

PROCLAMATION.

[L.S.]

C. A. BANKS,
Lieutenant-Governor.

CANADA:

PROVINCE OF BRITISH COLUMBIA.

GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come—
GREETING.

E. T. KENNEY, *Minister of Lands and Forests.* { WHEREAS by section 49 of the "Water Act, 1939," 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 Lieutenant-Governor 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 in the Lillooet Land District and the Kamloops Land Registration District comprising Lots 98, 99, 164 to 189 (inclusive), 201 to 211 (inclusive), 213, 214, 259, 498, 758, 813, 823, 1153, 1154, 1161, 1170, 1290A, 1290B, 1536 to 1542 (inclusive), 1558, 2673, 2674, 2675, 2676, 2678, 3131, 4101, 5149, and 5547; a 160-acre parcel of unsurveyed land lying immediately west of Lot 1536; a 160-acre parcel of unsurveyed land lying immediately west of the northerly part of Lot 181; Indian reserves numbered 1, 2, and 3, and the part of Indian Reserve No. 6 lying south of a line from the north-west corner of Lot 4101 to the north-east corner of Lot 209, and all subdivisions thereof, and the owners of land in the said tract are incorporated into an improvement district under the "Water Act, 1939," and subject to the provisions thereof and to the conditions hereinafter contained.

2. The said improvement district shall be known as the "Pemberton Valley Dyking District."

3. The objects of the said improvement district shall be the maintenance of the works installed or to be installed by the Government of Canada, and the construction of all works required to ensure the maintenance of the said first-mentioned works in a proper manner and all matters incidental thereto.

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

5. The persons qualified to vote at the first election of Trustees shall be British subjects who are twenty-one years of age or older and

are not disqualified from voting in an election 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 said election shall be the persons qualified as aforesaid to vote and their wives and husbands.

6. Joseph A. Taillefer, of Pemberton, B.C., 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 seven days before the date of the said meeting, post in a conspicuous place at the post-office at Pemberton, B.C., a notice signed by him giving the date, time, and place of holding the said meeting. The Returning Officer shall be chairman of the said meeting, and he 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 said meeting and the method of taking the votes. Each qualified voter shall be entitled to cast one vote for each of five candidates. In case of a tied vote the Returning Officer shall have a casting-vote, whether qualified as aforesaid or not. He shall declare the result of the election and shall advise the Comptroller of Water Rights of the said result.

7. The candidates elected as Trustees for whom the greatest and second greatest numbers of votes are cast at the general meeting called pursuant to clause 6 shall hold office until the annual general meeting of 1950, the candidates elected for whom the third and fourth greatest numbers of votes are cast shall hold office until the annual general meeting of 1949, and the candidate elected for whom the fifth greatest number of votes is cast shall hold office until the annual general meeting of 1948, 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 February 15th and April 15th in each year 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:

(OVER.)

- (d.) To elect a Trustee to succeed the one whose term of office expires 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 seven days' notice of every general meeting shall be given by a notice posted up in a conspicuous place at the building in which the meeting is to be held.

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 be qualified to vote who is a British subject 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 the legal representative of any owner of such land who has died, become insolvent, or insane, and is not disqualified from voting in an election held 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 and to hold the office of Trustee, but no person shall be entitled to vote or be a candidate for Trustee or hold the office of Trustee while there is owing to the improvement dis-

trict in respect of the land held by him or her or by his wife or her husband any taxes, tolls, or other charges other than those levied, fixed, or charged by the Trustees within one year of the date of the meeting. 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 Trustee 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, 1939," 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, His Honour CHARLES ARTHUR BANKS, Lieutenant-Governor of Our said Province, at Our Government House, in Our City of Victoria, this thirty-first day of January, in the year of our Lord one thousand nine hundred and forty-seven, and in the eleventh year of Our Reign.

By Command.

GEO. S. PEARSON,
Provincial Secretary.

VICTORIA, B.C.:

Printed by DON McDIARMID, Printer to the King's Most Excellent Majesty.
1947.

49.

report:

THAT Pemberton Valley Dyking District is an improvement district under the Water Act and was incorporated by Letters Patent issued on January 31, 1947 (Order in Council No. 179/47).

THAT the Trustees of the said District and the landowners affected have petitioned to have the Letters Patent of the District amended to include the lands hereinafter set out within the tract of land comprising the District.

