



**Recreation Commission No. 9 – Portion of Area A**  
**Bylaw No. 2678, 2021**

**CONSOLIDATED FOR CONVENIENCE ONLY**

**This Bylaw has no legal sanction**

<b>Bylaw No.</b>	<b>Amendments</b>
<b>Bylaw No. 2818</b>	<ul style="list-style-type: none"><li>• Section 5(4) and (5) – deleted and replaced</li><li>• Section 6(1) – deleted and replaced</li><li>• Section 8(1) – deleted and replaced</li><li>• Section 9(7) – deleted and replaced</li><li>• Section 11(5) - Added</li></ul>

## REGIONAL DISTRICT OF CENTRAL KOOTENAY

# Bylaw No. 2678

---

A bylaw to establish a commission to make recommendations on the Portion of Electoral Area A Recreational Program Local Service.

---

WHEREAS a regional district may, pursuant to the *Local Government Act*, establish a commission to advise and bring recommendations to the Board on the operations of 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 "Portion of Electoral Area A (Rec. #9) Recreational Program Bylaw No. 786, 1990", as amended, which established an recreation service on behalf of a portion of Electoral Area A;

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

### COMMISSION ESTABLISHMENT

- 1 Recreation Commission No. 9 – Portion of Area A is hereby established.

### DEFINITIONS

- 2 In this bylaw:

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

**Commission** means the Recreation Commission No. 9 established by this bylaw.

**Meeting Coordinator** means the person who is responsible for the preparations of the Commission meetings including the agendas and minutes as established by this bylaw.

**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.

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

**Service Area** means the Portion of Electoral Area A Recreational Program Local Service Area.

### **COMMISSION PURPOSE**

- 3** The purpose of the Commission, as delegated by the Board, is to:
- (1) enhance the quality of life of participants in the Service Area by providing grant funds to recreation and service providers in a Portion of Electoral Area A;
  - (2) consider and make recommendations to the Board on the acquisition and development of recreational facilities and program delivery in the Service Area;
  - (3) review the financial performance of the service relative to the annual budget approved by the Board;
  - (4) consider and make recommendations to the Board on the budget for review; and
  - (5) to act as two-way conduit of information and communications between the Regional District staff and the Board, and the communities within the Service Area, on Regional District matters affecting the community;

### **MEMBERSHIP**

- 4** (1) The Commission shall consist of:
- (a) the Director representing Electoral Area A; and
  - (b) a maximum of eight (8) and a minimum of three (3) members-at-large whose Primary Residence is in the Service Area.

In the absence of the Electoral Area Director, the Alternate Director for the Electoral Area A may take the place of, vote and generally act in all matters on behalf of the absent director.

### **MEMBERSHIP APPOINTMENTS**

- 5** (1) The Regional District of Central Kootenay shall place advertisements in publications which serve the Service Area to notify the public about any vacant positions on the Commission.
- (2) The Director and the members-at-large, whose term has not expired, 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.
- (3) All nominations shall be submitted to the Board for consideration each year 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.

- (4) All members-at-large shall be appointed to the Commission by resolution of the Board.
- (5) Members-at-large may be reappointed at the discretion of the Board.
- (6) The Board may, at any time, by an affirmative vote of not less than two-thirds (2/3) of the members present at the Board meeting, terminate the appointment of any or all members-at-large of the Commission.

#### **MEMBERSHIP TERM**

- 6 (1) Members-at-large shall be appointed up to a two (2) year term or a minimum of a one (1) year term depending on the Commission's requirements.
- (2) Terms shall vary, with half of the members-at-large terms expiring a year prior to the other half.
- (3) Members are expected to commit to attending meetings as required. Substitute members will not be permitted unless they are appointed as an alternate.
- (4) 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.
- (5) In the event of the death, resignation or disqualification of a member of the Commission, the Board may appoint a new member.
- (6) Should a member-at-large cease having a Primary Residence in the area they represents, they will be deemed to have resigned from the Commission.

#### **REMUNERATION**

- 7 Members of the Commission shall serve without remuneration.

#### **STRUCTURE**

- 8 (1) The Commission at its first meeting of each year shall elect the Chair for the next year from among the members of the Commission. The election of the Chair shall be in accordance with the section from the Regional District of Central Kootenay (RDCK) Procedure Bylaw - Elections of the Board Chair and Tie Vote.
- (2) The Commission may choose a Meeting Coordinator from within its membership in accordance with Section 7 of this bylaw.
- (3) As an alternative to a Meeting Coordinator selected from within the Commission membership the Commission may request that the Regional District employ a Meeting Coordinator with the cost of remuneration to be paid from the applicable Service Area.

