

CITY OF NANAIMO

BYLAW NO. 2791

A BYLAW TO ESTABLISH THE NANAIMO AIRPORT COMMISSION

WHEREAS the Council may, by bylaw adopted by an affirmative vote of at least two-thirds of all its members, pursuant to section 688 of the Municipal Act, delegate to a commission, whose members shall serve without remuneration, any or all of the administrative powers of the Council over property acquired, held or used for public purposes, including an airport; and

WHEREAS it is deemed advisable to establish an Airport Commission to operate and manage the City of Nanaimo Airport and to provide advice and recommendations to Council regarding all matters pertaining to the operation and development of the airport; and

WHEREAS it is deemed advisable to set out the composition of the Commission; the manner in which the Council shall appoint the members thereof; the procedures governing the conduct of the Commission; and the duties and powers delegated to the Commission.

NOW THEREFORE the Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. TITLE

This bylaw may be cited as "AIRPORT COMMISSION BYLAW 1985 NO. 2791".

2. INTERPRETATION

In this bylaw, unless the context otherwise requires:

"Airport" means all those lands and improvements contained in that area named in section 6 of this bylaw.

"Commission" means the commission established by this bylaw.

"Council" means the Municipal Council of the City of Nanaimo.

"Council Executive and Policy Committee" means the Committee authorized under "DELEGATION OF COUNCIL POWERS BYLAW 1982 NO. 2535", as amended.

"Director of Finance" means the person duly appointed as such from time to time, and includes any person appointed or designated by the Director to act on his behalf.

"Airport Manager" means the person duly appointed as such from time to time.

3. ESTABLISHMENT OF COMMISSION

A Commission to be officially known as the "Nanaimo Airport Commission" is hereby established.

4. COMPOSITION OF COMMISSION

(1) The members of the Commission shall consist of five (5) members appointed as follows:

(a) Two (2) persons appointed annually by the Council.

(b) The Airport Manager.

(c) The Council Executive and Policy Committee Subcommittee Chairman having responsibility for the Airport.

(d) A chairman appointed annually by the Mayor.

5. APPOINTMENT OF COMMISSION

- (1) Each of the members appointed pursuant to 4(1) shall be qualified to be electors of the City of Nanaimo.
- (2) (a) Members appointed to the Commission shall be appointed for a term of one year only.

(b) Notwithstanding (a), a member may be re-appointed for any number of subsequent or successive terms.
- (3) (a) In the event of the death, resignation, removal from office, or other inability to serve of a member of the Commission, the Council shall appoint a member to fulfill the term of the vacancy thus created. Such appointment shall be until December 31 of that year.

(b) Notwithstanding (a), in the event of the death, resignation removal from office, or other inability to serve of the Chairman of the Commission, the Mayor shall appoint a new Chairman to fulfill the term of the vacancy thus created. Such appointment shall be until December 31 of that year.

6. REAL AND PERSONAL PROPERTY TO BE ADMINISTERED BY COMMISSION

The real and personal property to be administered by the Commission shall be that described as:

ALL and SINGULAR those certain parcels of land situate, lying and being on Vancouver Island, Province of British Columbia, consisting of part of Sections 1, 2 and 3, Range 8, Cranberry District, Section 20, Lots C and D of Lot 2, part of Lot 15, Range 8, Bright District, part of Lot 8, Range 8, Oyster District, being comprised in Nanaimo Airport and being more particularly shown on Drawing P141P007N004, dated 1952-JUN-02, a copy of which is annexed hereto as Schedule 'A' and forms a part of this bylaw.

7. DUTIES AND POWERS DELEGATED TO COMMISSION

(1) Airport Enterprise

Except as may be provided in this bylaw and in the Municipal Act, and subject to compliance with the policies established by Council from time to time, the Commission shall have the exclusive right of management and operation of the airport for and on behalf of the City.