THAT it appears in the public interest to grant the prayer of the said petitioners.

AND TO RECOMMEND:

THAT in accord with Section 54 of the Water Act, being Chapter 405 of the Revised Statutes of British Columbia, 1960, the Letters Patent of Pemberton Valley Dyking District be amended to include within the tract of land comprising the District certain lands within Lillooet District and Kamloops Land Registration District, more particularly described as follows:

Lots 1 to 9 inclusive of Lot 7926, Plan 7706,
together with adjacent road allowances.

DATED this 7th day of January A.D. 1963.

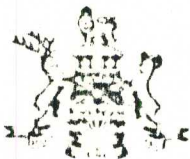
"Ray Williston"

Minister of Lands, Forests, and Water Resources.

APPROVED this 7th day of January A.D. 1963.

"W.A.C. Bennett"

Presiding Member of the Executive Council.



615

APPROVED AND ORDERED MAR. 23. 1985

Lieutenant-Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA MAR. 27. 1985

On the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that any provision of Letters Patent, issued to an improvement district under the Water Act or Municipal Act, governing the entitlement to vote or hold office which denies such entitlement by reason of racial origin is struck out and the Letters Patent are amended accordingly.

lw AND THAT any provision of Letters Patent issued to an improvement district, under the Water Act or Municipal Act, in which the entitlement to vote or hold office is limited to those the full age of twenty-one years is amended by deleting "twenty one" and substituting "nineteen."

Minister of Municipal Affairs

Presiding Member of Executive Council

(This part is for administrative purposes and is not part of the Order.)

Authority under which Order is made:

Act and section Municipal Act, Section 825

Other (specify)

Statutory authority checked by

(Signature and typed or printed name of Legal Officer)

PROVINCE OF BRITISH COLUMBIA

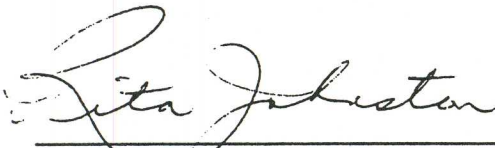
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 1536 , Approved and Ordered JUL. 29.1987


Lieutenant Governor

Executive Council Chambers, Victoria JUL. 29.1987

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, where Letters Patent issued to an improvement district provide that a person must be a British Subject in order to be eligible to vote for or hold office as a trustee, the Letters Patent are amended by striking out the reference to a British Subject and substituting a reference to a Canadian Citizen.


Minister of Municipal Affairs


Presiding Member of the Executive Council

(This part is for the records of the Office of Legislative Counsel, and is not part of the Order.)

Authority under which Order is made:

Act and section:-.....Municipal Act, s. 825 & 828.....

Other (specify):-.....

Examined by:W. B. Maddaford.....
(Attorney General examiner)

July 14, 1987

1247/87/pws

BILL 30

(11) This section applies to a regional district as though the board was the council and the secretary was the clerk.

7. The following sections are added:

**Personal liability of a
municipal public officer**

755.1 (1) No action for damages lies or shall be instituted against a municipal public officer or former municipal public officer for anything said or done or omitted to be said or done by him in the performance or intended performance of his duty or the exercise of his power or for any alleged neglect or default in the performance or intended performance of his duty or exercise of his power.

(2) In this section "municipal public officer" means

- (a) a member of a council,
- (b) a director of a regional board,
- (c) a trustee of an improvement district,
- (d) a member of
 - (i) any civic commission under Division (2) of Part 17, or
 - (ii) a library board under the *Library Act*,
- (e) a member of any greater board as defined in section 943 or of any board that provides similar services and is incorporated by letters patent,
- (f) a member of an advisory planning commission under section 955,
- (g) a member of a board of variance under section 961,
- (h) a member of the Islands Trust or Okanagan Basin Water Board,
- (i) an officer or employee of a municipality, regional district, improvement district, library board under the *Library Act*, a greater board referred to in paragraph (e) and the Okanagan Basin Water Board,
- (j) a volunteer firefighter or a special constable, and
- (k) any volunteer who participates in the delivery of services by a municipality, regional district or the bodies referred to in paragraphs (c) to (h) under the supervision of an officer or employee of the municipality, regional district or any of those bodies.

(3) Subsection (1) does not provide a defence where

- (a) the municipal public officer has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct, or
- (b) the cause of action is libel or slander.

