment of the debt due under paragraph 1 of this Agreement by the CRD.
- 4.
 - (1) The Western Community Members will pay the annual maintenance costs of the New Branch.
 - (2) All of the Members will pay the annual maintenance costs of the Technical Services Wing.

- (3) The Western Community Members and the Members will pay the annual maintenance costs they are required to pay by this paragraph in the same proportions provided in paragraph 6 of the Library Operating Agreement for sharing operating costs.
 - (4) For the purposes of this paragraph, annual maintenance costs are those defined in paragraph 8.1(c) of the Library Operating Agreement.
5. (1) In the event of termination of the Library Operating Agreement, or withdrawal of any Member or Members, or change in the use of the New Branch or Technical Services Wing, or appropriation of the Site or any part of it by the CRD or other authority, the remaining Members or Member, will compensate the other parties to this Agreement in an amount to be agreed between them all, taking into consideration the amount paid by each towards the construction cost, the amount of debt outstanding on the construction cost, and the remaining useful life of the New Branch and Technical Services Wing.
- (2) If the parties fail to reach agreement about the amount of compensation within 6 months of the event, the amount of compensation will be decided by arbitration under the Commercial Arbitration Act, by an arbitrator agreed to by all parties, or failing agreement, by an arbitrator appointed by the Minister of Municipal Affairs.
6. Except as provided otherwise in this Agreement, the terms of the Library Operating Agreement will apply to the operation of the New Branch and the Technical Services Wing.

THE CORPORATE SEAL of THE)
 GREATER VICTORIA PUBLIC)
 LIBRARY BOARD was placed on this)
 Agreement in the presence of:)
)
)
)
 _____)
 AUTHORIZED SIGNATORY)
)
)
 _____)
 AUTHORIZED SIGNATORY)

THE CORPORATE SEAL of THE)
CORPORATION OF THE CITY OF)
VICTORIA was placed on this)
Agreement in the presence of:)
)

_____)
AUTHORIZED SIGNATORY)
)

_____)
AUTHORIZED SIGNATORY)

THE CORPORATE SEAL of THE)
CORPORATION OF THE TOWNSHIP)
OF ESQUIMALT was placed on this)
Agreement in the presence:)
)

_____)
AUTHORIZED SIGNATORY)
)

_____)
AUTHORIZED SIGNATORY)

THE CORPORATE SEAL of THE)
CORPORATION OF THE DISTRICT OF)
SAANICH was placed on this Agreement))
in the presence of:)
)

_____)
AUTHORIZED SIGNATORY)
)

_____)
AUTHORIZED SIGNATORY)

THE CORPORATE SEAL of THE)
CORPORATION OF THE DISTRICT OF)
OAK BAY was placed on this Agreement)
in the presence of:)
)

_____)
AUTHORIZED SIGNATORY)
)

_____)
AUTHORIZED SIGNATORY)

THE CORPORATE SEAL of THE)
CORPORATION OF THE DISTRICT OF)
COLWOOD was placed on this)
Agreement in the presence of:)
)

_____)
AUTHORIZED SIGNATORY)
)

_____)
AUTHORIZED SIGNATORY)

THE CORORATE SEAL of THE)
CORPORATION OF THE DISTRICT OF)
HIGHLANDS was placed on this)
Agreement in the presence of:)
)

_____)
AUTHORIZED SIGNATORY)
)

_____)
AUTHORIZED SIGNATORY)

AUTHORIZED SIGNATORY

THE CORPORATE SEAL of THE)
CORPORATION OF THE DISTRICT OF)
METCHOSIN was placed on this)
Agreement in the presence of:)

AUTHORIZED SIGNATORY

BETWEEN:

THE GREATER VICTORIA PUBLIC LIBRARY BOARD

(the Board)

AND:

THE CORPORATION OF THE CITY OF VICTORIA
THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT
THE CORPORATION OF THE DISTRICT OF SAANICH
THE CORPORATION OF THE DISTRICT OF OAK BAY

(the Core Members)

AND:

THE CORPORATION OF THE CITY OF COLWOOD
THE CORPORATION OF THE DISTRICT OF HIGHLANDS
THE CORPORATION OF THE DISTRICT OF LANGFORD
THE CORPORATION OF THE DISTRICT OF METCHOSIN

(the Western Community Members)

AGREEMENT

Office of the City Solicitor
The Corporation of the City of Victoria
1 Centennial Square
Victoria, B.C. V8W 1P6

Telephone: (250) 361-0213
Fax (250) 361-0348

File No. 77-202/Library Agreement
agreemen.ts\library.doc

