

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2677

A Bylaw to establish an Economic Development Commission for Electoral Area A of the Regional District of Central Kootenay.

WHEREAS a regional district may, pursuant to the *Local Government Act*, establish a commission to operate a regional district service;

AND WHEREAS a regional district may by bylaw, pursuant to the *Local Government Act*, delegate certain administrative duties and authorities to a commission;

AND WHEREAS the Regional Board adopted "Economic Development (Electoral Area A) Service Establishment Bylaw No. 1609, 2004," which established an economic development service on behalf of Electoral Area A;

AND WHEREAS Electoral Area A has given written consent to becoming a participant member in the economic development commission function;

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

COMMISSION ESTABLISHMENT

- 1 Electoral Area A Economic Development Commission is hereby established.

DEFINITIONS

- 2 In this bylaw:

Board means the Board of the Regional District of Central Kootenay.

Commission means the Electoral Area A Economic Development Commission established by this bylaw.

Regional District means the Regional District of Central Kootenay.

Primary Residence means the dwelling where a person usually lives. A person may have only one primary residence at any given time and is used for legal purposes such as determining where a person votes or pays taxes.

COMMISSION PURPOSE

- 3 The purpose of the Commission is to facilitate and promote economic and cultural development within Electoral Area A.

MEMBERSHIP

- 4 The Commission shall consist of:
- (1) the Director representing Electoral Area A; and
 - (2) a maximum of six (6) and a minimum of three (3) members-at-large whose Primary Residence is in Electoral Area A.

MEMBERSHIP APPOINTMENTS

- 5
- (1) The Regional District of Central Kootenay shall advertise in publications which serve the service area for any vacant position on the Commission.
 - (2) In considering new members for appointment to the Commission the RDCK will endeavor to have a broad range of economic sectors and geographic areas represented within the membership.
 - (3) The Commission shall review all applications and recommend to the Board of Directors the names of candidates for appointment to the Commission. In the event, the Commission does not meet quorum, the Director shall make the appointment recommendation to the Board of Directors.
 - (4) All nominations shall be submitted to the Board for consideration no later than ten (10) days prior to the December Board meeting to assure membership is established for the next year and quorum is met.
 - (5) Should there be vacancies on the Commission, the Commission may submit to the Board new nominations as required.
 - (6) All Commission members shall be appointed by resolution of the Board.
 - (7) Members may be reappointed at the discretion of the Board.
 - (8) The Board may, at any time, by an affirmative vote of not less than two-thirds (2/3) of all its members, at a Board meeting, terminate the appointment of any or all members of the Commission.

MEMBERSHIP TERM

- 6
- (1) Members shall be appointed for two-year (2) terms.

- (2) Members are expected to commit to attending meetings as required. Alternate or substitute members will not be permitted.
- (3) A member of the Commission who misses three (3) consecutive meetings without the approval of the Chair or without reason satisfactory to the Commission shall be deemed to have resigned, at which time the Commission shall notify the Board in writing in order to appoint a new member.
- (4) In the event of the death, resignation or disqualification of a member of the Commission, the Board may appoint a new member.
- (5) Should a member-at-large cease having a Primary Residence in the area he/she represents, he/she will be deemed to have resigned from the Commission.

REMUNERATION

- 7 (1) Members of the Commission shall serve without remuneration.
- (2) Members of the Commission shall be entitled to reimbursement for mileage at a rate equivalent to the allowance rates recognized by the Canada Revenue Agency as of January 1st of each year for travel greater than 20 kms.
- (3) Expenses for travel, mileage and attendance at events must be approved by resolution of the Commission, **in accordance to Section 11 (2) of this bylaw**, and the expenses are to be paid from the Area A Economic Development Commission Service.

STRUCTURE

- 8 (1) The Commission shall choose a Chair from within its membership.
- (2) The Commission may choose a Secretary from within its membership in accordance with Section 7 of this bylaw.
- (3) As an alternative to a Secretary selected from within the Commission membership the Commission may request that the Regional District appoint a Secretary with the cost of Secretary remuneration to be incurred within the annual budget for the Area A Economic Development Commission service.
- (4) The Secretary shall be responsible for recording all Commission minutes, in accordance with Section 10 (1) – (3) of this bylaw.
- (5) The Commission shall choose a Chair at the first Commission meeting held each year in accordance with the Regional District of Central Kootenay (RDCK) Procedure Bylaw.

MEETINGS

- 9 (1) Unless otherwise authorized by Section 90 of the *Community Charter*, all Commission

meetings will be open to the public and held in a location accessible to the public.

