

BE IT ENACTED AND IT IS HEREBY ENACTED AS CONSTITUTION OF

**LAC PELLETIER REGIONAL PARK AUTHORITY**

AS FOLLOWS:

Approved by the Lac Pelletier Regional Park Authority

June 27, 2023

Date

## 1. Definitions

In this Constitution, unless the context otherwise requires:

- (a) "**Act**" means *The Regional Parks Act, 2013*, as amended from time to time.
- (b) "**AGM**" means the Annual General Meeting of the Authority.
- (c) "**Authority**" means Lac Pelletier Regional Park Authority.
- (d) "**Board Members**" shall mean those Members and Members-at-Large elected as Board Members of the Lac Pelletier Regional Park Authority Executive Committee.
- (e) "**Conflict of Interest**" shall mean any circumstance in which a Board Member knows or ought reasonably to know that in the making of a decision or participating in the discussion with respect to a decision that there is the opportunity to further his or her private interest and/or his or her spouse's private interest.
- (f) "**Constitution**" means this Constitution of the Lac Pelletier Regional Park Authority.
- (g) "**Executive Committee**" shall mean the Board Members.
- (h) "**Fiscal Year**" shall be the same as the calendar year.
- (i) "**General Meeting**" means general meeting and/or special meeting of the Executive Committee.
- (j) "**Member**" means individuals appointed by the Participants in accordance with this Constitution and the Order in Council 1733-64.
- (k) "**Member-at-Large**" means any individual appointed to the Lac Pelletier Regional Park Authority, that is not a representative of a Participant.
- (l) "**Participant**" means a municipality or an organization that is represented on the Lac Pelletier Regional Park Authority.
- (m) "**Regulations**" means *The Regional Parks Regulations, 2015*, as amended from time to time.
- (n) "**Written notice**", "**written call**", or "**in writing**" means a notice delivered by mail, email, or by hand.

**2. Forward**

(a) The Authority was constituted a body corporate under *The Regional Parks Act, 1964* by order of the Lieutenant Governor in Council dated November 3, 1964, Order in Council 1733-64.

**3. Objectives**

(a) To develop, maintain, and administer the Lac Pelletier Regional Park in accordance with the Act and Regulations;

(b) To encourage the appreciation and use of Lac Pelletier Regional Park; and

(c) To provide a fulfilling experience to patrons of Lac Pelletier Regional Park.

**4. Membership**

(a) The Participants shall appoint Members in accordance with the Act and the Regulations, as follows:

R.M. of Lac Pelletier No.107	2 members
R.M. of Whiska Creek No.106	2 members
R.M. of Bone Creek No.108	2 members
R.M. of Swift Current No.137	2 members
R.M. of Auvergne No.76	2 members
R.M. of Excelsior No.166	2 members
City of Swift Current	2 members
Town of Ponteix	2 members
Town of Shaunavon	2 members
Village of Neville	2 members
Village of Vanguard	2 members

(b) Members-at-Large may be appointed by the Authority, so long as the number of Members-at-Large does not exceed 40% of the total number of Members and Members-at-Large together and are appointed in accordance with the Members-at-Large Bylaw No. 2023-02.

(c) Term of Office

- i. All Members shall be appointed for a term as determined by the respective Participant.
- ii. All Members-at-Large shall be appointed for a term of three (3) years.
- iii. Any Member or Member-at-Large may serve any number of consecutive terms.

(d) Removal from Office

- i. A Participant may, at any time, terminate the appointment of any of its Members, and may, by resolution of the council or of the governing body of the Participant, appoint in that person's place a substitute Member to the Authority.
- ii. Any Member-at-Large may be removed from office as per Bylaw No. 2023-02, or by an ordinary resolution at a General Meeting, requiring an affirmative vote of two-thirds (2/3) of the Authority.

