

# REGIONAL DISTRICT OF CENTRAL KOOTENAY

## BYLAW No. 2242

A bylaw to establish sub-regional Services Committees for  
the Regional District of Central Kootenay

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**WHEREAS** Section 796 [*General authority for services*] of the *Local Government Act* authorizes the Regional District Board to operate any service that the Board considers necessary or desirable for all or part of the Regional District;

**AND WHEREAS** Section 176 (1) [*Corporate Powers*] of the *Local Government Act* authorizes the Regional District Board to establish committees to operate regional district services; to delegate powers, duties and functions to those committees; and to establish any terms and conditions it deems appropriate;

**AND WHEREAS** the Board considers it necessary and desirable to establish Sub-regional Services Committees to oversee the governance and administration of services that are provided by the Regional District of Central Kootenay;

**AND WHEREAS** the participating Directors of the Sub-regional Services Committees have agreed to work together to create a functional governance structure for the delivery of shared Regional District services in their areas;

**AND WHEREAS** the participants in the Services Committees wish to provide a forum for collaborative service delivery that promotes a sense of broader community, while enabling each community and service area to maintain its own identity and fiscal accountability;

**NOW THEREFORE**, the Board of the Regional District of Central Kootenay, in open meeting assembled, ENACTS AS FOLLOWS:

### CITATION

1. This bylaw may be cited as the “**Sub-regional Services Committees Bylaw No. 2242, 2014.**”

### DEFINITIONS

2. In this Bylaw:

|                     |  |
|---------------------|--|
| “Committee”         | means a sub-regional Services Committee            |
| “OCP”               | means Official Community Plan                      |
| “Regional District” | means the Regional District of Central Kootenay    |
| “Service”           | means a service delivered by the Regional District |

## **ESTABLISHMENT**

3. Committees to be known as Sub-regional Services Committees (the "Committee") are hereby established.

## **PURPOSE**

4. The purpose of the Committees is to provide a framework for the governance of shared Regional District services and a venue to discuss other matters of interest to the broader sub-regional area.

## **SERVICES COMMITTEES COMPOSITION**

5. The participating areas for the Committees are as follows:

### **Creston Valley Services Committee:**

Town of Creston  
Electoral Area A  
Electoral Area B  
Electoral Area C

### **Central Services Committee:**

City of Nelson  
Electoral Area E  
Electoral Area F

### **Salmo and Area Services Committee:**

Village of Salmo  
Electoral Area G

### **North Kootenay Lake Services Committee:**

Village of Kaslo  
Electoral Area D

### **Slocan Valley Services Committee:**

Village of New Denver  
Village of Silverton  
Village of Slocan  
Electoral Area H

**Castlegar and Area Services Committee:**

City of Castlegar  
Electoral Area I  
Electoral Area J

**Upper Arrow Lake Services Committee:**

Village of Nakusp  
Electoral Area K

**SCOPE OF SERVICES COMMITTEES**

6. The scope of the Committees shall include all those Regional District services in which some or all of the Committee members participate.
7. The Committees may discuss issues which are not directly related to the services in which they participate, but will consider only the services in which they participate.

**DELEGATION OF AUTHORITY**

8. Subject to the limitations set out in Sections 10 and 11 of this Bylaw, the following powers, duties and functions of the Regional District Board in relation to the Services Committees are hereby delegated to the Services Committees:
  - (a) carry out short-term and long-term planning for the Services;
  - (b) establish proposed annual operating and capital budgets for the Services and recommend those budgets to the Regional District Board;
  - (c) authorize expenditures as required for the Services within the budgets approved by the Regional Board;
  - (d) establish policies and procedures for the use of Services facilities;
  - (e) subject to the provisions of the *Local Government Act*, recommend the acquisition, holding, management and disposal (including by way of lease) of land, improvements or other property to the Board;
  - (f) grant assistance to non-profit groups that benefit the community out of funds provided by the Board for such purposes; and
  - (g) generally, to do all things required to affect the purpose Committees.