- (a) The Commission shall provide for the operation, maintenance and management of the Airport, and is authorized to enter into land negotiations at the Airport on behalf of the City, and to make recommendations to the Council respecting the leasing or subletting of the Airport property.
- (b) The Commission shall operate and manage the Airport directly in accordance with the provisions of the Airport Head Lease between the Minister of Transport and the City of Nanaimo;
- (c) The Commission shall make recommendations to the Council respecting the development of the Airport.
- (d) The Commission may contract for the supply of materials, labour and services and the performance of such work as may be deemed by the Commission to be expedient for the operation, repair or maintenance of the Airport.

- (e) The Commission may order expenditures on account of the cost of services, materials and labour and of any and all other costs and expenses incurred in the operation, maintenance and management of the Airport, within annual budgetary limitations of the City.
- (2) The Commission shall enter into an agreement with the City of Nanaimo, such agreement to outline in detail the objectives, duties and responsibilities of the Commission.
- (3) The Commission shall cooperate with all properly constituted bodies both elected and appointed to furthering the objectives of the Commission, as agreed to under (2).

8. PROCEDURES GOVERNING CONDUCT OF COMMISSION

- (1) The Commission shall have power to regulate its own procedure provided that such rules and regulations do not contravene any City of Nanaimo bylaw or the Municipal Act or any other municipal, provincial or federal enactment for the time being in force;
- (2) At all meetings of the Commission three (3) members of the Commission shall constitute a quorum;
- (3) The Chairman shall preside at meetings of the Commission when present and, in his absence an Acting-Chairman may be appointed for that meeting by the members present;
- (4) The Chairman or Acting-Chairman at any meeting shall be entitled to vote;

(5) The acts of the Commission shall be ratified by the signature of the Chairman and approval by the Commission to the minutes of each meeting as entered and kept in the Minute Book of the Commission by some person appointed by the Commission for that purpose; provided also that such minutes and Minute Book or Books shall be available to and open for inspection at any reasonable time by any member of the Commission, by any member of the Council, and by any person authorized for that purpose by resolution by the Council;

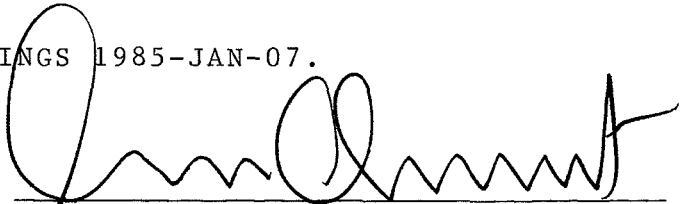
(6) The Commission shall, prior to December 15th in each year, provide a report to Council outlining the Commission's activities in that year, and providing recommendations for the Council as to the continuation or modification of the Commission, its structure or operation.

9. FINANCES

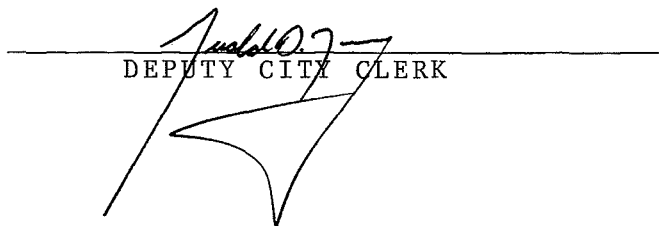
(1) The financial procedures of the Commission shall be as set out by the Director of Finance and shall be contained in the agreement named in section 7(2).

PASSED FIRST, SECOND AND THIRD READINGS 1985-JAN-07.

ADOPTED 1985-JAN-21.



 M A Y O R



 DEPUTY CITY CLERK

SCHEDULE 'A'

