

SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT

Bylaw No. 579, 2014

A Bylaw to establish the Moresby Island Management Standing Committee

WHEREAS pursuant to section 795(2) of the *Local Government Act*, the Chair may establish standing committees for matters the Chair considers would be better dealt with by committees, and may appoint persons to those committees;

WHEREAS pursuant to section 176(1)(e) of the *Local Government Act*, a Board may, by bylaw, delegate to committees its powers, duties and functions; and

WHEREAS the Chair wishes to establish the Committee and the Board wishes to delegate to the Committee certain of its powers, duties and functions;

NOW THEREFORE the Board of the Skeena-Queen Charlotte Regional District, in open meeting assembled, enacts as follows:

1. Citation

This Bylaw shall be cited for all purposes as the “Moresby Island Management Standing Committee Bylaw No. 579, 2014”.

2. Definitions

In this Bylaw:

- (a) **“Administrative Powers”** means the ability to undertake activities required for the day to day functioning of the Committee, which shall include all matters pertaining to developing and maintaining relevant policies and all financial and administrative duties required for the continued operation of the Committee within guidelines set by the Board;
- (b) **“Advance Voting Day”** refers to an opportunity for the electorate to vote ten (10) days prior to voting day;
- (c) **“Advisory Powers”** means the ability of the Committee to consider issues pertaining to matters delegated or referred to the Committee by the Board and to make recommendations to the Board on those issues;
- (d) **“Management Powers”** means the ability to operate a service, as delegated within this Bylaw including all matters pertaining to the physical operation of the service such as operating, maintaining, repairing, engineering, or constructing. Management Powers may also include the financial management of such service if expressly delegated within this Bylaw;
- (e) **“Board”** means the Skeena-Queen Charlotte Regional District Board of Directors;
- (f) **“Chair”** means the Chair of the Skeena-Queen Charlotte Regional District Board;

- (g) **“Chief Administrative Officer”** means the person appointed by the Board as the Chief Administrative Officer;
- (h) **“Committee”** means the Moresby Island Management Standing Committee, as established by this Bylaw;
- (i) **“Committee Chair”** means the Chair of the Committee selected in accordance with this Bylaw;
- (j) **“Director”** means any Director of the Board, or his or her alternate appointed to the Committee;
- (k) **“Electorate”** means any persons who are the age of majority and reside or own property within the Service Area;
- (l) **“List of Candidates”** refers to the list of five (5) candidates, selected by majority vote of the electorate of the service area and submitted to the Chair as the communities’ recommendation for appointment;
- (m) **“Service Area”** means the whole of Electoral Area E (Moresby Island); and
- (n) **“Voting Day”** refers to November 15, 2014 and the third Saturday in October for all subsequent years.

3. Committee Membership

- (a) The Committee shall consist of the following members:
 - (1) at least one Director, appointed by the Chair in accordance with this Bylaw; and
 - (2) such other persons who are eligible to serve on the Committee, appointed by the Chair in accordance with this Bylaw.

4. Method of Appointment

- (a) The Chair shall appoint at least one Director to the Committee and shall make the initial appointments to the Committee.
- (b) Thereafter, a public nomination process and opportunity to vote will be held to provide the electorate of the service area with an opportunity to select a List of Candidates for the committee. The process for nomination is detailed in Schedule “A”;
- (c) In the event that the number of nominees is five (5) or less, those nominations put forward will be considered the list of candidates and a voting opportunity will not be held;
- (d) In accordance with section 795 of Local Government Act, the Chair will appoint members to the committee, taking into consideration the list of candidates selected by the electorate of the service area;
- (e) The Chair may appoint any of the persons appearing on the list of candidates or may post a public notice for further nominees in accordance with section 4(d) above.

- (f) In the event of a vacancy between appointments due to death, resignation or termination, the Chair shall appoint a replacement by posting public notice of the vacancy and inviting eligible candidates to submit their names directly to the Chair for consideration within 30 days of the posting of the notice, in which case the Chair will appoint a person to fill the vacancy as soon as reasonably practical after the close of the notice period.
- (g) The Chair may consult with the Board and other persons in making an appointment to the Committee, but is not bound by the recommendations of the Board or other persons.
- (h) The Chair may terminate the appointment of a Committee member at any time.

