

**FRASER VALLEY REGIONAL DISTRICT
BYLAW NO. 1192, 2012**

A bylaw to establish the Recreation, Culture and Regional Airpark Services Commission

WHEREAS Section 176 of the Local Government Act, RSBC 1996 Ch. 323 (the “Act”), provides that a local government may establish Commissions to operate the services of the local government;

AND WHEREAS the Hope and District Recreation Commission was established pursuant to “Fraser Valley Regional District Hope and District Recreation Commission Establishment Bylaw No. 501, 2002” adopted on April 23, 2002;

AND WHEREAS the Hope Regional Airport Commission was established pursuant to “Fraser Valley Regional District Hope Regional Airport Commission Establishment Bylaw No. 0138, 1999” adopted on September 21, 1999;

AND WHEREAS the Board of Directors of the Fraser Valley Regional District deems it necessary, desirable and expedient to repeal Fraser Valley Regional District Bylaws No. 0138, 1999 and No. 0501, 2002 and to merge the Hope and District Recreation Commission and the Hope Regional Airport Commission in order to facilitate the establishment of a newly constituted Recreation, Culture and Regional Airpark Services Commission under Bylaw 1192, 2012;

NOW THEREFORE, the Board of Directors of the Fraser Valley Regional District in open meeting assembled, enacts as follows:

1.0 CITATION

- 1.1 This bylaw may be cited for all purposes as “Fraser Valley Regional District Recreation, Culture and Airpark Services Commission Establishment Bylaw No. 1192, 2012”.

2.0 DEFINITIONS

In this bylaw:

“Board” means the Board of Directors of the Fraser Valley Regional District;

“Chief Administrative Officer” means that person appointed as Officer responsible for corporate administration by the Board;

“Director of Corporate Services” means that person appointed as Deputy Officer responsible for corporate administration and Officer responsible for financial administration by the Board;

\ “Manager of Recreation, Culture and Airpark Services” means that person appointed to such position by the Board;

“Participants” means the District of Hope and Electoral Areas A and B, as applicable;

“Regional District” means the Fraser Valley Regional District.

3.0 ENACTMENTS

3.1 There is hereby created the “Recreation, Culture and Airpark Services Commission” (hereinafter referred to as the “Commission”);

3.2 The terms of this bylaw set forth the delegated powers, duties and responsibilities of the Commission and establish the rules of procedure for the Commission.

4.0 TERMS OF THE BYLAW

4.1 Composition of the Commission

The Commission shall be composed of seven (7) members who shall serve without remuneration, and such members shall be appointed by the Board as follows:

- (a) One (1) Electoral Area Director from Electoral Area A;
- (b) One (1) Electoral Area Director from Electoral Area B;
- (c) One (1) Municipal Director from the District of Hope;
- (d) Two (2) Members at Large from Electoral Area B;
- (e) Two (2) Members at Large from the District of Hope.

4.2 Appointment of the Commission, Term of Appointment and Alternates

- 4.2.1 The term of office of the appointed Directors for Electoral Areas A and B shall be three (3) years, unless the appointment is rescinded in accordance with Section 4.3.
- 4.2.2 The term of office of the appointed Municipal Director from the District of Hope shall be three (3) years, unless the Council of the District of Hope chooses to appoint another Municipal Director during that term.
- 4.2.3 Appointments to the Commission in accordance with Section 4.2.1 shall be made by resolution of the Board every three years and shall be made during the month of December. Appointments will take effect on January 1st.
- 4.2.4 The term of office of the appointed Members at Large from Electoral Area B and the District of Hope shall be two (2) years. The term of office shall be staggered

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to ensure continuity of the Commission, thus one Commissioner at Large from Electoral Area B and the District of Hope shall be appointed to the Commission in each calendar year.

