



REGIONAL DISTRICT OF CENTRAL KOOTENAY

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REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 1579

A Bylaw to establish a Commission for the Arrow Creek Water Treatment and Supply Service.

WHEREAS the Regional District of Central Kootenay, by Bylaw No. 1561, being the "Arrow Creek Water Treatment and Supply Service Establishment Bylaw No. 1561, 2002", as amended, has established the "Arrow Creek Water Treatment and Supply Service" to provide for the treatment and supply of water within the Arrow Creek Water Treatment and Supply Service Area;

AND WHEREAS a regional district may by bylaw, pursuant to Section 176(1)(g) of the *Local Government Act*, establish a commission to operate a regional district service and to manage property or an interest in property held by the regional district;

AND WHEREAS a regional district may by bylaw, pursuant to Sections 176(1)(e) and Part 5, Division 6 of the *Local Government Act*, delegate certain administrative duties and authorities to a commission;

AND WHEREAS the Board of the Regional District of Central Kootenay deems it expedient to establish a Commission to operate the Arrow Creek Water Treatment and Supply Service and to manage property, or an interest in property, held by the regional district for the purposes of the Arrow Creek Water Treatment and Supply Service, including the construction and maintenance of its assets and facilities;

AND WHEREAS the Board of the Regional District of Central Kootenay deems it expedient to delegate certain administrative duties and authorities to the Commission;

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, enacts as follows:

1. The Regional District hereby establishes a commission to be known as the Arrow Creek Water Treatment and Supply Commission to operate the Arrow Creek Water Treatment and Supply Service and to manage property, or an interest in property, held by the Regional District for the purposes of the Arrow Creek Water Treatment and Supply Service, including the construction and maintenance of its assets and facilities.
2. Membership
 - (1) Membership on the Arrow Creek Water Treatment and Supply Commission shall be limited to a maximum of five (5) members, determined as follows:

(a) Statutory Members

By virtue of office, the following Directors are automatically appointed as Statutory Members to the Commission:

- (i) Director for Electoral Area B of the Regional District of Central Kootenay;
- (ii) Director for Electoral Area C of the Regional District of Central Kootenay.
- (iii) Director for the Town of Creston
- (iv) Chair, Regional District of Central Kootenay Board
(In the event that the Chair is a Director representing Electoral Area B, Electoral Area C, or the Town of Creston, the Regional District Board shall appoint another director to the Commission to represent the interests of the Regional District Board.)

In the absence of a Director, the Alternate Director may take the place of, vote and generally act in all matters on behalf of the absent director.

The Regional District Board shall appoint a Director that is not member of the Commission to serve as the Alternate to the appointee under subsection (iv). In the absence of the subsection (iv) appointee [*Chair, Regional District of Central Kootenay Board*], the Alternate appointed by the Regional District Board may take the place of, vote and general act in all matters on behalf of the absent subsection (iv) appointee.

(b) Municipal Member

In addition to the Director for the Town of Creston, appointed as a statutory member pursuant to section 2(1)(a) above, a maximum of one (1) member of the Council of the Town of Creston to be nominated by Council and appointed annually by the Regional District Board as the Municipal Member to the Commission. Appointments under this section are for a calendar year and shall expire on December 31st of the year for which the appointment pertains.

An Alternate Municipal Member, being a member of Council of the Town of Creston to be nominated by Council may be appointed annually by the Regional District Board, and, in the absence of the Municipal Member, the Alternate Municipal Member may take the place of, vote and generally act in all matters on behalf of the absent Municipal Member.

- (2) Commission members may be entitled to remuneration and eligible expenses in accordance with Regional District of Central Kootenay bylaws and policies pertaining to Director remuneration and expenses.

3. Meetings – Quorum, Voting and Conduct

- (1) The Commission shall, at its first meeting in each year, elect a Chair. The Chair shall preside at the meeting of the Commission when present and in his absence, an Acting Chair may be elected.
- (2) The Regional District of Central Kootenay Procedure Bylaw No. 1401, as may be amended or replaced from time to time, applies to the Arrow Creek Water Treatment and Supply Commission.
- (3) The quorum of the Commission is a majority of the appointed members with each member having one (1) vote.
- (4) All questions before the Commission shall be decided by a majority vote.
- (5) All members of the Commission, including the presiding member, may vote on questions before it, and in all cases where the votes of the members present are equal for and against the question, the question shall be negated. Any member who abstains from voting shall be deemed to have voted in the affirmative.
- (6) No act or other proceeding of the Commission shall be valid unless it is authorized by resolution at a meeting of the Commission or by resolution or bylaw of the Regional District Board.

4. Secretary

The Secretary of the Regional District or his/her designate shall act as the Secretary to the Commission.

5. Administration – Minutes

The minutes of the proceedings of all meetings of the Commission shall be legibly recorded and be forwarded to the Regional District of Central Kootenay without delay.

