



REGIONAL DISTRICT OF CENTRAL KOOTENAY

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REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 837

A Bylaw to establish a Nelson and District Aquatic Centre and Recreation Commission.

WHEREAS by Supplementary Letters Patent issued the 19th day of February, 1976, it is provided that the Regional Board of the Regional District of Central Kootenay hereinafter referred to as the Regional Board, may by bylaw, establish a Recreation Commission consisting of the Directors representing Electoral Area F, a defined portion of Electoral Area E, and the City of Nelson, plus such other persons as may be designated in the bylaw and in such bylaw may delegate to the Commission any or all of the administrative powers, with the exception of employment of staff with respect to the construction, equipping, operation and maintenance of the aquatic centre, provided however that the costs incurred are within the annual budget as approved by the Regional District;

AND WHEREAS the Regional Board of the Regional District of Central Kootenay deems it desirable to establish by bylaw a Nelson and District Aquatic Centre and Recreation Commission;

NOW THEREFORE, THE REGIONAL DISTRICT IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:

1. The Board of the Regional District of Central Kootenay does hereby establish an aquatic centre recreation commission to be known as the "Nelson and District Aquatic Centre and Recreation Commission" within and comprised of the Municipality of Nelson, Portion of Electoral Area E, and Electoral Area F of the Regional District of Central Kootenay.

A. **MEMBERSHIP - APPOINTMENT, QUALIFICATIONS & TERM**

1. The Nelson and District Aquatic Centre and Recreation Commission shall consist of:

a) Directors representing

- Electoral Area E
- Electoral Area F
- The Corporation of the City of Nelson

who shall, without need of Regional Board appointment, automatically be members;

b) Seven (7) other persons to be appointed by resolution of the Regional Board and representing

- Portion of Electoral Area E (2)
- Electoral Area F (2)
- The Corporation of the City of Nelson (2)
- The Board of School Trustees of School District No. 7 (Nelson) (1).

2. The seven (7) members referred to in Article A.1.b) above, as a condition of eligibility for either appointment to the Commission or to continue to sit as a member of the Commission shall reside within the area outlined on the map attached hereto and forming part of this Bylaw.

3. For the purpose of obtaining the names of persons willing to serve on the Commission, the Regional District shall place an invitation in a locally circulated newspaper, inviting those interested to so apply.
4. Directors representing Electoral Area E, Electoral Area F, The Corporation of the City of Nelson, the Chairman of the Board of the Regional District of Central Kootenay and Administrator of the Regional District shall review all applications, select candidates for and conduct interviews, and recommend to the Board of the Regional District candidates for appointment.
5. The term of office of each member shall be for a period of two (2) years. However, from date of appointment three (3) members shall serve for the term which expires December 31, 1991 and four (4) members shall serve for the term which expires December 31, 1992.
6. Those members serving on the Nelson and District Recreation Commission shall likewise serve on the Nelson and District Aquatic Centre and Recreation Commission.
7. Any appointed member who is absent from meetings of the Commission for two consecutive months without leave of absence from the Commission or without reason satisfactory to the Commission shall forthwith cease to be a member of the Commission.
8. The Regional Board, upon a vacancy arising from any cause other than the expiration of a member's term of office, shall forthwith appoint a new member who shall serve for the unexpired portion of the term vacated. Should there at any time be an insufficient number of applications from which to select candidates for appointment to the Commission, the Regional Board may, without need of additional advertising, appoint members for the term so required.
9. Each retiring member of the Commission shall be eligible for reappointment.
10. No member of the Commission shall receive any remuneration for his service.
11. Each member may recommend in writing to the Regional District Board appointment of an alternate to the Commission. Such alternate member, once appointed by Board resolution, shall take the place of and enjoy all the rights and voting privileges of the specified member during the latter's necessary absence from a meeting of the Commission.

