

## REGIONAL DISTRICT OF CENTRAL KOOTENAY

### BYLAW NO. 2329

A Bylaw to establish a Commission to operate the Nelson, Salmo, E, F and G Regional Parks Commission

WHEREAS the Regional District of Central Kootenay has adopted Bylaw 874, the 'Nelson, Salmo, Electoral Area E, Electoral Area F and Electoral Area G Regional Parks Extended Service Area Bylaw No. 874, 1991' as amended for the purpose of providing regional parks services;

AND WHEREAS the Board of the Regional District of Central Kootenay deems it expedient to appoint a Commission to administer regional parks within the boundaries of the Nelson, Salmo, Electoral Area E, Electoral Area F and Electoral Area G Regional Parks Service area, including the acquisition and development of regional park land and operation of regional parks;

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;

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 administer regional parks within the service area 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 "Nelson, Salmo, Electoral Areas E, F and G Regional Parks Commission for the purpose of acquiring, developing and operating regional parks in the service area;
2. Definitions
  - (1) The "Commission" means the Nelson, Salmo, Electoral Areas E, F and G Regional Parks Commission as established by this bylaw.
  - (2) The "Board" means the Regional District of Central Kootenay Board of Directors.

3. Membership

- (1) *Membership on the Nelson, Salmo, Electoral Areas E, F and G Parks Commission shall be limited to the RDCK Directors for the City of Nelson, the Village of Salmo, Electoral Areas E, F and G.*
- (2) *Members are expected to commit to attending meetings as required.*
- (3) *All commission members shall serve without remuneration*

4. 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 meetings of the Commission when present and in the Chair's absence, an Acting Chair may be selected from the other Commissioners.
- (2) Every year the Commission shall, by resolution, schedule a minimum of four (4) regular meetings of the Commission for the following year.
- (3) The Regional District of Central Kootenay Procedure Bylaw No. 1823, as may be amended or replaced from time to time, applies to the Nelson, Salmo, Electoral Areas E, F and G Regional Parks Commission.
- (4) All meetings of the Commission shall be held within the Nelson, Salmo, Electoral Areas E, F and G Regional Parks catchment area.
- (5) 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.
- (6) The quorum of the Commission is a majority of the appointed 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.

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, operational and other expenses of the enumerated services, including contributions to persons or groups to provide recreational programming services on behalf of the Commission, together with estimates for expected revenues, and shall submit such budget 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 receipts 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 of the regional parks within the service area, 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 develop policies for consideration and approval by the Regional District of Central Kootenay's relative to acquisition, development and operation of the regional parks within the service area.
    - (ii) any other duties that may be referred by resolution of the Regional District Board with respect to the service.

7. Rights of the Board

- (1) Notwithstanding the provisions of Section 5 of this Bylaw, the Regional Board retains the right of approval of all policies.
- (2) The Regional Board reserves unto itself all of its powers with respect to entering into contracts and agreements.
- (3) 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. Citation

This bylaw may be cited as the **"Nelson, Salmo, Electoral Areas E, F and G Regional Parks Commission Bylaw No. 2329"**.

READ A FIRST TIME this	28 <sup>th</sup>	day of	February,	2013
READ A SECOND TIME this	28 <sup>th</sup>	day of	February,	2013
READ A THIRD TIME this	28 <sup>th</sup>	day of	February,	2013
FINALLY ADOPTED this	28 <sup>th</sup>	day of	February,	2013

  
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CHAIR

  
\_\_\_\_\_  
DEPUTY - SECRETARY