6. Responsibilities, Authorities and Duties

- (1) The Regional District Board hereby delegates to the Commission the following authorities, responsibilities and duties:
 - (a) All of the administrative powers, except employment of staff, with respect to the operation and management of the Arrow

Creek Water Treatment and Supply Service, its assets and properties, including, the construction and maintenance of its assets and facilities, provided that the costs incurred are within the annual budget as approved by the Board of the Regional District of Central Kootenay, and without limiting the foregoing to approve payment of all commitments, liabilities, and accounts in accordance with the annual budget approved by the Board of the Regional District.

- (b) On or before September 30th of each and every year, the Commission shall prepare a draft budget for the following budget year to include estimates for the administrative, development, capital, maintenance, operational and other expenses, including debt charges, together with estimates for expected revenues and shall submit such budget for the approval of the Regional District Board and for inclusion in the Regional District's provisional and annual budgets.
- (c) As part of its annual draft budget preparation process, the Commission shall review the various user rates and provide recommendation to the Regional District Board should the Commission deem that amendments to the rates are required.
- (d) Any other duties that may be referred by resolution of the Regional District Board with respect to the Arrow Creek Water Treatment and Supply Service.

7. Rights of the Regional District Board

- (1) Notwithstanding the provisions of Section 5 of this Bylaw, the Regional District Board retains the right of approval of the policies with respect to the operation and management of the Arrow Creek Water Treatment and Supply Service, including the establishment of regulations and setting of fees.
- (2) The Regional District Board reserves unto itself all of its powers with respect to the initial and future financing, of the Arrow Creek Water Treatment and Supply Service.
- (3) The Regional District Board reserves unto itself all of its powers with respect to entering into contracts and agreements.
- (4) The Regional District Board reserves unto itself all of its powers with respect to hiring of staff and all personnel matters.
- (5) The powers delegated to the Commission are subject to the limitations on delegation authority set forth in Section 191 of the *Local Government Act*.

8. Tenure of Commission

The Arrow Creek Water Treatment and Supply Commission's tenure shall commence upon adoption of this bylaw and continue until December 31, 2005. Prior to the completion of said tenure, the Regional District Board will review its requirements with respect to the Commission and will amend or repeal the bylaw accordingly. Notwithstanding the foregoing, the Regional District Board reserves unto itself all of its powers with respect to amending or repealing this bylaw.

9. Citation

This bylaw may be cited as the "**Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2003**".

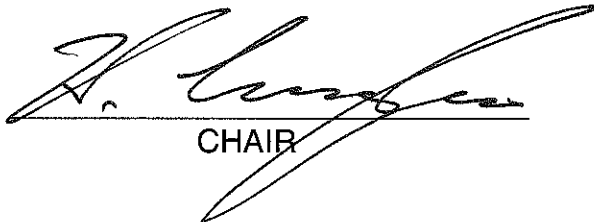
READ A FIRST TIME this 22nd day of March, 2003.

READ A SECOND TIME this 22nd day of March, 2003.

AMENDED this 17th day of May, 2003.

READ A THIRD TIME AS AMENDED this 17th day of May, 2003.

ADOPTED by an affirmative vote of at least 2/3 of the votes cast this 17th day of May, 2003.


CHAIR


SECRETARY



REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 1781

A Bylaw to amend Bylaw No. 1579, being the "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002"

WHEREAS a Commission has been established by the Regional District of Central Kootenay by Bylaw No. 1579, being the "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002";

AND WHEREAS the Regional District of Central Kootenay deems it expedient to amend Bylaw No. 1579 to revise the membership on the Commission as well as to revise the tenure of the Commission;

NOW THEREFORE the Board of the Regional District of Central Kootenay in open meeting assembled enacts as follows:

1. The "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002" is hereby amended as follows:

(1) Section 2 (1) is hereby deleted and the following is substituted therefore:

2) **Membership**

(1) *Membership on the Arrow Creek Water Treatment and Supply Commission shall be limited to a maximum of three (3) members determined as follows:*

(a) **Statutory Members**

(i) *Director for Electoral Area B of the Regional District of Central Kootenay*

(ii) *Director for Electoral Area C of the Regional District of Central Kootenay*

(iii) *Director for the Town of Creston*

(2) Section 8 is hereby deleted and the following is substituted therefore:

8) **Tenure of Commission**

The Arrow Creek Water Treatment and Supply Commission's tenure shall commence upon adoption of this bylaw and continue until December 31, 2008. Prior to completion of said tenure, the Regional District Board will review its requirements with respect to the Commission and will amend or repeal the bylaw accordingly. Notwithstanding the foregoing, the Regional District Board reserves unto itself all of its powers with respect to amending or repealing this bylaw.

2. This Bylaw may be cited as the **"Arrow Creek Water Treatment and Supply Commission Amendment Bylaw No. 1781, 2005"**.