4.2.5 Member at Large appointments to the Commission shall be made as follows:

4.2.5.1 Appointments shall be solicited in September for each year by way of an Expression of Interest for Appointment to the Recreation, Culture and Regional Airpark Services Commission. This solicitation is to be advertised in the communities of Electoral Area B and the District of Hope and on the Fraser Valley Regional District Website;

4.2.5.2 The Manager of Recreation, Culture and Airpark Services shall be responsible for soliciting the Expression of Interest for Appointment to the Recreation, Culture and Regional Airpark Services Commission;

4.2.5.3 On the basis of the responses to the Expression of Interest for Appointment to the Recreation, Culture and Regional Airpark Services Commission, Electoral Area and Municipal Commissioners shall make a recommendation to the Board for the appointment of these Members at Large.

4.2.5.4 The Board shall ratify the appointments of Members at Large by resolution.

4.2.6 Commissioners representing Electoral Areas A and B and the District of Hope shall appoint Alternates to the Commission.

4.2.6.1 Commissioners at Large are not entitled to have Alternates appointed to the Commission.

4.2.6.2 Alternate Commissioners acting on behalf of a Commissioner shall be permitted to attend any regular or closed meeting of the Commission and may exercise the voting rights of the Commissioner on whose behalf the Alternate is acting.

4.2.6.3 Alternate Commissioners may attend regular and closed meeting of the Commission as an observer with the proviso that no voting rights or other privileges shall be invoked.

4.2.7 The eligibility requirements for Commissioners and Alternate Commissioners shall be those same qualifications set for under *the Local Government Act, RSBC 1996 Ch. 323*, with respect to who may hold elected office as a member of a local government.

4.3 Resignations or Removal from the Commission

4.3.1 The Board shall have the power, by an affirmative vote of not less than two-thirds of the votes cast by the Directors who are present and who represent a participating area, to remove from office at any time any member of the

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commission so appointed. In the case of a tie vote, the full Board, by an affirmative vote of not less than two-thirds of the votes cast, may remove a Commissioner from office.

4.3.2 Any Commissioner who is absent from meetings of the Commission for three (3) consecutive meetings without leave of absence from the Commission shall forthwith cease to be a member of the Commission and that person's seat thereon shall be declared vacant.

4.3.3 The Board, upon a vacancy arising from any cause, shall forthwith appoint a new Commissioner who shall serve for the unexpired portion of the term vacated. The Commission shall recommend an appointee to the Board for this purpose.

4.3.4 A Commissioner at Large may resign from the Commission in writing to the Chair and the vacancy shall be filled in accordance with this section.

4.4 Participation on the Commission

4.4.1 The following Commissioners shall have the power and authority to consider all matters pertaining to the Hope and District Arena and the Dan Sharrers Aquatic Centre other facilities contemplated or enabled under the service established in accordance with the "Fraser Valley Regional District Hope and Electoral Area "B" Arena and Swimming Pool Local Service Area Conversion Bylaw No. 0103, 1997":

Commissioner representing Electoral Area B;
Commissioner representing the District of Hope;
Commissioners at Large representing Electoral Area B; and
Commissioners at Large representing the District of Hope.

4.4.2 The following Commissioners shall have the power and authority to consider all matters pertaining to the Regional Airpark and Recreation Programs in Electoral Areas A and B and the District of Hope:

Commissioner representing Electoral Area A;
Commissioner representing Electoral Area B;
Commissioner representing the District of Hope;
Commissioners at Large representing Electoral Area B; and
Commissioners at Large representing the District of Hope.

4.4.3 The following Commissioners shall have the power and authority to consider all matters pertaining to Almer Carlson Pool in Electoral Area A:

Commissioner representing Electoral Area A.

