

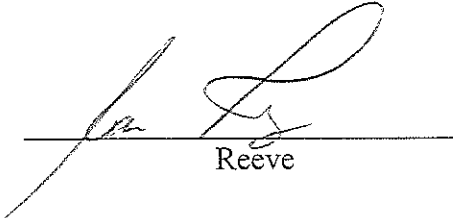
RURAL MUNICIPALITY OF BEAVER RIVER #622

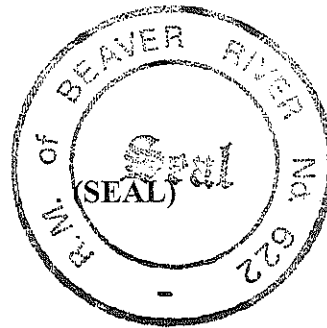
BYLAW NO. 17-02

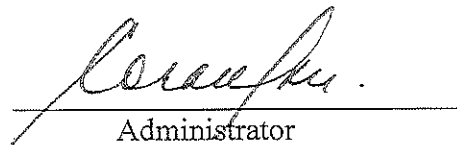
A BYLAW TO PROVIDE FOR THE RURAL MUNICIPALITY OF BEAVER RIVER #622 TO ESTABLISH THE LAC DES ILES UTILITY COMMISSION

The Council of the Rural Municipality of Beaver River No. 622 in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as the *Lac des Isles Utility Commission Bylaw*.
2. The Rural Municipality of Beaver River #622 is hereby authorized to establish a Utility Commission pursuant to Section 33 (2) of *The Municipalities Act M 36.1*.
3. The *Lac des Isles Utility Commission* Constitution is attached hereto and forms a part of this bylaw and is identified as "Schedule A".
4. Bylaw 05-13 is hereby repealed.


Reeve




Administrator

Read a first time this 7th day of March, 2017
Read a second time this 7th day of March, 2017
Read a third time this 10th day of March, 2017 and adopted

SCHEDULE A
LAC DES ILES UTILITY COMMISSION
CONSTITUTION

WHEREAS the *Lac des Iles Utility Commission* was created by Municipal Bylaw pursuant to s.33 (2) *The Municipalities Act M 36.1*.

AND WHEREAS the *Lac des Iles Utility Commission* is a body corporate and has all the rights, obligations and privileges of a statutory body corporate;

AND WHEREAS the *Lac des Iles Utility Commission* is empowered by a Constitution pursuant to *The Municipalities Act M 36.1*

NOW THEREFORE the Constitution of the Commission reads as follows:

1. TITLE

- 1.1. This Constitution may be cited as the Constitution of the *Lac des Iles Utility Commission*.

2. DEFINITIONS

2.1. In this Constitution:

- (a) "Commission" means the *Lac des Iles Utility Commission*;
- (b) "Board" means the representatives that manage the day-to day business of the Commission;
- (c) "Board member" means the municipality representative;
- (d) "Chair" means a member of the Board, elected to office at a meeting of the Board, and who is to preside over meetings of both the Board and the Commission;
- (e) "Council" means the Council of The Rural Municipality of Beaver River No. 622;
- (f) Facilities means all facilities owned and operated by the Commission used for the treatment and storage of wastewater and supply of potable water to developments and users within the Rural Municipality of Beaver River, as listed on Schedule A.1
- (g) "Municipality" means the Rural Municipality of Beaver River #622 as defined under *The Municipalities Act*.
- (h) "Representative" means the individual appointed to represent the municipality on the Commission;

(i) "Task Force" is appointed by the Board to perform a specific task and are by nature for a short term;

2.2. In this Constitution and all bylaws adopted by the municipality, unless the context requires otherwise, words importing the singular number shall include the plural and vice versa; words importing the masculine gender shall include the feminine and neutral genders; words importing persons shall include bodies corporate, corporations, companies, partnerships, syndicates, trusts and any number of persons.

2.3. The headings used in this Constitution are inserted for reference purposes only and are not to be considered in construing the terms and provisions hereof or to be deemed in any way to clarify, modify or explain the effect of such terms or provisions.