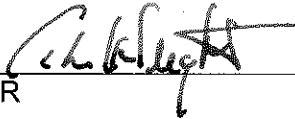
READ A FIRST TIME this 24th day of September , 2005.

READ A SECOND TIME this 24th day of September , 2005.

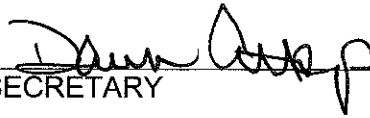
READ A THIRD TIME this 24th day of September , 2005.

ADOPTED by an affirmative vote of at least two-thirds of the votes cast this 24th day of September , 2005.

CHAIR



SECRETARY



REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 2012

A Bylaw to amend Bylaw No. 1579, being the "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002"

WHEREAS a Commission has been established by the Regional District of Central Kootenay by Bylaw No. 1579, being the "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002";

AND WHEREAS the Regional District of Central Kootenay deems it expedient to amend Bylaw No. 1579 to extend the tenure of the Commission;

NOW THEREFORE the Board of the Regional District of Central Kootenay in open meeting assembled enacts as follows:

1. The "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002" is hereby amended as follows:

- (1) Section 8 is hereby deleted and the following is substituted therefore:

- 8) **Tenure of Commission**

The Arrow Creek Water Treatment and Supply Commission's tenure shall commence upon adoption of this bylaw and continue until December 31, 2011. Prior to completion of said tenure, the Regional District Board will review its requirements with respect to the Commission and will amend or repeal the bylaw accordingly. Notwithstanding the foregoing, the Regional District Board reserves unto itself all of its powers with respect to amending or repealing this bylaw.

1. This Bylaw may be cited as the "**Arrow Creek Water Treatment and Supply Commission Amendment Bylaw No. 2012, 2008**".

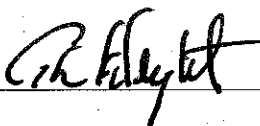
READ A FIRST TIME this 22nd day of November, 2008.

READ A SECOND TIME this 22nd day of November, 2008.

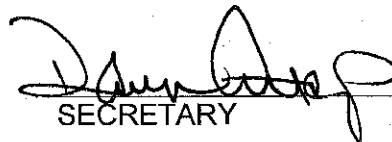
READ A THIRD TIME this 22nd day of November, 2008.

ADOPTED by an affirmative vote of at least two-thirds of the votes cast this 22nd day of November, 2008.

CHAIR



SECRETARY



REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 2270

A Bylaw to amend Bylaw No. 1579, being the "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002"

WHEREAS a Commission has been established by the Regional District of Central Kootenay by Bylaw No. 1579, being the "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002";

AND WHEREAS the Regional District of Central Kootenay deems it expedient to amend Bylaw No. 1579 to extend the tenure of the Commission;

NOW THEREFORE the Board of the Regional District of Central Kootenay in open meeting assembled enacts as follows:

1. The "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002" is hereby amended as follows:

(1) Section 8 is hereby deleted and the following is substituted therefore:

8) **Tenure of Commission**

The Arrow Creek Water Treatment and Supply Commission's tenure shall commence upon adoption of this bylaw and continue until December 31, 2016. Prior to completion of said tenure, the Regional District Board will review its requirements with respect to the Commission and will amend or repeal the bylaw accordingly. Notwithstanding the foregoing, the Regional District Board reserves unto itself all of its powers with respect to amending or repealing this bylaw.

1. This Bylaw may be cited as the "**Arrow Creek Water Treatment and Supply Commission Amendment Bylaw No. 2270, 2012**".

READ A FIRST TIME this 16th day of February, 2012.

READ A SECOND TIME this 16th day of February, 2012.

READ A THIRD TIME this 16th day of February, 2012.

ADOPTED by an affirmative vote of at least two-thirds of the votes cast this 16th day of February, 2012.


CHAIR


SECRETARY

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2644

A Bylaw to amend Bylaw No. 1579, being the "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002".

WHEREAS a Commission has been established by the Regional District of Central Kootenay by Bylaw 1579;

AND WHEREAS the Regional District of Central Kootenay deems it expedient to amend the tenure of the Commission in Bylaw No. 1579;

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

- 1 The "Arrow Creek Water Treatment and Supply Commission Establishment Bylaw No. 1579, 2002" is hereby amended as follows:
 - (1) Section 8 shall be deleted in its entirety.
- 2 This Bylaw may be cited as "**Arrow Creek Water Treatment and Supply Commission Amendment Bylaw No. 2644, 2018.**"

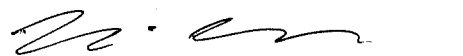
READ A FIRST TIME this 20th day of September, 2018.

READ A SECOND TIME this 20th day of September, 2018.

READ A THIRD TIME this 20th day of September, 2018.

ADOPTED by an affirmative vote of at least 2/3 of the votes cast this 20th day of September, 2018.


Katen Hamling, Board Chair


Mike Morrison, Corporate Officer

