

REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 2062

A Bylaw to establish a Commission to operate and manage the Rosebery to Three Forks Regional Trail and Rosebery Parklands Regional Park.

WHEREAS the Regional District of Central Kootenay by Bylaw No. 875, being the "Slocan, Silverton, New Denver and Electoral Area H Regional Parks Extended Service Area Bylaw No. 875, 1991", as amended from time to time, established a service for the purpose of acquiring, developing and operating regional parks within the service area;

AND WHEREAS the Regional District of Central Kootenay, as part of its Official Regional Park Plan adopted by Bylaw No. 2044, as amended from time to time, designates the Rosebery to Three Forks Regional Trail and Rosebery Parklands Regional Park as Regional Parks;

AND WHEREAS Rosebery to Three Forks Regional Trail and Rosebery Parklands Regional Park is situated within the Slocan, Silverton, New Denver and Electoral Area H Regional Parks Extended Service Area, pursuant to Bylaw No. 875, 1991, as amended.

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 Rosebery to Three Forks Regional Trail and Rosebery Parklands 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 Rosebery Parklands and Trails Commission for the purpose of operating and managing the Rosebery to Three Forks Regional Trail and Rosebery Parklands Regional Park.

2. Definitions

- (1) "the Commission" means the Rosebery Parklands and Trails Commission as established by this bylaw.
- (2) "Slocan Valley" means the service area established by Bylaw No. 875, being the "Slocan, Silverton, New Denver and Electoral Area H Regional Parks Extended Service Area Bylaw No. 875, 1991", as amended.

3. Membership

- (1) Membership on the Rosebery Parklands and Trails Commission shall be limited to a maximum of 13 members, determined as follows:
 - (a) By virtue of office, the Director representing each of the four (4) participating areas is automatically appointed as a statutory member to the Commission, as non-voting members, as follows:
 - (i) Electoral Area H
 - (ii) Village of Slocan
 - (iii) Village of Silverton
 - (iv) Village of New Denver

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

- (b) Five (5) Members at Large to be appointed by the Regional District Board upon receipt of a recommendation from the Director of Electoral Area H;
- (c) One (1) Member at Large to be appointed by the Regional District Board upon receipt of a recommendation from the Director representing the Village of Slocan;
- (d) One (1) Member at Large to be appointed by the Regional District Board upon receipt of a recommendation from the Director representing the Village of Silverton;
- (e) One (1) Member at Large to be appointed by the Regional District Board upon receipt of a recommendation from the Director representing the Village of New Denver;
- (f) One (1) member to be appointed by the Regional District Board upon receipt of a recommendation from the Rosebery Parklands Society.

- (2) Appointments are for a two-year term and shall expire on December 31st of the year following the year in which the member is appointed.
- (3) Members are expected to commit to attending meetings as required. Alternate or substitute members will be permitted.
- (4) All Commission members shall serve without remuneration.
- (5) 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.

4. 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. 1823, as may be amended or replaced from time to time, applies to the Rosebery Parklands and Trails Commission.
- (3) All meetings of the Commission shall be held within the Slocan Valley.
- (4) The Chair or any two members may summon a special 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.

5. 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 financial plan.
- (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*.
- (4) All revenues shall be receipted, with all receipt retained for inspection by Regional District of Central Kootenay staff or Auditor as required.

6. 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 Rosebery to Three Forks Regional Trail and Rosebery Parklands Regional Park, provided that the costs incurred are within the financial plan 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 procedures, 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.

7. 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 Parks.
- (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*.

8. Repeals Bylaw

Bylaw No. 1057, the "Rosebery to Three Forks Regional Parks Commission Bylaw No. 1057, 1994" is hereby repealed.

9. Citation

This bylaw may be cited as the **"Rosebery Parklands and Trails Commission Bylaw No, 2062, 2009"**.

READ A FIRST TIME this 25th day of June , 2009.

READ A SECOND TIME this 25th day of June , 2009.

READ A THIRD TIME this 25th day of June , 2009.

ADOPTED by an affirmative vote of at least two-thirds of the votes cast this
25th day of June , 2009.



CHAIR



SECRETARY