B. **HOLDING OF MEETINGS - QUORUM, VOTING & CONDUCT**

1. The Commission shall, at its first meeting in each year, elect one of its members to be Chairman. The Chairman shall preside at the meetings of the Commission when present and in his absence, an Acting Chairman may be elected.
2. The Chairman shall preserve order and decide all points of order which may arise subject to an appeal to other members present. All such appeals shall be decided without debate and the Chairman, or other presiding member appealed from, shall not vote thereon.
3. The Secretary shall be the Administrative Assistant assigned to the Nelson and District Recreation Commission of the Regional District of Central Kootenay or person so delegated by the Administrative Assistant.

4. All meetings of the Commission shall be held within the Nelson and District Aquatic Centre and Recreation Commission area.
5. The Chairman or any two members may summon a meeting of the Commission by giving at least two days notice in writing to each member, stating the time, place and purpose for which the meeting is called.
6. A quorum of the Commission is a majority of the members with each member having one (1) vote.
7. All questions before the Commission shall be decided by a majority vote.
8. 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.
9. No act or other proceeding of the Commission shall be valid unless it is authorized by resolution at a meeting of the Commission or a resolution of the Regional District Board.
10. Except as provided in this Bylaw, the Commission shall regulate the conduct of its meetings as it deems desirable.

C. **ADMINISTRATION - KEEPING OF MINUTES, PREPARING BUDGETS**

1. The minutes of the proceedings of all meetings of the Commission shall be legibly recorded in a minute book. The minutes shall be certified as correct by the Secretary and shall be signed by the Chairman or other member presiding at such meeting. Upon completion and without delay, an unsigned copy of said minutes shall be forwarded to the Regional District of Central Kootenay.
2. The Commission shall before the 30th day of October in each year cause to be prepared and submitted to the Regional Board a detailed estimate of its receipts from every source and of its expenditures of every kind during the next year. The said estimate shall be considered by the Regional Board and adopted in whole or in part.
3. All items of revenue and expenditure relating to the activities of the Commission shall be accounted for in the books of account of the Regional District of Central Kootenay in accordance with the provisions of Section 245 and other relevant sections of the Municipal Act.

D. **AUTHORITIES, RESPONSIBILITIES AND DUTIES**

1. The Regional 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 operation and maintenance, equipping, and future renovation or addition of the Aquatic Centre provided however that the costs incurred are within the annual budget as approved by the Regional District of Central Kootenay, and without limiting the foregoing;

- b) to prepare job descriptions, establish hours of work, advertise staff vacancies, interview candidates and recommend to the Regional Board all hirings. However, before advertising vacancies or interviewing candidates, it shall be the responsibility of the Commission to first contact the Regional District to confirm working conditions, pay rates, employee benefits and related matters that may be subject to the personnel policies of the Regional District Board;
- c) to sign, or authorize any designated employee to sign, on behalf of the Regional District Board, Rental Contracts. However, such authority does not extend to contracts exceeding a period of 365 days, nor does it extend to leasing any part of the Aquatic Centre;
- d) to organize and conduct those specified recreation programs making use of the Aquatic Centre;
- e) to establish scales or admission charges;
- f) may conduct or have cause to conduct surveys of recreational facilities, areas and programs for the future;
- g) may establish and appoint advisory or select Committees, which shall serve without remuneration;
- h) to ensure collection of all revenues accruing to the said operations and transmit said collections to the Regional District;
- i) to ensure payment of all commitments, liabilities, and accounts in accordance with the annual budget approved by the Board of the Regional District;
- j) to determine operational rules and procedures;
- k) any other responsibilities that may be delegated by resolution of the Regional District Board.

E. **RIGHTS OF THE BOARD**

1. Notwithstanding the provisions of Section D of this Bylaw, the Regional Board retains the right of approval of the operational rules, procedures and policies and the schedule of admission charges to be established.
2. The Regional Board reserves unto itself all of its powers with respect to the initial and future financing, design and renovation/addition of the Aquatic Centre.
3. The powers delegated to the Commission shall not extend to or include any of the powers of the Regional Board which are exercised by bylaw only.

Bylaw No. 200, being the "Nelson and District Aquatic Centre Recreation Commission By-law, 1976" and all amendments thereto, are hereby repealed upon adoption of this Bylaw.