5. Procedure

- (a) The Committee Chair shall be elected annually by a majority vote of all Committee members.
- (b) A quorum of the Committee shall be the majority of its members.
- (c) All decisions of the Committee shall be made by a majority of the members present at the meeting, with each member having one vote.
- (d) Regular Committee meetings shall be:
 - (1) held once a year, with additional meetings held as necessary, as determined by the Committee; and
 - (2) open to the public.
- (e) Special Committee meetings shall be:
 - (1) called by resolution of the Committee at a regular meeting; or
 - (2) called at the request of two or more members of the Committee; and
 - (3) open to the public, subject to section 5(g) below.
- (f) Notice of meetings, by such means as the Committee deems reasonable, shall be provided to members of the Committee and residents of the Service Area at least 48 hours in advance of the meeting.
- (g) All or part of a meeting may be closed to the public in accordance with the Skeena-Queen Charlotte Regional District Procedure Bylaw No. 470, 2005, as may be amended from time-to-time.
- (h) Where this Bylaw and the Skeena-Queen Charlotte Regional District Procedure Bylaw No. 470, 2005, as may be amended from time to time, are silent, Roberts Rules of Order, Newly Revised, shall apply to the conduct of Committee meetings.
- (i) Minutes shall be kept for all meetings of the Committee and a copy of such minutes shall be forwarded to the Chief Administrative Officer.

6. Delegated Powers and Responsibilities

- (a) The powers delegated to the Committee, except as otherwise provided by bylaw, shall include:
 - (1) Subject to the provisions otherwise contained in this Bylaw and Part 24 of the Local Government Act, the Committee is empowered to exercise Administrative Powers with respect to the Committee;
 - (2) Subject to the provisions otherwise contained in this Bylaw and Part 24 of the Local Government Act, the Committee is empowered to exercise Advisory Powers with respect to the following services in Electoral Area E:
 - (a) Grant in Aid
 - (b) Economic Development
 - (c) Emergency Planning
 - (d) Sandspit Fire Protection Budget
 - (e) Islands Solid Waste
 - (f) Haida Gwaii Recreation
 - (g) Other matters as referred to the Committee by the Board from time to time;
 - (3) Subject to the provisions otherwise contained in this Bylaw and Part 24 of the Local Government Act, the Committee is empowered to exercise Management Powers with respect to the following:
 - (a) Sandspit Water System.
- (c) The Committee shall not exercise any powers, functions or responsibilities not expressly set out in this Bylaw.
- (d) The Committee shall not undertake any initiatives or commitments that may be binding on the Committee or the Skeena-Queen Charlotte Regional District without receiving the prior approval of the Board.
- (e) The Committee shall not enter into any contracts on behalf of the Skeena-Queen Charlotte Regional District. All contracts shall be signed by the Board, or by a delegate who has been authorized by the Board to sign contracts on behalf of the Board.
- (f) On or before November 30th each year, the Committee shall prepare and submit to the Board an annual budget, in a form satisfactory to the Chief Administrative Officer, which shall include detailed estimates of its receipts from every source and expenditures for every purpose for the following year, and such annual budget shall be considered by the Board and may be rejected or accepted, in whole or in part, at the Board's discretion.
- (g) The Committee shall not, without the Board's prior approval, expend any funds except as set forth in the approved budget and shall not enter into any undertaking, obligation, commitment, or liability that would cause the Committee's annual budget, as approved by the Board, to be exceeded.

- (h) The Committee shall institute such controls and authorization procedures over revenues and expenditures as the Skeena-Queen Charlotte Regional District may, from time to time, require.