(e) Vacancy

- i. In the event of a vacancy of a Member, the representative Participant, may appoint a person to fill such vacancy.
- ii. At the discretion of the Participant, the representative Participant may choose not to appoint a person to fill such vacancy and the seat will sit vacant until such time as a person is appointed.
- iii. In the event of a vacancy of a Member-at-Large, the vacancy may be filled per Bylaw No. 2023-02.

**5. Powers and Duties of the Authority**

- (a) The powers and duties of the Authority shall vest in the Executive Committee, including but not limited to managing the activities and affairs of the Authority and for such purpose may:
  - i. acquire by purchase, lease, gift, or otherwise any real property that it considers suitable for the purposes of the regional park.
  - ii. accept grants from any person, municipality, or organization in the form of money, land, or any other thing that may be useful in the establishment, development, or operation of the regional park.

- iii. raise moneys by the levy of lease fees, concession fees, gate tolls, camping fees, trailer and parking rentals, licences, and other charges on any person or with respect to any property in the regional park.
- iv. employ any persons required for the establishment or operation of the regional park.
- v. enter into any agreements that it considers necessary to carry out its purposes.
- vi. provide for the administration, operation, control, and use of the regional park; and
- vii. do any other thing that it considers necessary, incidental, or conducive to carry out its purposes or to exercise its powers.
- viii. executing any other powers and duties as provided for in the Act and the Regulations.

**6. Board Members and their Duties/Executive Committee**

- (a) The Board Members shall be elected by the Members and the Members-at-Large at the AGM, subject to this section, which Board Members shall then form the Executive Committee for the upcoming term.
- (b) The Members and the Members-at-Large shall, out of the Board Members elected at the AGM, elect one individual as chairperson, who shall chair the AGM and act as the chairperson for the Executive Committee for the upcoming year.
- (c) The Executive Committee shall consist of a minimum of three (3) individuals to a maximum of seven (7), including one Board Member appointed by the R.M. of Swift Current No. 137, one Board Member appointed by the R.M. of Lac Pelletier and one Board Member appointed by the City of Swift Current, and including the chairperson. If there is no Member willing to act as Board Members from the listed Participants in this paragraph, then another Member or Member-at-Large can be elected instead.
- (d) Each Board Member shall be elected for a term of three (3) years, with no maximum as to how many terms any one individual can serve, whether consecutive or not.
- (e) If any vacancy occurs in the Executive Committee prior to the next AGM, the remaining members of the Executive Committee may appoint any Member or Member-at-Large to act as Board Member until the next AGM, including the appointment of a new chairperson should that vacancy arise.
- (f) The chairperson shall preside over all General Meetings of the Authority and Executive Committee, will be responsible for the general supervision of the affairs and operations of the Authority, will be the official spokesperson of the Authority, and will perform such other duties as may from time to time be established by the Authority.

- (g) At the first meeting of the Executive Committee after the AGM, the Board Members shall appoint a vice-chairperson, who shall, in the absence of the chairperson, preside at the meetings of the Authority and the Executive Committee. The vice-chairperson shall perform such other duties as usually pertain to the office, or as may be assigned by the chairperson or the Authority.
- (h) Board Members shall immediately report and disclose to the Executive Committee any real or perceived conflict of interest with any item of business at a General Meeting, including the full particulars regarding same. That Board Member shall recuse himself or herself from any discussion and/or voting with respect to that item of business. If any Board Member raises with the Executive Committee the concern of a real or perceived conflict of interest with respect to another Board Member and any item of business, the Executive Committee shall hear from the Board Member alleged to be in conflict, and shall discuss and vote on whether the real or perceived conflict exists and whether said Board Member must recuse themselves. The Board Member alleged to be in conflict shall not vote on the conflict issue.

## 9. Meetings

- (a) There shall be an AGM of the Authority before July 15th of any year. Fifteen business days' notice in writing shall be given to each Member and Member-at-Large. The AGM is open to the public.