4.4.4 Notwithstanding Sections 4.4.1 to 4.4.3, Commissioners at Large are not empowered to vote on budgetary matters.

4.5 Powers and Duties Delegated to the Commission

4.5.1 The Commission's powers are limited in accordance with Section 191 of the Act. The Commission's powers shall not:

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- 4.5.1.1 extend to or include any powers of the Board which are exercised by Bylaw only;
 - 4.5.1.2 include the power to appoint, suspend or terminate a local government officer or employee;
 - 4.5.1.3 include the power to hear an appeal or reconsider an action, decision or other matter of the Board;
 - 4.5.1.4 include the power to enter into a collective agreement;
 - 4.5.1.5 include the power to give an approval or consent, make a recommendation, accept an action or make a decision on behalf of the Board which is required under the Act or any other Act.
- 4.5.2 Subject to Section 4.4, the Board hereby authorizes and empowers the Commission to undertake the following:
- 4.5.2.1 Manage and make improvements, including new construction, to property or an interest in property held by the Regional District in relation to any and all facilities associated or affiliated with the Hope and District Recreation Centre and Airpark subject to the provisions of all applicable legislation, regulations, bylaws or other enactments or contractual obligations with respect to said property;
 - 4.5.2.2 Make recommendations to the Board concerning the establishment, implementation of rules regulations, policies and procedures with respect to the delivery, operation and management of airpark and recreation services, programs and facilities in Electoral Areas A and B and the District of Hope;
 - 4.5.2.3 Make recommendations to the Board concerning the establishment of rates, fees and charges with respect to the delivery of airpark and recreation services, programs and facilities in Electoral Areas A and B and the District of Hope;
 - 4.5.2.4 Make recommendations to the Board concerning the establishment and administration of capital and operating budgets with respect to the delivery of airpark and recreation services, programs and facilities in Electoral Areas A and B and the District of Hope;
 - 4.5.2.5 Make recommendations to the Board for the authorization to enter into contracts, according to FVRD purchasing policies, for the purpose of carrying out its duties as set forth in this bylaw, within the amount authorized in the respective capital and operating budgets;
 - 4.5.2.6 Enforce all Bylaws of the Board in relation to any matter affecting the management of property held by the Regional District and/or

\ the delivery of recreation, cultural and airpark services or programs in Electoral Areas A and B and the District of Hope.

4.5.2.7 Report out to the Board on any and every matter referred to it. Such report shall be in the form of minutes, unless special circumstances dictate that matters may or must be otherwise brought forward to the Board.

4.5.2.8 Establish programming and implement marketing and advertising initiatives for the recreation, cultural and airpark services.

4.5.2.9 Waive established fees when to the benefit of the community at large with respect to recreation, cultural and airpark services.

4.6 Financial Responsibilities of the Commission

4.6.1 Present to the Board, a 5 year Financial Plan, prepared in each calendar year in accordance with the Act.

4.6.2 Refer the annual Financial Plan to the Participants prior to ratification and adoption of same by the Board.

4.6.3 The Director of Corporate Services shall make quarterly financial statements available to the Commission on request.

4.7 Meetings of the Commission

4.7.1 The Commission shall decide from time to time, by resolution, when and where its regular meetings shall be held. Meetings must be held at least four (4) times per year.

4.7.2 All acts whatsoever authorized or required to be done by the Commission, except as otherwise provided for, and all questions of adjournment and others that may come before the Commission, shall be done and decided by a Quorum of the members of the Commission, including the Chair, who are present at any meeting of the Commission. Four (4) members of the Commission shall constitute a Quorum for the transaction of the Commission's business. If a quorum is not present within thirty (30) minutes after the time fixed for a meeting, the Manager of Recreation, Culture and Airpark Services, shall record the names of the members present and the meeting shall stand adjourned.

4.7.3 A special meeting of the Commission may be called at any time by the Chair and each member of the Commission shall be given at least twenty-four hours notice of same before the time of meeting by leaving a copy of the notice for each member of the Commission at the place to which he/she has directed such notices to be sent, unless the notice is waived by the unanimous vote for all the members of the Commission.

4.7.4 Two or more members of the Commission may, in writing, request the Chair to call a special meeting. In case the Chair, within twenty-four hours after receiving the request for a special meeting refuses or neglects to call the special meeting within seven (7) days after the day upon which the request is received by the

\ Chair, or if the Chair is absent then two or more members of the Commission may call a special meeting.