- (4) The Meeting Coordinator shall be responsible for recording all Commission minutes, in accordance with Section 10 (1) – (3) of this bylaw.

## MEETINGS

- 9 (1) A meeting may not be closed to the public unless authorized in accordance with Section 90 of the *Community Charter* and a RDCK manager is present at the meeting. Only the Board can move items from a Closed meeting into an Open meeting.
- (2) All meetings of the Commission shall be held within the local Service Area.
- (3) The Commission shall hold minimum of three (3) 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) Prior to each Commission meeting, the Meeting Coordinator shall prepare an agenda, which shall be circulated to the Commission members and the public at least 48 hours in advance. The Commission may waive the requirement for advance notice of the agenda in emergency situations requiring a special meeting.
- (5) Unless a rule of procedure is specifically outlined in this bylaw, the rule contained in the current RDCK Procedures Bylaw, as amended, shall apply. 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*.
- (6) The Commission shall adhere to the requirements described within the applicable section of the RDCK Procedures Bylaw on any procedural matters including, but not limited to, the following:
- Notice of Special meetings
  - Closed (In Camera) Meetings
  - Electronic participation meetings
  - Attendance of public at meetings
  - Resolutions
  - Delegations and Presentations
  - Keeping Order
  - Debate and Conduct
  - Motions
  - Notice of Motion
  - Voting
  - Commissions
- (7) All business of the Commission shall be conducted through the forum of a duly constituted meeting. The Commission is not permitted to delegation their duties to sub-committees.

- (8) The quorum for the Commission is the majority of the Commission members. No meeting may proceed without quorum or the Chair/Acting Chair. If there is no quorum of the Commission within 30 minutes of the scheduled time for the meeting, the meeting must be postponed to the next meeting or rescheduled.
- (9) The Chair, if present, shall preside at the meeting. In the absence of the Chair, but where quorum is achieved the members present shall appoint a member to act as Acting Chair for that meeting or until the elected Chair arrives.
- (10) No act or other proceeding of the Commission shall be valid unless it is authorized by resolution adopted at a duly constituted meeting of the Commission or a resolution of the Board.
- (11) All questions before the Commission shall be decided by a majority vote, and each member of the Commission shall have one vote.

## **AGENDAS AND MINUTES**

- 10** (1) Agendas and minutes shall be prepared by the Meeting Coordinator 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 Meeting Coordinator and approved by the Chair.
- (3) The minutes shall be forwarded to the Regional District Corporate Officer within fourteen (14) days of the meeting.

## **DUTIES AND RESPONSIBILITIES**

- 11** (1) The function of the Commission is to advise and provide recommendations to the Board.
- (2) The Commission must recommend any grant allocations to the Board for review and approval by resolution.
- (3) The Commission must undertake other matters assigned by resolution of the Board and shall provide reports as required by the Board.
- (4) The Commission must adhere to the Regional District's bylaws and policies.
- (5) For certainty the Commission, or individual Commission member, 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 contract on behalf of the RDCK;
  - (b) Committee or purport to commit to the expenditure of any funds unless approved in the RDCK financial plan or by resolution of the RDCK Board;
  - (c) Influence the hiring, management, and disciplinary processes of RDCK employees;
  - (d) Seek legal advice related to the business of the Commission; and

- (e) Issue media releases and communications.

## **RIGHTS OF THE BOARD**

- 12 (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 and staff time will be incorporated into the Service Area's budget.
- (3) The Board must approve any policies with respect to the approval, distribution, and accountability of financial contributions from the Commission to persons or groups providing recreational and cultural services on behalf of the Commission.
- (4) The Regional District shall have final authority on all decisions relating to the planning, financing, operation and maintenance of the service.
- (5) The Regional Board reserves unto itself all of its powers with respect to entering into contracts and agreements.
- (6) The Board reserves unto itself all of its powers with respect to staffing and personnel management.
- (7) 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**

- 13 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**

- 14 **Recreation No. 9 and Electoral Area A Regional Parks Commission Establishment Bylaw No. 1944, 2008** and amendments hereto, are hereby REPEALED.

## **CITATION**

- 15 This Bylaw may be cited as **Recreation Commission No. 9 – Portion of Area A Bylaw No. 2678, 2021**.

READ A FIRST TIME this            23<sup>rd</sup>                    day of                    September, 2021.

READ A SECOND TIME this 23<sup>rd</sup> day of September, 2021.

READ A THIRD TIME this 23<sup>rd</sup> day of September, 2021.

ADOPTED by an affirmative vote of at least 2/3 of the votes cast this 23<sup>rd</sup> day of September, 2021

---

Aimee Watson, Board Chair

---

Mike Morrison, Corporate Officer