## **LIMITATIONS ON DELEGATION**

9. As a limitation on the delegation of powers under this bylaw, the Services Committee may not exercise any power or duty:
  - (a) that gives approval to a bylaw;
  - (b) that is only exercisable by bylaw including the power to levy parcel taxes, expropriate property, acquire land and appoint officers;
  - (c) to suspend or terminate a local government officer or an auditor;
  - (d) to hear an appeal or reconsideration of an action, decision or other matter that is required to be heard or reconsidered by the Regional Board; or
  - (e) to give approval, consent, recommendation or acceptance of an action, decision or matter that must be determined by the Regional Board pursuant to statute including consent for service establishment, consent to removals of land from the Agricultural Land Reserve and consent for an application for a liquor licence.

## **NO FURTHER DELEGATION**

10. The Committees shall not further delegate any power, duty or functions which have been delegated to the Committees under this Bylaw.

## **COST ALLOCATION**

11. The annual cost of operating the Services Committees shall be recovered through the services that fall within the scope of that Committee.

## **PROCEDURES**

12. The Committees shall operate in accordance with the Regional District Procedures Bylaw.

## **MEMBERS**

### **Members**

13. Each Committee shall be comprised of its participating Board Directors.

### **Alternate Members**

14. The Alternate Director for each Electoral Area may serve as an alternate member of the Committee as required.

## **Chair and Vice-Chair**

15. For committees of three or more members, at its first meeting, the Committee shall elect a Chair and Vice-Chair who shall serve until the December meeting of that calendar year. Thereafter, in December of each year, the position of Chair and Vice-Chair will be elected for a twelve-month (12) term.
16. In the event that the Chair is unable to attend a meeting, the Vice-Chair shall assume the chair.
17. For Committees of two members, the Chair shall rotate between members on a six-month basis or as agreed to by the members.

## **MEETINGS**

### **Quorum**

18. A quorum is defined as a majority of members that participate in the service to be considered.
19. If there is no quorum of the Board present within thirty (30) minutes of the scheduled time for a Committee meeting:
  - (a) the recording secretary must record the names of the Members present.
  - (b) the Chair must adjourn the meeting until the next scheduled meeting.

### **Attendance**

20. All Regional Board Directors and municipal council members shall be entitled to attend Committee meetings on a non-voting basis and to enter into discussion on agenda items with the unanimous consent of the Committee members.
21. Upon agreement of the members, Committees may conduct their meetings electronically. Meetings must be conducted in such a manner that enables the public to hear, or watch and hear, the proceedings.

### **Scheduling**

22. Committee meetings shall be held on a quarterly basis or as required at the call of the Chair.

## Notices, Agendas and Minutes

23. Each member of the Committee shall be provided with one copy of meeting notices, agendas, reports and minutes of the Committee by the means most practicable, whether electronic or paper.
24. Meeting notices shall be provided in accordance with the *Local Government Act* requirements and the Regional District Procedures Bylaw.
25. Issues for discussion may be referred to the Committee by any one of the Committee members. All issues referred to the Committee must, however, be agreed to by the members prior to being discussed at a Committee meeting. Proposed actions arising from these issues must be voted on in accordance with voting procedures.
26. Minutes of all Committee meetings will be forwarded to the Corporate Officer for inclusion on the next Board agenda.

## Closed Meetings

27. Except where provisions of Section 90 of the *Community Charter* apply, all Committee meetings must be open to the public.
28. Before closing a Committee meeting or a portion of a Committee meeting to the public, the Committee must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter* and such resolution must include the basis under the applicable subsection of section 90 on which the meeting or part of is to be closed.
29. At the end of a closed meeting, the Directors will return the paper copy of the closed meeting agenda cover to the recording secretary, which the recording secretary will then destroy.

## Voting

30. The number of votes that each member is entitled to and which may be used to decide all resolutions before the Services Committee, must be in accordance with the provisions of section 791(4)(b) of the *Local Government Act*.

## Remuneration

31. Committee members will not receive stipends or expenses for attendance at Committee meetings.

**SEVERABILITY**

32. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.

**EFFECTIVE DATE**

33. This bylaw shall take effect on the date on which it is adopted.

READ A FIRST TIME the 13<sup>th</sup> day of February, 2014.

READ A SECOND TIME the 13<sup>th</sup> day of February, 2014.

READ A THIRD TIME the 17<sup>th</sup> day of April, 2014.

ADOPTED the 15<sup>th</sup> day of May, 2014.

  
Chair

  
Corporate Officer