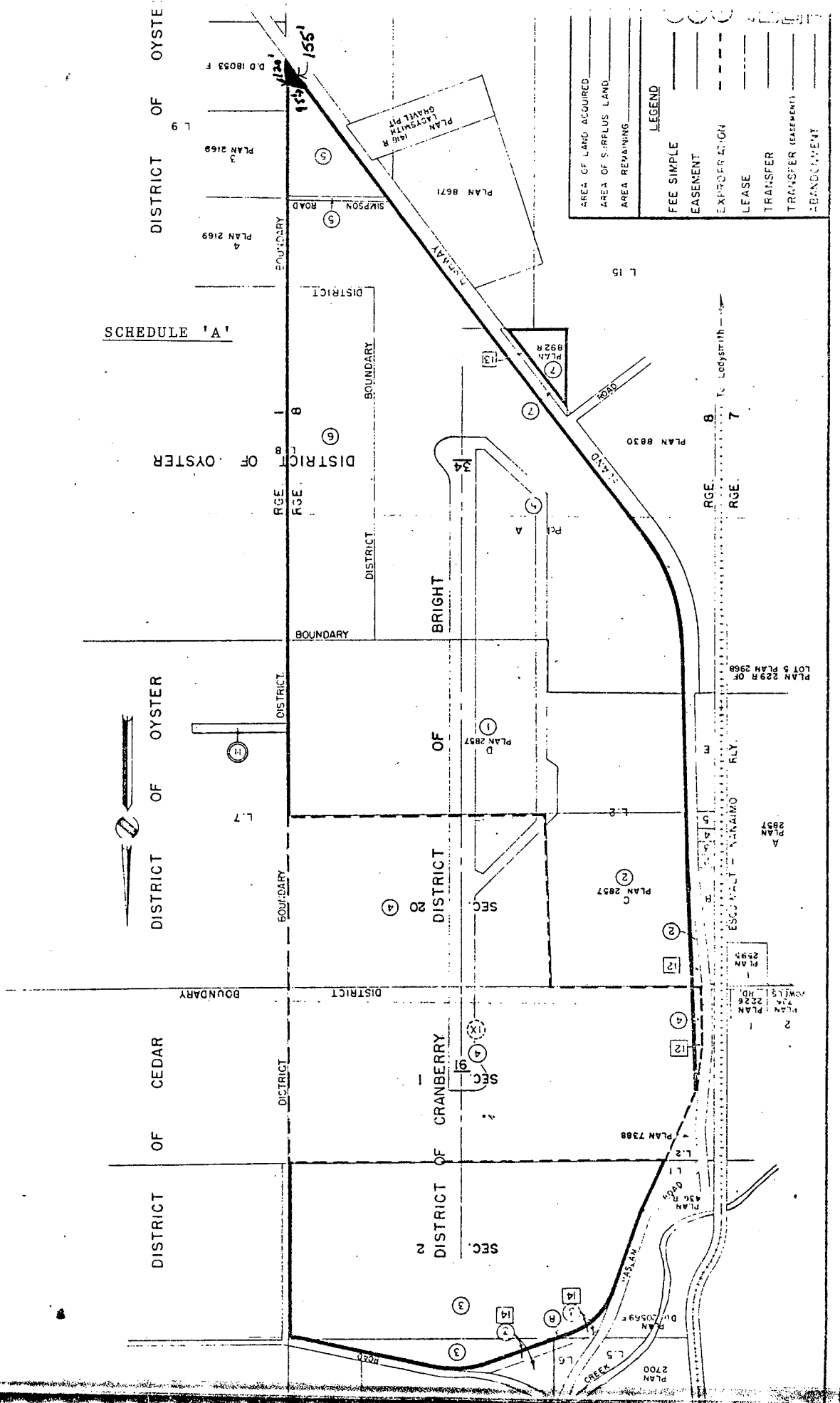
DISTRICT OF OYSTER

DISTRICT OF OYSTER

DISTRICT OF OYSTER

DISTRICT OF CEDAR

DISTRICT OF CRANBERRY



| AREA OF LAND ACQUIRED | AREA OF SURPLUS LAND | AREA REMAINING | LEGEND |
|-----------------------|----------------------|----------------|----------------------|
| --- | --- | --- | FEE SIMPLE |
| --- | --- | --- | EASEMENT |
| --- | --- | --- | EXPIRES 4-1-04 |
| --- | --- | --- | LEASE |
| --- | --- | --- | TRANSFER (LEASEMENT) |
| --- | --- | --- | ABANDONMENT |