- (2) All meetings of the Commission shall be held within the local service area.
- (3) The Commission shall hold minimum of four (4) regularly scheduled meetings per year, with the first meeting normally held in January. The Commission shall approve the meeting schedule at its January meeting and provide the schedule and the location of the meetings to the Corporate Administration department to add to the RDCK website.
- (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) Prior to each Commission meeting, the Secretary shall prepare an agenda, which shall be circulated to the Commission members at least 24 hours in advance. The Commission may waive the requirement for advance notice of the agenda in emergency situations requiring a special meeting.
- (6) The order of precedence for conducting all meetings of the Commission shall follow:
 - (a) the rules of procedure set out in this bylaw;
 - (b) the rules of procedure within the RDCK Procedure Bylaw; and
 - (c) the current edition of *Robert's Rules of Order*.
- (7) All business of the Commission shall be conducted through the forum of a duly constituted meeting.
- (8) Commission members shall abide by the conflict of interest provisions of the *Local Government Act*. Members who have a direct or pecuniary interest in a matter under discussion shall not participate in the discussion of the matter or vote on a question on the matter. Where members believe they are in a conflict, they must declare the conflict and state the general nature of the conflict, and leave that part of the meeting where the matter is under discussion. The member's declaration shall be recorded in the minutes. The member shall not attempt before, during or after the meeting to influence the voting on any question in respect of the matter.
- (9) The Chair, if present, shall preside at the meeting.
- (10) In the absence of the Chair, the members present shall appoint a member to act as Chair for that meeting or until the elected Chair arrives.
- (11) The Chair or Acting Chair, at any meeting, shall be entitled to vote on all matters before the Commission.
- (12) 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 Board.
- (13) A majority of the Commission shall constitute a quorum.
- (14) All questions before the Commission shall be decided by a majority vote.

- (15) Each member of the Commission shall have one vote.
- (16) A motion is defeated in the case of a tie.
- (17) Any member who abstains from voting shall be deemed to have voted in the affirmative.

AGENDAS AND MINUTES

- 10 (1) Agendas and minutes shall be prepared by the Secretary of the Commission and will adhere to the templates and other guidelines from the Regional District.
- (2) Minutes shall be kept of all meetings of the Commission. They must record all those present at the meetings, as well as all staff actions and resolutions. The minutes shall be certified as correct by the Secretary and approved by the Chair.
- (3) The minutes shall be forwarded to the Regional District Corporate Officer within fourteen (14) days of the meeting.

ELECTRONIC PARTICIPATION MEETINGS

- 11 The Commission may participate in meetings electronically in accordance with the RDCK Procedure Bylaw.

DUTIES AND RESPONSIBILITIES

- 12 (1) The Commission may partner with regional and sub-regional groups on initiatives that include an economic benefit for Electoral Area A and in accordance with subsections (2) – (5). Any partnership agreements or memoranda of understanding require RDCK Board approval in accordance with Section 12 (3) of this bylaw.
- (2) The function of the Commission is to advise and provide recommendations to the Board.
- (3) The duties and responsibilities of the Commission may include consideration of the following matters and the initiation, coordination and procurement of such programs and activities in relation to those matters as the Commission may deem necessary and the Board so approves, the provisions outlined in Section 12 (2) of this bylaw apply:
 - a) preparation of economic data, analyses, policies and recommendations within the context of economic growth and cultural development objectives of Electoral Area A;
 - b) identification of viable economic and cultural development opportunities and existing constraints to development;
 - c) promotion and marketing of economic and cultural opportunities;
 - d) the maximum utilization of financial and employment programs designed to facilitate economic and cultural development; and
 - e) such other matters as the Commission considers relevant to the promotion and encouragement of economic and cultural development within Electoral Area A.

- (4) The Commission must recommend any budget items to the Board for review and approval by resolution.
- (5) The Commission must recommend any grant allocations to the Board for review and approval by resolution.
- (6) The Commission must undertake other matters referred by the Board or delegation by resolution and shall provide reports as required by the Board.
- (7) The Commission must adhere to the Regional District's bylaws and policies.
- (8) The Commission may appoint members to participate in local initiatives and partnerships on behalf of the Commission.
- (9) For certainty the Commission, or individual Commission members, shall **not** do any of the following unless the authority to do so is expressly delegated by the RDCK Board of Directors:
 - (a) enter into agreements and contracts on behalf of the RDCK
 - (b) commit or purport to commit to the expenditure of any funds unless approved in the RDCK financial plan
 - (c) Influence the hiring, management, and disciplinary processes of RDCK employees
 - (d) Seek legal advice related to the business of the Commission
 - (e) Issue media releases and communications

RIGHTS OF THE BOARD

- 13**
- (1) The powers delegated to the Commission shall not extend to or include any of the powers of the Board of Directors which are exercised by bylaw only.
 - (2) The Board retains the right to have staff review recommendations from the Commission to confirm RDCK standards and regulations are being met.
 - (3) Notwithstanding the provisions of Section 9 of this bylaw, the Board must approve any policy regarding the approval, distribution, and accountability of financial contributions from the Commission to external persons or groups, or other policies pertaining to Commission operations. Policy recommendations made by the Commission shall not be inconsistent with existing Board policies, bylaws and regulations.
 - (4) The Regional Board reserves unto itself all of its powers with respect to entering into contracts and agreements.
 - (5) The powers delegated to the Commission are subject to the limitations in accordance with Section 229 [*Delegation of board authority*] of the *Local Government Act*.

SEVERABILITY

- 14 If any section, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of the court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this bylaw.

REPEAL

- 15 **Economic Development Commission for Electoral Area A Bylaw No. 587, 1986**, and amendments hereto, are hereby REPEALED.

CITATION

- 16 This Bylaw may be cited as **Electoral Area A Economic Development Commission Bylaw No. 2677, 2019**.

READ A FIRST TIME this 12th day of December, 2019.

READ A SECOND TIME this 12th day of December, 2019.

READ A THIRD TIME this 12th day of December, 2019.

ADOPTED by an affirmative vote of at least 2/3 of the votes cast this 12th day of December, 2019.



Aimee Watson, Board Chair



Mike Morrison, Corporate Officer