- 4.7.5 Advance Public Notice of any regular or special meeting shall be given to members of the public in accordance with the Act.
- 4.7.6 All regular meetings of the Commission shall be open to the public.
- 4.7.7 Meetings of the Commission may be closed to the public in accordance with the Act.
- 4.7.8 Minutes of all meeting of the Commission shall be accurately recorded and must be kept by the person charged with this responsibility under the Act. Minutes of all meetings of the Commission must be circulated to the Commission Members prior to the next meeting, and after they have received the approval of a majority of the Members, shall be signed by the Chair or other person presiding at the meeting and forwarded to the Board for receipt.
- 4.7.9 Minutes of open meetings of the Commission shall be open for inspection at anytime.
- 4.7.10 Minutes of closed meetings of the Commission shall not be open for inspection by the public and shall only be released by the Head of Freedom of Information subject to the disclosure provisions of *the Freedom of Information and Protection of Privacy Act, RSBC 1996*. No Commissioner shall disclose to the public the proceedings of a closed meeting of the Commission.
- 4.7.11 A closed meeting resolution or minutes of a closed meeting may be made a matter of public record where the Commission resolves that it is in the public interest to make a closed meeting resolution or minute a matter of public record. It is the responsibility of the Chief Administrative Officer or duly appointed designate to ensure that the matter is brought into the public record at the next regular Commission Meeting.
- 4.7.12 In the absence special circumstances, Commission Agendas shall be circulated to each Commission Member, either in hard copy or electronically, at least four (4) calendar days in advance of a Meeting of the Commission.
 - 4.7.12.1 Addenda materials not contained within the regular agenda shall be circulated at the time of the regular Commission Meeting.
 - 4.7.12.2 Addenda materials must be approved in advance by the Chair.
- 4.7.13 A Delegation wishing to appear before the Commission shall submit a written request to appear as a delegation to the Manager of Recreation, Culture and Airpark Services, together with copies of any written submissions to the Commission, not later than ten (10) calendar days prior to the scheduled Commission Meeting. The request must specify the subject matter of the delegation.
 - 4.7.13.1 The Chair must approve all delegations before the delegation is set to the Commission Agenda.

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- 4.7.13.2 Where the Chair has refused a delegation, the Chair shall notify the Commission in writing on the Commission Agenda that the Delegation asked to appear before.
 - 4.7.13.3 The Manager of Recreation, Culture and Airpark Services shall promptly notify a representative of the delegation as to the date, time and place of the Commission Meeting at which the delegation will be heard.
 - 4.7.13.4 The Manager of Recreation, Culture and Airpark Services shall promptly notify a representative of a delegation that has been refused as to why the delegation has been refused.
 - 4.7.13.5 The Chair has the discretion to entertain a late delegation.
 - 4.7.13.6 Delegations are limited to a maximum of ten (10) minutes, unless otherwise extended by leave of the Chair or other person presiding.

4.8 Election of Chair and Vice Chair of the Commission

- 4.8.1 The Commission shall, at its first meeting of each calendar year, elect one (1) of its Members as its Chair for that year. The Manager of Recreation, Culture and Airpark Services, shall conduct the election for Chair and shall act as Chair until the election of the Chair has been completed. Where only one Member is nominated, after the person conducting the election has called three (3) times for nominations, the Member nominated shall be acclaimed Chair. If more than one Member is nominated, the Chair shall be elected by secret ballot with each Member having one (1) ballot. The Member with the most ballots will be elected Chair.
- 4.8.2 The Commission shall, at its first meeting of each calendar year, elect one (1) of its Members as its Vice Chair and the Chair shall conduct the election in accordance with this section.

