



**Sunshine Bay Regional Park Commission**  
**Bylaw No. 1550, 2002**

**CONSOLIDATED FOR CONVENIENCE ONLY**

This Bylaw has no legal sanction

<b>Bylaw No.</b>	<b>Amendments</b>
Bylaw No. 1832	<ul style="list-style-type: none"><li>• Section 2 – Deleted in entirety and replaced</li></ul>

## REGIONAL DISTRICT OF CENTRAL KOOTENAY

# Bylaw No. 1550

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A Bylaw to establish a Commission to operate and manage the Sunshine Bay Regional Park.

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WHEREAS the Regional District of Central Kootenay, as part of its Official Regional Park Plan adopted by Bylaw No. 528, as amended, designates Sunshine Bay as a regional park;

AND WHEREAS a regional district may, pursuant to Section 176(1)(g) of the *Local Government Act*, establish a commission to: operate a regional district service; undertake operation and enforcement in relation to the local government's exercise of its regulatory authority; 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 manage the Sunshine Bay Regional Park and 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 Sunshine Bay Regional Park Commission for the purpose of operating and managing the Sunshine Bay Regional Park.

2. **Membership**

(1) Membership on the Sunshine Bay Regional Park Commission shall be limited to a maximum of eight (8) members, determined as follows:

(a) By virtue of office, the Director for Electoral Area E of the Regional District of Central Kootenay is automatically appointed as the statutory member to the Commission. In the absence of the Electoral Area Director, the Alternate Director for Electoral Area E may take the place of, vote and generally act in all matters on behalf of the absent director.

(b) A maximum of seven (7) Members at Large to be appointed annually by the Regional District Board.

(2) The following applies with respect to the selection and appointment of Members at Large, appointed pursuant to Section 2(1)(b) of this bylaw:

(a) Members at Large must reside within the Harrop – Proctor Community. Should a Member at Large cease being a resident of the Harrop – Proctor Community, he/she will be deemed to have resigned from the Commission;

- (b) A Member at Large may be re-appointed by the Board for an additional term(s), however, the Board will attempt to strike a balance between ensuring a rotating membership and ensuring continuity in the overall membership of the Commission. No member may be appointed for more than eight (8) terms, regardless of whether or not the terms are consecutive.
  - (c) Appointments are for a calendar year basis and shall expire on December 31st of the year for which the appointment pertains.
  - (d) Members at Large are expected to commit to attending meetings as required. No alternate or substitute members will be permitted.
- (3) All Commission members shall serve without remuneration.

### **3. Meetings – Quorum, Voting and Conduct**

- (1) The commission shall, at its first meeting in each year, elect a Chair and a Secretary. 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 Sunshine Bay Regional Park Commission.
- (3) All meetings of the Commission shall be held either within the Harrop – Proctor community or at the Regional District of Central Kootenay office in Nelson.
- (4) The Chair 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.
- (5) The quorum of the Commission is a majority of the appointed members with each member having one (1) vote.
- (6) All questions before the Commission shall be decided by a majority vote.
- (7) 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.
- (8) 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.

### **4. Administration – Minutes and Budget**

- (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 Chair or other member presiding at such meeting. Upon completion and without delay a copy of said minutes shall be forwarded to the Regional District of Central Kootenay.

- (2) On or before October 31st 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 Board and for inclusion in the Regional Board's provisional and annual budgets.
- (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 the *Local Government Act*.

## **5. Responsibilities, Authorities 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 the operation, management, and maintenance of the Sunshine Bay Regional Park, provided that the costs incurred are within the annual budget as approved by the Regional District of Central Kootenay, and without limiting the foregoing:
    - (i) to approve payment of all commitments, liabilities, and accounts in accordance with the annual budget approved by the Board of the Regional District.
    - (ii) to carry out operational rules and procedure, including maintenance schedules, and maintenance/safety inspections;
    - (iii) any other duties that may be referred by resolution of the Regional District Board with respect to the Regional Park.

## **6. Rights of the Board**

- (1) Notwithstanding the provisions of Section 5 of this Bylaw, the Regional Board retains the right of approval of the policies with respect to the use, operation, and management of the regional park, including the establishment of regulations governing public use of the park, and setting of fees.
- (2) The Regional Board reserves unto itself all of its powers with respect to the initial and future financing, of the Regional Park
- (3) The Regional Board reserves unto itself all of its powers with respect to entering into contracts and agreements.
- (4) The powers delegated to the Commission are subject to the limitations on delegation authority set forth in Section 191 of the *Local Government Act*.

**7. Citation**

This bylaw may be cited as the **“Sunshine Bay Regional Park Commission Establishment Bylaw No. 1550, 2002”**.

READ A FIRST TIME this        27<sup>th</sup>        day of        July        , 2002.

READ A SECOND TIME this        27<sup>th</sup>        day of        July        , 2002.

READ A THIRD TIME this        27<sup>th</sup>        day of        July        , 2002.

ADOPTED this        27<sup>th</sup>        day of        July        , 2002.

Originally signed by

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CHAIR

Originally signed by

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SECRETARY