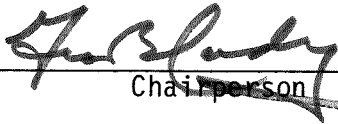
This Bylaw may be cited as the **"Nelson and District Aquatic Centre and Recreation Commission Bylaw No. 837, 1991"**.

READ A FIRST TIME this 12th day of January, 1991.

READ A SECOND TIME this 12th day of January, 1991.

READ A THIRD TIME this 2nd day of March, 1991.

RECONSIDERED, FINALLY PASSED AND ADOPTED the 2nd day of March, 1991.

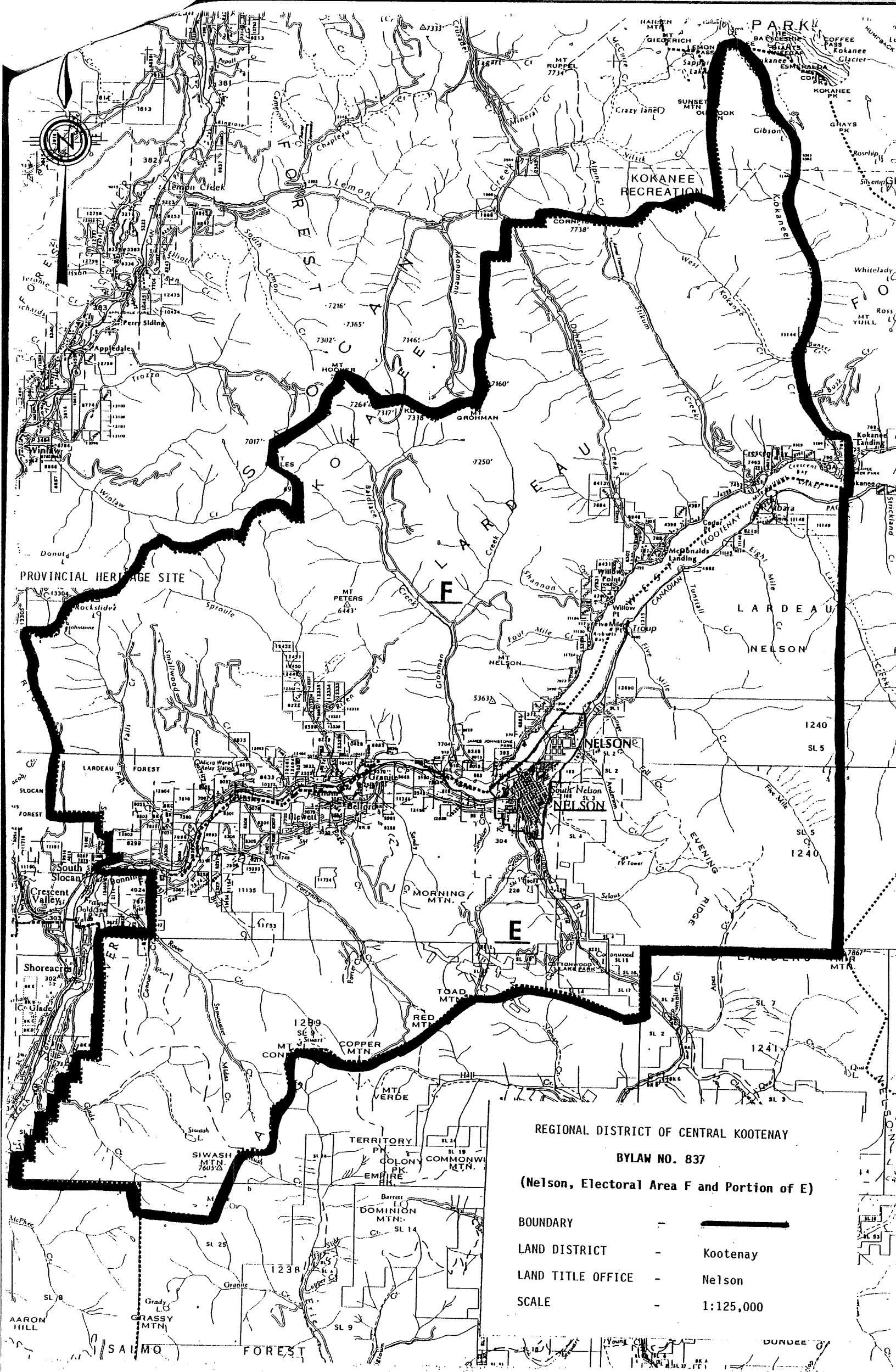

Chairperson


Secretary

I hereby certify that this is a true and correct copy of the **"Nelson and District Aquatic Centre and Recreation Commission Bylaw No. 837, 1991"**.

DATED this day of , 1991.

Secretary



REGIONAL DISTRICT OF CENTRAL KOOTENAY
 BYLAW NO. 837
 (Nelson, Electoral Area F and Portion of E)

- BOUNDARY -
- LAND DISTRICT - Kootenay
- LAND TITLE OFFICE - Nelson
- SCALE - 1:125,000

REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW 1223

A bylaw to amend the Nelson and District Aquatic Centre and Recreation Commission Bylaw No. 837, 1991.

WHEREAS it is desirable to amend the Nelson and District Aquatic Centre and Recreation Commission Bylaw No. 837, 1991;

NOW THEREFORE, THE BOARD OF THE REGIONAL DISTRICT OF CENTRAL KOOTENAY IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. Regional District of Central Kootenay Nelson and District Aquatic Centre and Recreation Commission Bylaw No. 837, 1991 be amended as follows:

(i) Article B.6. be amended to read as follows:

"A quorum of the Commission is five (5) members with each member having one (1) vote."

(ii) Article D.1.b) which reads as follows, be deleted:

"to prepare job descriptions, establish hours of work, advertise staff vacancies, interview candidates and recommend to the Regional Board all hirings. However, before advertising vacancies or interviewing candidates, it shall be the responsibility of the Commission to first contact the Regional District to confirm working conditions, pay rates, employee benefits and related matters that may be subject to the personnel policies of the Regional District Board;"

2. This Bylaw may be cited for all purposes as the "Nelson and District Aquatic Centre and Recreation Commission Amendment Bylaw No. 1223, 1997."

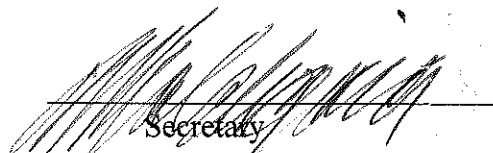
READ A FIRST TIME this 25th day of January, 1997.

READ A SECOND TIME this 25th day of January, 1997.

READ A THIRD TIME this 25th day of January, 1997.

ADOPTED this 25th day of January 25th, 1997.


Chairperson


Secretary

I hereby certify that the foregoing is a true and correct copy of "Nelson and District Aquatic Centre and Recreation Commission Amendment Bylaw No. 1223, 1997."

DATED this day of , 19 .

Secretary

REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW 1275

A bylaw to amend Nelson and District Aquatic Centre and Recreation Commission Bylaw No. 837, 1991 and Nelson and District Recreation Commission Bylaw No. 838, 1991.

WHEREAS it is desirable to amend Nelson and District Aquatic Centre and Recreation Commission Bylaw No. 837, 1991 and Nelson and District Recreation Commission Bylaw No. 838, 1991;

NOW THEREFORE, THE BOARD OF THE REGIONAL DISTRICT OF CENTRAL KOOTENAY IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. Regional District of Central Kootenay Nelson and District Aquatic Centre and Recreation Commission Bylaw No. 837, 1991 be amended as follows:
 - (i) Subsection A.1.b) be amended to read as follows:
 - b) *Eleven (11) other persons to be appointed by resolution of the Regional Board and representing*