7. Reporting Obligations

- (a) The Committee shall forward to the Chief Administrative Officer the agenda and minutes of all meetings of the Committee.
- (b) The Committee will communicate regularly and liaise with the Chief Administrative Officer respecting the exercise of the Committee's powers, duties and functions, as specified in this Bylaw.
- (c) The Committee will abide by the Accountability Standards for Regional District Committees and Commissions Policy as adopted or amended by the Board.

8. No Delegation by a Delegate

A person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

9. Sub-committees

The Committee shall not appoint Sub-Committees. Matters the Committees feels would be better dealt with by a third party may, at the discretion of the Board, be delegated to another committee established by the Board for that purpose.

10. General

- (a) The title to any real property, equipment or chattels, leases and agreements of any kind, shall be registered in the name of the Skeena-Queen Charlotte Regional District, and the same shall be the property of the Skeena-Queen Charlotte Regional District and shall not be disposed of without the approval of the Skeena-Queen Charlotte Regional District.
- (b) All members of the Committee shall serve without remuneration, save and except to the extent that Committee members may be reimbursed for travel and out-of-pocket expenses in accordance with the policies of the Skeena-Queen Charlotte Regional District.
- (c) To enable the Committee to perform its functions and to carry out its duties in accordance with the intent and purpose for which the Committee was established, the Chief Administrative Officer may, whenever required and without the direct instruction of the Board, give to the Committee such assistance as it may reasonably require.

11. Scope of Bylaw

For clarity, subject to the Local Government Act, unless a power, duty or function of the Board has been expressly delegated by this Bylaw or another Skeena-Queen Charlotte Regional District bylaw, all of the powers, duties and functions of the Board will remain with the Board.

12. Severability

If any portion of this Bylaw is held invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

13. Repeal

The following bylaw and all subsequent amendments hereto are hereby repealed:

- Moresby Island Management Committee Bylaw No. 388, 1998.

Read a FIRST TIME this	21 st day of June, 2014.
Read a SECOND TIME this	19 th day of September, 2014.
Read a THIRD TIME this	19 th day of September, 2014.
ADOPTED by an affirmative vote of at least 2/3 of the votes cast this	19 th day of September, 2014.

Corporate Officer

Chair

MORESBY ISLAND MANAGEMENT STANDING COMMITTEE

NOMINATION & OPPORTUNITY TO VOTE

QUALIFICATION FOR NOMINATION

1. A person is qualified to be nominated and to serve as a committee member of the Moresby Island Management Committee if they meet the following criteria:
 - a) Canadian citizen;
 - b) 18 years of age or older at the time of nomination; and
 - c) Resident of British Columbia for at least six (6) months immediately before the day that nomination forms are submitted; and
 - d) Resident or non-resident property owner of Skeena-Queen Charlotte Regional District Electoral Area E for at least thirty (30) days immediately before the day that nomination forms are filed.
2. A person is eligible to nominate and/or vote if they meet all of the following criteria:
 - a) Canadian citizen;
 - b) 18 years of age or older;
 - c) Resident of British Columbia for at least six (6) months immediately before the voting opportunity; and
 - d) Resident or non-resident property owner of the Skeena-Queen Charlotte Regional District Electoral Area E for at least thirty (30) days immediately before the voting opportunity day.

NOMINATION PROCESS

3. The Corporate Officer will advertise the notice of nomination for two consecutive weeks prior to the 36th day before general voting day.
4. The period for receiving nominations will close at 4:00 p.m. on the 36th day before general voting day.
5. Nomination forms will be in a format prescribed by the Corporate Officer of the Skeena-Queen Charlotte Regional District.

VOTING OPPORTUNITY PROCESS

6. A vote will be held in Electoral Area E to select a list of candidates, by majority vote.
7. As authorized under section 59 of the Local Government Act, the most current available provincial list of voters prepared under the Elections Act, is deemed to be the register of resident voters on the 52nd day prior to voting day.
8. A voting day and advance voting day will be held to provide electors with ample opportunity to vote.
9. The Corporate Officer will advertise a notice of voting opportunity for two consecutive weeks before general voting day.
10. The ballots will be in a format prescribed by the Corporate Officer of the Skeena-Queen Charlotte Regional District.