

# **CONSTITUTION**

## **BRIGHTSAND LAKE REGIONAL PARK AUTHORITY**

Hereinafter referred to as "Authority and or Board"

Approved by the Brightsand Lake Regional Park Authority

June 8<sup>th</sup>, 2020

Enactment, amendments, and repeal of the Constitution Previous to June 8<sup>th</sup>,  
2020 takes effect immediately following adoption.

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**SECTION 1: General**

**1.01 Definitions:** In this Constitution, unless the context otherwise requires,

**“Act”** means The Regional Parks Act, 2013 as amended from time to time.

**“Administrator”** means the person with whom the Minister has entered into a regional park administration agreement pursuant to Section 5 of the Act.

**“AGM”** means the Annual General Meeting. The public is invited to this meeting.

**“Authority”** means Brightsand Lake Regional Park Authority.

**“COA”** means Cabin Owners Association

**“Constitution”** means this Constitution of the Brightsand Lake Regional Park Authority as amended, from time to time, and which is, in force or effect.

**“Directors”** shall mean Board of Directors of the Brightsand Lake Regional Park Authority.

**“Executive Committee”** elected from the members of the Brightsand Lake Regional Park Authority in accordance to the Constitution, consisting of not less than three and not more than seven members of the Brightsand Lake Regional Park Authority, including the chairperson.

**“Fiscal Year”** shall be the same as the calendar year.

**“General Meeting”** means Annual General Meeting and /or a Special General Meeting.

**“Member”** means Town of St. Walburg and RM of Mervin that has entered an agreement with Brightsand Lake Regional Park Authority to provide for participation in the development and operation of the Park.

**“Member at Large”** means any individual appointed to the Brightsand Lake Regional Park Authority. One appointee will be from the Cabin Owners Association, after this known as the “COA”, and another at the Authority’s discretion. and is accepted by the Brightsand Lake Regional Park Authority, as stated in the Park Act.

**“Written Notice”, “Written Call”, or “In Writing”** means a notice delivered by mail, email, or by hand.

**1.02 Name**

Brightsand Lake Regional Park Authority (Hereinafter referred to as (“The Authority”) was constituted by order of the Lieutenant Governor in Order Council No. 706/65 dated Tuesday, May 4<sup>th</sup>, 1965.

**1.03 Objectives**

- To develop, maintain and administer the Brightsand Lake Regional Park in accordance with the needs and interests of the participating members, district and patrons of the park.

- To provide for the protection, care, management and control of the Brightsand Lake Regional Park. Emphasis on the preservations of natural eco systems, habitat and wildlife within the Park boundaries.
- To encourage the appreciation and use of Brightsand Lake Regional Park.

**1.04 Exclusive Responsibility**

Any topic not covered by the Constitution, bylaws, or policy shall remain the exclusive responsibility of the Authority.

**1.05 Jurisdiction**

The Authority has jurisdiction over Brightsand Lake Regional Park in all matters relating to the regional park, within the Park Act.

**1.06 Invalidity of any Provisions of this Constitution**

- The invalidity or unenforceability of any provision of this Constitution shall not affect the validity or enforceability of the remaining provisions of the Constitution.
- To the extent that any amendment to the Act results in a conflict between a provision of this Constitution and a provision of the Act, the directors shall amend this Constitution to make such a conflicting provision conform with the Act.

**SECTION 2: Brightsand Lake Regional Park Authority Directors**

**2.01 Directors of the Brightsand Lake Regional Park Authority**

- The Authority shall consist of:
  - Three (3) Representatives from the RM of Mervin
  - Three (3) Representatives from the Town of St. Walburg
  - One (1) Member at Large from the COA
  - One (1) Member at Large (If granted) placed at the Authority's discretion

## **2.02 Terms of Office**

- The RM of Mervin and Town of St. Walburg members of the Authority shall be appointed by their respective municipality and town and by their terms.
- The number of Member at large directors shall not exceed 40% of the total number of directors.
- Members at large shall be appointed as per Memorandum of Understanding between the COA and the Authority.

## **2.03 Removal**

- Any member at large may be removed from office, with cause, with unanimous support from all other Authority members. In such an event, the COA will have thirty (30) days to appoint a new member for Authority approval.
- A municipal or town member can only be removed from office by their respective municipality or town. The Authority may recommend to the municipality or town that their representative be removed. Such recommendation requires an affirmative, majority, vote of the Authority.

## **2.04 Vacancy**

- In the event of a vacancy of a municipal or town member, the representing municipal or town shall appoint a person to fill such vacancy.
- In the event of a vacancy of a member at large, the vacancy shall be filled as per Memorandum of Understanding between the COA and the Authority.

## **2.05 Powers and Duties of the Authority**

The Powers and duties of the Authority shall be to manage the activities and affairs of the Authority and for such purpose may:

- Acquire by purchase, lease, gift, or otherwise any real property that it considers suitable for the purposes of the regional park.
- 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.
- Raise moneys by the levy of lease fees, camping fees, licences, and other charges on any person or with respect to any property in the regional park.
- Employ any persons required for the establishment or operation of the regional park.
- Enter into any agreements that it considers necessary to carry out its purposes.

- Provide for the administration, operation, control, and use of the regional park and do any other thing that it considers necessary incidental, or conducive to carry out its purposes or to exercise its powers.