4.9 Powers and Duties of the Chair and Vice Chair of the Commission

- 4.9.1 The Chair shall preside, when present, at all meetings of the Commission and shall fulfill all of the duties usually performed by a Chair.
- 4.9.2 The Chair shall be the official spokesperson for the Commission but shall not act autonomously from the Commission
- 4.9.3 The Chair shall be responsible for setting matters on the Commission Agenda in consultation with Staff and Commission Members as required.
- 4.9.4 The Chair has the same voting rights as the other members of the Commission and may exercise those rights to break a tie vote as necessary.
- 4.9.5 The Commission must elect a Vice-Chair who in the absence of the Chair shall preside at meetings of the Commission.

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- 4.9.6 In case the Chair and the Vice Chair is absent from a meeting of the Commission, the Commission Members present at the meeting shall elect one of their number to act as Chair of the meeting.
- 4.9.7 The Chair or other person presiding shall preserve order and decide points of order which may arise during the course of a Commission meeting.
- 4.9.8 The Chair or other person presiding may exclude from a meeting of the Commission, any person whom the Chair or other person presiding considers to be out of order.
- 4.9.9 In all cases where the votes of the Commissioners present and entitled to vote, including the vote of the Chair or other person presiding are equal for or against a question, the question shall be declared in the negative and shall be defeated, and it shall be the duty of the Chair or other person presiding to so declare.

4.10 Voting Rights of Commission Members

- 4.10.1 Subject to Sections 4.4 and 4.10.2, all Commission Members shall be entitled to one vote and may vote on all matters affecting a Commission Members respective Participating Area.
 - 4.10.1.1 Matters pertaining to the Hope and District Arena and the Dan Sharrers Aquatic Centre may only be voted on by those Commissioners identified in Section 4.4.1.
 - 4.10.1.2 Matters pertaining to Recreation Programs in Electoral Areas A and B and the District of Hope may only be voted on by those Commissioners identified in Section 4.4.2.
 - 4.10.1.3 Matters pertaining to Airpark Services in Electoral Areas A and B and the District of Hope may only be voted on by those Commissioners identified in Section 4.4.2.
 - 4.10.1.4 Matters pertaining to Almer Carlson Pool in Electoral Areas A may only be voted on by those Commissioners identified in Section 4.4.3.
- 4.10.2 Commissioners at Large may hear, consider, debate and discuss budgetary matters, but are not entitled to vote on budgetary matters.
- 4.10.3 In all cases where the votes of the Commissioners present and entitled to vote, including the vote of the Chair or other person presiding are equal for or against a question, the question shall be declared in the negative and shall be defeated, and it shall be the duty of the Chair or other person presiding to so declare.
- 4.10.4 Any Commissioner present and entitled to vote who abstains from voting shall be deemed to have voted in the affirmative.
- 4.10.5 Any Commissioner present and entitled to vote may ask that his/her negative vote be recorded in the Minutes.

4.10.6 A Special Vote by way of a telephone poll may be undertaken where a matter is considered urgent in that the matter requires immediate action as a result of unforeseen circumstances and where calling a regular or special meeting of the Commission would be impractical.

4.10.6.1 Where a Special Vote is to be undertaken, the Manager of Recreation, Culture and Airpark Services or duly appointed designate shall make all reasonable attempts under the circumstances to ensure that each Commissioner entitled to vote has the opportunity to do so.

4.10.6.2 Before a Commissioner vote, the Manager of Recreation, Culture and Airpark Services, or duly appointed designate shall ensure that the resolution or matter to be voted on is communicated to the Commissioner either orally, including by telephone or other means of telecommunication or by delivery in writing, including facsimile transmission, email or other means of electronic transmission.

4.10.6.3 A Commissioner shall vote by informing the Manager of Recreation, Culture and Airpark Services or duly appointed designate of the Commissioner's approval or disapproval of the resolution or matter to be voted on and the Commissioner's vote shall be recorded.

