

O/C 2559/69

Wasa Lake Land Improvement District

LETTERS PATENT

[L.S.] H. W. DAVEY, Administrator.

CANADA:

PROVINCE OF BRITISH COLUMBIA

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these presents shall come— Greeting.

Ray Williston, Minister of Lands, Forests, and Water Resources.

WHEREAS, by section 53 of the Water Act, it is provided that the Lieutenant-Governor in Council may incorporate a tract of land and

the owners thereof into an improvement district:

And whereas the Administrator in Council has, by Order in Council made pursuant to the said Act, been pleased to order that the tract of land hereinafter described and the owners thereof be incorporated into an improvement district under the said Act, and has made further provision to the tenor and effect hereinafter appearing:

Now know ye that by these presents We do hereby order and proclaim:—

1. The tract of land within Kootenay Land District and Nelson Land Registration District, bounded as follows: (1) Commencing at the most westerly corner of Lot 1 of Lot 264, Plan 6462; thence easterly along the northerly boundary of Lot 1, Plan 6462, and the easterly prolongation thereof, to the north-west corner of Lot 30 of Lot 264, Plan 6482; thence easterly along the northerly boundaries of Lots 30, 29, and 28, Plan 6482, and the easterly prolongation thereof, to the westerly boundary of Block C of Lot 264, Plan 2331; thence southerly along the westerly boundary of Block C, Plan 2331, to the south-west corner thereof; thence easterly along the northerly boundaries of Blocks B and A of Lot 264, Plan 2064, and Block A of Lot 7429, to the north-east corner of Block A of Lot 7429; thence southerly along the easterly boundaries of Block A of Lot 7429, Lot 3000 and Lot 2069 to the south-east corner of Lot 2069; thence westerly along the southerly boundary of Lot 2069 to an intersection with the north-westerly prolongation of the north-easterly boundary of Parcel C of Lot 58, D.D. 36684; thence south-easterly to and along the north-easterly boundaries of Parcel C of Lot 58, D.D. 36684, that part of Lot 58 as shown on D.D. 14605, and that part of Lot 58 as shown on Reference Plan 86770; thence in a general southerly direction along the easterly boundaries of that part of Lot 58 as

shown on Reference Plan 86770, that part of Lot 58 as shown on D.D. 14605, Parcel B of Lot 58, D.D. 27681, and those parts of Lot 58 as shown on Reference Plans 105398 and 77857; thence in a general south-westerly and north-westerly direction along the north-westerly and north-easterly limit of the Kootenay-Columbia Highway to the most westerly corner of Lot 1 of Lot 264, Plan 6462, being the point of commencement; (2) Lot 1 of Lot 58, Plan 4044, and all subdivisions thereof and all owners of land therein are incorporated into an improvement district under the Water Act and subject to the provisions thereof and to the conditions hereinafter contained.

2. The improvement district shall be known as "Wasa Lake Land Improvement District."

3. The objects of the improvement district shall be to maintain a good quality of water in Wasa Lake by lake-level control and treatment of the water therein and land-improvement purpose, the acquisition of land, and the acquisition, maintenance, and operation of works for these purposes and all things incidental thereto.

4. There shall be five Trustees of the improvement district.

5. The persons qualified to vote at the first election of Trustees shall be Canadian citizens who are twenty-one years of age or older and are entitled to be registered as voters under the Provincial Elections Act and are owners of land in the tract of land hereinbefore described, and the persons qualified to be candidates at the election shall be the persons qualified as aforesaid to vote and their wives and husbands.

6. Mr. Richard G. Brown, 349 Archibald Street, Kimberley, British Columbia, shall be Returning Officer for the first election of Trustees. He shall call a general meeting of the persons who are qualified as aforesaid to vote and shall, at least fourteen days before the date of the meeting, post at five conspicuous places within the area hereinbefore described and publish in a newspaper circulating in the said area a notice signed by him giving the date, time, and place of holding the meeting. The Returning Officer shall be chairman of the meeting, and subject to the provisions of clause 5 shall have power to determine whether or not any person who desires to vote is qualified to do so. He shall have power to determine the procedure to be followed at the meeting and the method of taking the votes. Each qualified voter shall be entitled to cast one vote for each of five candidates. The Returning Officer shall declare the result of the election and shall notify the Comptroller of Water Rights of the said result.

7. The candidate elected as Trustee for whom the greatest number of votes is cast at the general meeting called pursuant to clause 6 hereof shall hold office until the annual general meeting of 1973, the candidates elected for whom the second and third greatest numbers of votes are cast shall hold office until the annual general meeting of 1972, and the candidates elected for whom the fourth and fifth greatest numbers of votes are cast shall hold office until the annual general meeting of 1971, but should there be nominated no more than five candidates for the office of Trustee, or should any two or more candidates receive an equal number of votes, then the Returning Officer shall have power to and shall declare which of the candidates are elected and which shall hold office until the next, the second, and the third succeeding annual general meetings respectively.

8. All subsequent elections of Trustees shall be held at the annual general meetings of the improvement district, and it shall be the duty of the Trustees to call a general meeting to be held between January 1st and May 1st in each year, except 1970, for the following purposes:—

- (a) To receive from the Trustees a report on condition of the works and a statement of the financial condition of the improvement district;
(b) To discuss with the Trustees any matter relating to the works or finances of the improvement district;
(c) To fix the remuneration of the Trustees for the ensuing year;
(d) To elect a Trustee or Trustees to succeed those whose terms of office expire coincident with the holding of such annual general meeting, and to elect a Trustee or Trustees to fill any other vacancy or vacancies that has or have occurred or is or are about to occur among the Trustees;
(e) To choose the auditor for the ensuing year.

A special general meeting may be called by the Trustees at any time for the purpose of electing a Trustee or Trustees to fill any vacancy or vacancies among the Trustees, or for the purpose of discussing with the owners any matter or matters which in the opinion of the Trustees should be brought up at a general meeting.

At least fourteen days' notice of every general meeting shall be given by a notice posted at five conspicuous places within the district and published in a newspaper circulating in the district.

The Secretary shall enter in a book provided by the Trustees for this purpose minutes of all matters brought before the meeting and the action taken thereon. At any general meeting every person shall

(OVER)

be qualified to vote who is a Canadian citizen and is twenty-one years old or older and is an owner of land in the improvement district, or the authorized agent of any board or corporation that is an owner of such land, or legal representative of any owner of such land who has died, become insolvent or insane, and is entitled to be registered as a voter under the *Provincial Elections Act*. Every person qualified as aforesaid to vote and the wife or husband of any such person shall be qualified to be a candidate for Trustee of the improvement district. In the event of the right of any person to vote at any general meeting being challenged, the chairman shall have authority

to determine whether or not such person is entitled to vote, and the chairman may require such person to make and file with him a statutory declaration showing that the declarant is qualified as aforesaid to vote at such general meeting. Forthwith after the holding of a general meeting the Trustees shall file with the Comptroller of Water Rights a true copy of the minutes of such meeting and copies of all auditor's reports and financial statements presented or discussed at the meeting.

9. All words and phrases given special meaning in section 2 of the *Water Act* shall, where used herein, be ascribed the meaning given them in the said section, unless the context otherwise requires.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, the Honourable Chief Justice Herbert William Davey, Administrator of the Government of Our said Province, in Our City of Victoria, this fifth day of August, in the year of our Lord one thousand nine hundred and sixty-nine, and in the eighteenth year of Our Reign.

By Command.

W. N. CHANT,
Acting Provincial Secretary.

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