Duties of the Authority should also include:

- Executing any other powers and duties as provided for in The Act and The Regulations.
- Prepare and update long term plans.
- Prepare capital development plans.
- Prepare a plan for park maintenance and infrastructure and ensure that all development of regional park land complies with applicable legislation.
- The Chair will be responsible for the general supervision of the affairs and operations of the Authority, will preside at the annual and special meetings of the Authority and at meetings of the Executive Committee, 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.
- The Vice-Chair will support and assist the chair in all duties and responsibilities and will perform such other duties as may from time to time be established by the chair or the Authority.

#### **2.06 Quorum**

Fifty percent plus one (50%+1) of the current number of directors constitutes a quorum at any meeting of the Authority.

#### **2.07 Executive Committee**

- The Executive committee shall be the Chairperson, Vice-Chairperson and at least one Director. The Executive Committee shall not exceed seven members (including the Chairperson).
- If a vacancy occurs in the Executive Committee, the remaining members of the Authority may appoint any member to hold office until the next election.
- The Executive Committee will act on behalf of the Authority if an expeditious situation arises or when it would not be practical for the full Authority to meet.
- The Executive Committee shall have all necessary powers to conduct the business of the Authority.
- The Executive Committee shall, following a meeting, inform all members of the Authority of the outcome of said meeting.

#### **2.09 No Alternate Executive Committee Director**

No person shall act for an absent Executive Committee director at a meeting of the Executive Committee.

### **2.10 Conflict of Interest**

Any director who has a real or perceived conflict of interest with any item of business at a meeting of the Authority shall excuse themselves and leave the room at such time as that item is discussed and or voted upon.

### **2.11 Code of Ethics**

All directors shall follow a Code of Ethics and Values that has been created to comply with The Regional Parks Act, 2013 and The Regional Park Regulations, 2015. (The Regulations).

## **SECTION 3: MEETINGS OF BRIGHTSAND LAKE REGIONAL PARK AUTHORITY**

### **3.01 Meetings**

- Regular meetings of the Authority shall be held during the year or whenever deemed necessary throughout the year.
- Special meetings may be called at any time by the Chairperson.
- The Executive Committee shall meet at the call of the Chairperson.
- A quorum at any meeting of the members shall be fifty percent plus one (50%+1) of the members entitled to vote at the meeting.
- If a quorum is present at the opening of a meeting of members, the members present may proceed with the business of the meeting even if a quorum is not present throughout the meeting. A simple majority shall constitute quorum at meetings of the Executive Committee.
- All questions at meetings shall be decided by a majority of those present, each of whom shall have one vote. In the event of equality of votes, the decision shall be in the negative. Any member who has an interest in any question or matter that comes before a meeting shall disclose their interest and shall not vote thereon. In all cases not herein provided for, the practice of the Parliament of Canada shall be followed in matters of procedure.
- The Members of the Order in Council shall be notified if any Director who is absent without cause from three consecutive meetings of the Authority with a request for removal from their positions by resolution of the Members of Order in Council. Whether there is cause in each case, shall be determined by the Order in Council.

### **3.02 Signing of Documents**



No instrument shall be validly executed by the Authority unless the Seal of Authority is affixed thereto in the presence and under the signature of two (2) members of the signing authority for that purpose by resolutions of the Executive Committee.

### **3.03 Electronic Participation and Voting at Meetings**

- Any person entitled to attend a meeting of members may participate in the meeting by means of a telephonic, an electronic, or other communications facility that permits all participants to communicate adequately with each other during the meeting.
- A person so participating in a meeting is deemed to be present at the meeting and be entitled to vote.

### **3.04 Chair of Meeting**

The chair or, in the chair's absence, the vice-chair of the Authority shall be the chair of any meeting of members. If neither of these officers is present. The members who are present and entitled to vote at the meeting shall choose one of their members to chair the meeting.

## **SECTION 4: ANNUAL GENERAL MEETING**

### **4.01 Annual General Meeting Date and Purpose**

The Authority shall hold an AGM in each calendar year before July 15<sup>th</sup> of any year. The

Purpose of the AGM includes confirming the following:

- The Regional Park Authority constitution
- The Regional Park Bylaws
- Signing Authority and banking facility
- Annual report and audited financial statement for the preceding fiscal year
- Budget for current fiscal year
- Present or discuss development plans and objectives for the regional park
- Members of the Executive Committee and members at large.
- Consider items of business as may be deemed necessary

### **4.02 Notice of Annual General Meeting**

The Annual General Meeting is open to the public and shall be advertised in local newspapers for two (2) consecutive weeks prior to the meeting date.

## **SECTION 5: AUDIT**

**5.01 Annual Audit or Review**

The Authority shall, in each year, appoint an Auditor as required by The Regional Park Act, 2013, and instruct them to audit and report on the books, records, and accounts of the Authority. Also 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 Regional Park Regulations, 2015.

**ANY AND/OR ALL PREVIOUS CONSTITUTIONS OF THE BRIGHTSAND LAKE REGIONAL PARK AUTHORITY IS/ARE HEREBY DECLARED TO BE NULL AND VOID.**

SEAL



DATE APPROVED: JUNE 8, 2020

CHAIRPERSON: [Signature]

SECRETARY: [Signature]