At each AGM, the Authority shall establish or confirm:

- i. the Authority's constitution;
  - ii. the Authority's bylaws;
  - iii. the signing authority for the Authority and the assigned banking facility;
  - iv. the annual report and financial statement for the preceding Fiscal Year;
  - v. the budget for the current Fiscal Year;
  - vi. the development plans and objectives for the Authority;
  - vii. the Board Members of the Executive Committee;
  - viii. the Members-at-Large, if any.
  - ix. Conduct such other business as may be deemed necessary.
- (b) Annual Reports Submitted to Members and Members-at-Large
    - i. Pursuant to Section 20 of the Act, on or before April 1 in each calendar year, the Authority shall prepare and submit to each Participant:
      - A. an annual report respecting the operations of the Authority for the previous year and the finances of the Authority as at December 31 of the previous year;
      - B. a copy of a report respecting all outstanding borrowings and current investments of the Authority as at December 31 of the previous year;and

- C. the audited statement or the report on the review required pursuant to Section 28 for the previous year.
- (c) The Executive Committee shall meet when called by the chairperson of the Authority or by two Board Members of the Executive Committee to fulfill the responsibilities delegated to it by the Authority.
- (d) Quorum
  - i. A simple majority of the Board Members shall constitute a quorum at a General Meeting of the Executive Committee.
  - ii. A simple majority shall constitute a quorum at the AGM of the Authority.
- (e) Votes to Govern
  - i. At any meeting of the Authority and/or the Executive Committee, every matter shall, unless otherwise provided by this Constitution, the bylaws, or by the Act, be determined by a majority of the votes cast on the matter, and the chairperson shall be entitled to vote in every matter.
  - ii. In the case of an equality of votes either on a show of hands or on a ballot or on the results of electronic voting, the motion is defeated and shall not be passed.
- (f) Meetings Held Entirely by Electronic Means
  - i. If the Members, Members-at-Large, Board Members and/or chairperson call a meeting, same may be held entirely or partially by means of a telephonic, an electronic, or other communication facility that permits all participants to communicate adequately with each other during the meeting.
  - ii. Any individual participating electronically is deemed present at that meeting and entitled to vote.

## **10. Signing of Documents**

- (a) All documents and instruments, including cheques, requiring signatures on behalf of the Authority, shall be signed as authorized by the Executive Committee. The Executive Committee may authorize any individual to sign on behalf of the Authority, including individuals who are not Board Members, Members and/or Members-at-Large.

## **11. Audit or Review**

- (a) The Authority shall, in each year, appoint an Auditor as required in the Act, and instruct them to audit and report on the books, records, and accounts of the Authority and prepare the Financial Statement, year ending December 31<sup>st</sup>, prior to April 1<sup>st</sup> of each year, as required by the Regulations.

- (b) For the purposes of subsection 27(3) of the Act:
- i. if the Authority's revenues were greater than \$400,000 for the preceding Fiscal Year, the Authority shall appoint an auditor to conduct an audit in accordance with the standards of professional practice published by Chartered Professional Accountants of Canada;
  - ii. if the Authority's revenues were not less than \$100,000 but were \$400,000 or less for the preceding Fiscal Year, the Authority may pass a resolution to dispense with appointing an auditor but shall appoint a person to conduct a review engagement in accordance with the standards of professional practice published by Chartered Professional Accountants of Canada;
  - iii. if the Authority's revenues were less than \$100,000 for the preceding Fiscal Year, the Authority may pass a resolution to dispense with appointing an auditor but shall appoint a person to review the financial statement of the Authority for that Fiscal Year.

**12. Previous Constitution Void**

- (a) Any and/or all previous constitutions of the Authority is/are hereby declared to be null and void.

**13. Amendment to Constitution**

- (a) This Constitution may be amended by resolution at any AGM of the Authority.

This Constitution shall take effect and come into force on the final passing hereof.

Date Approved:

2023-06-27  
YYYY-MM-DD



Chairperson:

Per: [Signature]

Secretary/Treasurer:

Per: [Signature]