- Portion of Electoral Area E	- 2
- Electoral Area F	- 3
- The Corporation of the City of Nelson	- 5
- The Board of School Trustees of School District No. 8 (Kootenay Lake)	- 1
 - (ii) Sections A.2. and A.3. be deleted and replaced with the following:
 2. *The Eleven (11) members referred to in Subsection A.1.b) above, as a condition of eligibility for either appointment to the Commission or to continue to sit as a member of the Commission, shall reside within the area outlined on the map attached hereto and forming part of this Bylaw.*
 3. *For the purpose of obtaining the names of persons willing to serve on the Commission, the Nelson & District Aquatic Centre & Recreation Commission shall place an invitation in a locally circulated newspaper, inviting those interested to so apply.*
2. Regional District of Central Kootenay Nelson and District Recreation Commission Bylaw No. 838, 1991 be amended as follows:
 - (i) Subsection A.1.b) be amended to read as follows:
 - b) *Eleven (11) other persons to be appointed by resolution of the Regional Board and representing*

- Portion of Electoral Area E	- 2
- Electoral Area F	- 3
- The Corporation of the City of Nelson	- 5
- The Board of School Trustees of School District No. 8 (Kootenay Lake)	- 1

(ii) Sections A.2. and A.3. be deleted and replaced with the following:

- 2. *The Eleven (11) members referred to in Subsection A.1.b) above, as a condition of eligibility for either appointment to the Commission or to continue to sit as a member of the Commission, shall reside within the area outlined on the map attached hereto and forming part of this Bylaw.*
- 3. *For the purpose of obtaining the names of persons willing to serve on the Commission, the Nelson & District Recreation Commission shall place an invitation in a locally circulated newspaper, inviting those interested to so apply.*

3. This Bylaw may be cited for all purposes as the **“Nelson and District Recreation Commission and Aquatic Centre and Recreation Commission Amendment Bylaw No. 1275, 1998.”**

READ A FIRST TIME this 24th day of January, 1998.


READ A SECOND TIME this 24th day of January, 1998.

READ A THIRD TIME this 22nd day of August, 1998.

ADOPTED this 22nd day of August, 1998.



 Chair



 Secretary

I hereby certify that the foregoing is a true and correct copy of **“Nelson and District Recreation Commission and Aquatic Centre and Recreation Commission Amendment Bylaw No. 1275, 1998.”**

DATED this _____ day of _____, 1998.

 Secretary

REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 2060

A Bylaw to amend Bylaw No. 837, being the "Nelson and District Aquatic Centre and Recreation Commission Bylaw No. 837, 1991".

WHEREAS a Commission has been established by the Regional District of Central Kootenay by Bylaw No. 837 being the "Nelson and District Aquatic Centre and Recreation Commission Bylaw No. 837, 1991";

AND WHEREAS the Regional District of Central Kootenay deems it expedient to amend Bylaw No. 837 to revise the membership of the Commission;

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

1. Section A. 1 is hereby deleted and the following is substituted therefor:
 - A. 1) *The Nelson and District Aquatic Centre and Recreation Commission shall consist of:*
 - *Three (3) members of Council from the City of Nelson, one of whom shall be the member appointed to the Regional District Board*
 - *Area Director for Electoral Area E*
 - *Area Director for Electoral Area F**Who shall, without need of Regional Board appointment, automatically be members.*
2. Sections A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10, A.11 are hereby deleted in their entirety.
3. Section B.6 is hereby deleted and the following is substituted therefore:
 - B. 6) *A quorum of the Commission is a majority of all members, including at least one Electoral Area Director.*
4. This Bylaw may be cited as the "**Nelson and District Aquatic Centre and Recreation Commission Amendment Bylaw No. 2060, 2009**".

READ A FIRST TIME this 21st day of May, 2009.

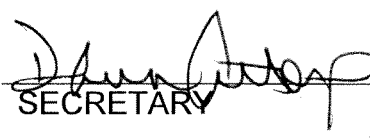
READ A SECOND TIME this 21st day of May, 2009.

READ A THIRD TIME this 21st day of May, 2009.

ADOPTED by an affirmative vote of at least two-thirds of the votes cast
this 21st day of May , 2009.



CHAIR



SECRETARY