(4) Subsection (1) does not absolve any of the corporations or bodies referred to in subsection (2) (a) to (h) from vicarious liability arising out of a tort committed by any of the individuals referred to in subsection (2)

BILL 30

which the corporation or body would have been liable for had this section not been in force.

Failure to enforce certain bylaws

755.2 A municipality, regional district or a member of its council, or a member of its board, or any officer or employee of the municipality or district is not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to enforce, by the institution of a civil proceeding or a prosecution, a bylaw made under Division (5) of Part 21 or a regulation made under section 740 (1).

Nuisance actions

755.3 A municipality, regional district, council, regional board, improvement district or greater board, as defined in section 943, is not liable in any action based on nuisance or on the rule in *Rylands v. Fletcher* where the damages arise, directly or indirectly, out of the breakdown or malfunction of

- (a) a sewer system,
- (b) a water or drainage facility or system, or
- (c) a dyke or a road.

8. Section 784 (3) is amended by adding "262," before "294,".
9. Section 943 (1) is amended by adding the following definitions:
 - "density" where used in relation to land, a parcel of land or an area, means the density of use of the land, parcel or area, or the density of use of any buildings and structures located on the land or parcel, or in the area;
 - "subdivision" means
 - (a) a subdivision as defined in the *Land Title Act*, and
 - (b) a subdivision under the *Condominium Act*.
10. The following section is added before the title to Division (1):

Single bylaw

943.1 (1) A local government may exercise its powers under Divisions (3) to (7) by the adoption of a single bylaw.

(2) Where a single bylaw is adopted under subsection (1), amendments to that bylaw that are made under powers in this Part, that are not amendments authorized under section 963, may be made without complying with the public hearing and notice provisions of Division (3).
11. Section 945 is amended
 - (a) by repealing subsection (2) (e) and substituting the following:

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **1542**, Approved and Ordered NOV. 12.1993



Lieutenant Governor

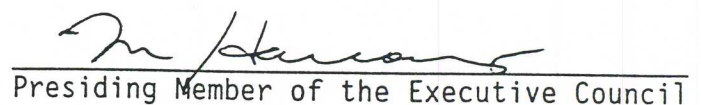
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

1. Any provision of Letters Patent issued to an improvement district under the Water Act or Municipal Act, in which the entitlement to vote or hold office is limited to those of the full age of nineteen years, is amended by deleting "nineteen" and substituting "eighteen".
2. This Order is effective on November 30, 1993.



Minister of Municipal Affairs



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Municipal Act, Section 825

Other (specify):

QP - 33

1726/93/13

AUG 25 1997

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

0964

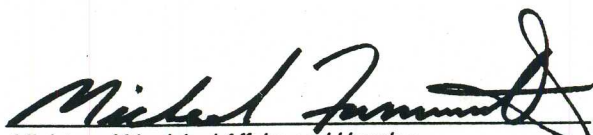
, Approved and Ordered JUL 31 1997



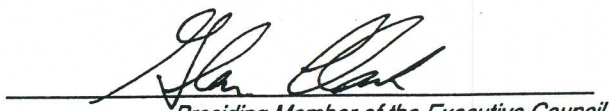
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that Supplementary Letters Patent in the form attached be issued for Pemberton Valley Dyking District clarifying their object.



Minister of Municipal Affairs and Housing



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

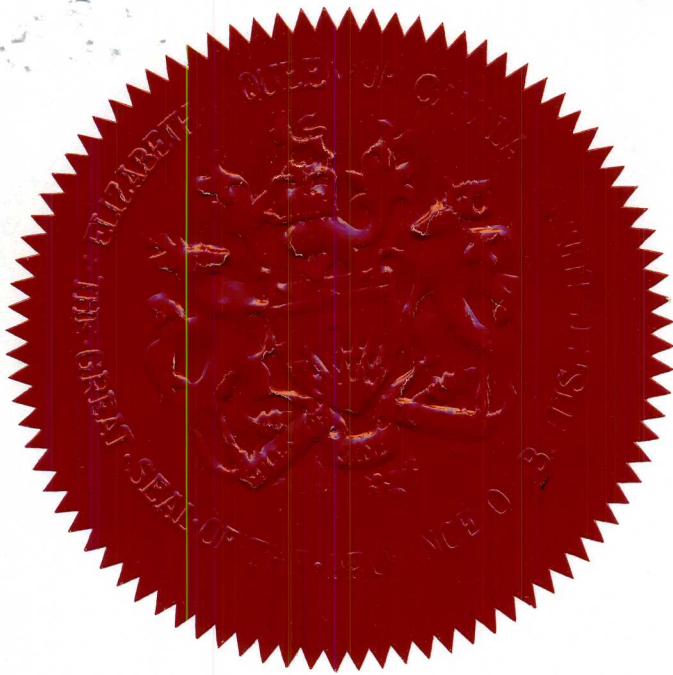
Authority under which Order is made:

Act and section:- Municipal Act, section 734

Other (specify):-

July 2, 1997

1062/97/13/sak




Lieutenant Governor

C A N A D A

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.



Minister of
Municipal Affairs and Housing

(WHEREAS the Pemberton Valley

(Dyking District is an improvement

(district incorporated by Letters

(Patent issued on January 31, 1947:

(

AND WHEREAS it is provided in section 734 of the *Municipal Act* that the Lieutenant Governor in Council may at any time amend the Letters Patent of any improvement district in any respect:

AND WHEREAS the Trustees for the Pemberton Valley Dyking District have requested the District's Letters Patent be amended to clarify the District's object.

NOW KNOW YE THAT by these presents We do order and proclaim that on, from and after the date of these Supplementary Letters Patent the object of the District shall be dyking:

AND THAT the Letters Patent dated January 31, 1947 be amended by striking out section 3 in its entirety and substituting the following:

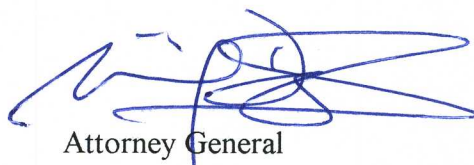
"3. The object of the said improvement district shall be the acquisition, maintenance, repair, replacement, improvement, and operation of works for the reclamation and development of the lands in the improvement district by dyking, draining, pumping and incidental means, and all matters incidental thereto."

AND THAT the Letters Patent of the Pemberton Valley Dyking District be deemed to be amended so as to conform to the premises as and from the date of these Supplementary Letters Patent.

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 Garde B. Gardom, Q.C., Lieutenant Governor of Our said Province
of British Columbia, in Our City of Victoria, in Our said Province, this 31st day
of JULY, in the year of Our Lord one thousand nine hundred and
ninety-seven and in the forty-sixth year of Our Reign.

By Command.

A black ink signature, likely of the Lieutenant Governor, consisting of a large loop and a trailing line.A blue ink signature, likely of the Attorney General, consisting of several overlapping loops and a trailing line.
Attorney General

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF
COMMUNITY, SPORT AND CULTURAL DEVELOPMENT

Local Government Act

Ministerial Order No. **M 065**

I, Coralee Oakes, Minister of Community, Sport and Cultural Development, order that the letters patent issued on January 31, 1947 for the Pemberton Valley Dyking District be amended as follows:

1. The area of the Pemberton Valley Dyking District is altered to exclude the land shaded in the attached map titled "Schedule 1 to the Letters Patent of the Pemberton Valley Dyking District."

2. Section 1 of the Letters Patent is repealed and replaced with the following:

The improvement district shall comprise all that tract of land consisting of a total land area of 6549.49 hectares and a total foreshore and water area of 479.68 hectares within the boundaries of the improvement district as shown outlined on the map, reference number 203.1, dated December 18, 2013 attached as Schedule 1 to these Letters Patent.

3. By adding as Schedule 1 to the Letters Patent the attached map titled "Schedule 1 to the Letters Patent of the Pemberton Valley Dyking District" cited as reference number 203.1 dated December 18, 2013.

4. Section 8 is amended by striking out "but no person shall be entitled to vote or be a candidate for Trustee or hold the office of Trustee while there is owing to the improvement district in respect of the land held by him or her or by his wife or her husband any taxes, tolls, or other charges than those levied, fixed or charged by the Trustees within one year of the date of the meeting."

5. By deleting all references to "Chairman" in the Letters Patent and replacing them with "Chair".

March 10, 2014
Date

Coralee Oakes
Minister of Community, Sport and Cultural Development

(This part is for administrative purposes only and is not part of the Order)

Authority under which Order is made: *Local Government Act, R.S.B.C., c. 323, s. 734*

Act and Section: _____

Other (Specify): _____