4.10.6.4 After ensuring that each Commissioner has had an opportunity to vote, the Manager of Recreation, Culture and Airpark Services or duly appointed designate shall inform the Chair of the results of the voting and the Chair shall declare the vote to have passed or failed in accordance with the results. At the time of the Chair's declaration, the results of the voting shall have the same effect as if the voting had been conducted at a regular or special meeting of the Commission. The vote shall be recorded as a Minute of the Commission.

4.11 Rules of Order

4.11.1 *Robert's Rules of Order, Newly Revised*, shall apply to the conduct of meetings.

4.11.2 No Commissioner shall speak until recognized by the Chair or other person presiding.

4.11.3 Every Commissioner desiring to speak shall address him/herself through the Chair.

4.11.4 No Commissioner shall speak longer than five (5) minutes on any question without leave of the Chair.

4.11.5 No Commissioner shall speak more than once to the same question without leave of the Chair except to explain a material part of his/her comments which may have been misconstrued, and in doing so is not permitted to introduce new subject matter.

4.11.6 No Commissioner shall interrupt a person speaking except to raise a point of order through the Chair.

4.11.7 Debate on a matter shall be strictly relevant to the question before the meeting and the Chair shall warn speakers who violate this rule of procedure.

4.11.8 All questions shall be decided by vote on a motion. Motions may be moved and seconded by any Commissioner, irrespective of whether the Commissioner has voting rights with respect to the matter.

4.11.9 All questions shall be decided by majority vote of the Commissioners entitled to vote in accordance with Section 4.10 of this bylaw.

4.12 Conflict of Interest

4.12.1 A Commissioner must not participate in the discussion of or vote on a question in respect of a matter in which the Commissioner has a direct or indirect pecuniary interest or another interest in the matter that constitutes a conflict of interest.

4.12.2 Where a Commissioner considers that he/she is not entitled to participate in the discussion of a matter or to vote on a question in respect of the matter as a result of a conflict of interest, the Commissioner must declare this and state the general nature of why the Member considers this to be the case.

4.12.3 Where a conflict of interest is declared, the Commissioner must:

4.12.3.1 not take part in the discussion of the matter and is not entitled to vote on any question in respect of the matter;

4.12.3.2 immediately leave the meeting or that part of the meeting during which the matter is under consideration;

4.12.3.3 not attempt in any way, whether before, during, or after the meeting, to influence the voting on any question in respect of the matter.

4.12.3.4 Where a conflict of interest is declared, it shall be recorded in the Minutes of the Meeting.

4.13 Remuneration of Commission Members and Alternates

4.13.1 Commission Members and Alternates receive no remuneration, other than reimbursement for reasonable incidental expenses, including mileage, incurred in the course of their duties while acting as a Commissioner or Alternate Commissioner.

5.0 REPEAL

The following Bylaws and any and all amendments thereto are hereby repealed:

- a) "Fraser Valley Regional District Hope and District Recreation Commission Establishment Bylaw No. 501, 2002";
- b) "Fraser Valley Regional District Hope Regional Airport Commission Establishment Bylaw No. 0138, 1999".

6.0 READINGS

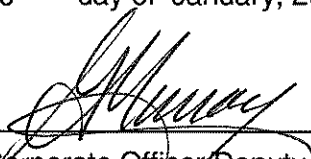
READING A FIRST TIME THIS 30th day of January, 2013

READING A SECOND TIME THIS 30th day of January, 2013

READING A THIRD TIME THIS 30th day of January, 2013

ADOPTED THIS 30th day of January, 2013

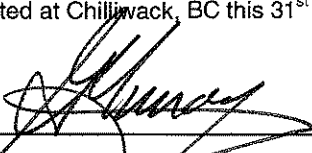

Chair/Vice-Chair


Corporate Officer/Deputy

7.0 CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of the "Fraser Valley Regional District Recreation, Culture and Airpark Services Commission Establishment Bylaw No. 1192, 2012" as adopted by the Board of Directors on the 30th day of January, 2013

Dated at Chilliwack, BC this 31st day of January, 2013


Corporate Officer/Deputy