3. OBJECTIVES OF THE AUTHORITY

3.1. To plan, construct, manage and operate water supply and wastewater systems within the municipality.

PART I: MEMBERS OF THE COMMISSION

4. TERM OF APPOINTMENT

4.1. The Council of the Municipality shall appoint Five (5) representatives to the Commission annually.

4.2. Each representative shall be entitled to one vote.

4.3. A vacancy in the Board arising from any cause shall be filled as soon as possible after the vacancy occurs by the Municipality.

4.4. Any resident and/or ratepayer of the Municipality or any resident of an urban municipality located inside the borders of the Rural Municipality of Beaver River No. 622 may be a representative unless they are a Commission employee.

5. COMPOSITION OF THE BOARD

5.1. The Board shall be comprised of representatives appointed by the Municipality.

6. ACCOUNTING BY THE COMMISSION

6.1. The Commission shall keep distinct and regular accounts of its receipts, payments, assets and liabilities.

- 6.2. The auditors of the Commission shall annually audit the accounts identified in section 6.1 using generally accepted and appropriate audit procedures. The audit shall be completed by March 31.
- 6.3. The audited financial statements shall be presented at a Board meeting for approval.
- 6.4. Once approved, the audited financial statements will be sent to the Municipality.

PART II: POWERS AND DUTIES OF THE BOARD

7. PURPOSE OF THE BOARD

- 7.1. The purpose of the Board is to plan, construct, manage and operate water supply and wastewater systems within the Municipality, as listed on Schedule A.1.

8. POWERS OF THE BOARD

- All powers conferred to the municipality are hereby delegated to the *Lac des Iles Utility Commission*.
- The Board will undertake the planning, financing and construction of the water supply and wastewater systems.
- In the course of operating the wastewater and water supply systems the Board will be responsible for planning, implementing and operating programs and activities related to the management both systems including setting and collecting of user fees and charges;
- Any arrears shall be transferred to municipal taxes at year end and subject to penalties.
- establishing policies, regulations and rules relating to the operations of systems for the treatment and distribution of potable water; and systems for the collection, treatment and disposal of wastewater
- entering into agreements to carry out any of the Commissions purposes;
- hiring employees, including management employees, and establishing the terms of employment for those employees, including their layoff or dismissal;
- establishing committees to research and report to the Board regarding any aspects of the Commission's mandate or any of the programs proposed or undertaken by the Commission.

- preparing a budget, which will provide the resources to fulfill the Commission's mandate.
- borrowing funds as required to meet the established budget, as per section 34(2) of the Municipalities Act M36.1;
- acquiring, using and disposing of any necessary real or chattel property;
- annually setting the remuneration and expense amounts for Board officers, Board members, and representatives to the Authority; and
- establishing the policies and procedure for all internal governance issues, including the determination of meetings and the notice to be provided;

Provided, however, no resolution or bylaw of the Board shall amend or otherwise vary, directly or indirectly, the other provisions of the Constitution.

9. OFFICERS OF THE BOARD

- 9.1. The Board will annually elect from among its members a Chair and Vice-Chair. The election will be by majority vote. An abstention from voting will be considered to be a negative vote.
- 9.2. These officers will be elected at the first Board meeting of each calendar year. The officers elected in the previous calendar year will continue to carry out their responsibilities until the new officers are elected.
- 9.3. The Board will appoint a Secretary-Treasurer for such a term and on such conditions as determined by the Board.

10. RESIGNATION BY THE CHAIR

- 10.1. Where the Chair vacates the chair for any cause, the Vice-Chair shall act as Chair until the next Board meeting.
- 10.2. At the next Board meeting following the vacancy in the chair, a new chair will be elected.
- 10.3. If the Vice-Chair is elected as Chair he shall immediately assume that office and have the Board elect another Vice-Chair.
- 10.4. The Chair elected to fill a vacancy in the chair holds the office for the unexpired term of his predecessor.

11. RESIGNATION BY THE VICE-CHAIR

- 11.1. Where the Vice-Chair vacates his office for any cause, the Board shall elect a new Vice-Chair at the next Board meeting.
- 11.2. The Vice-Chair elected during a term of office holds the office for the unexpired term of his predecessor.

12. MISCONDUCT BY AN OFFICER OR BOARD MEMBER

- 12.1. A Board officer or member shall:
 - disclose that he or his agent, partner, spouse, parent or child has an interest in land, buildings or corporations that could make a financial profit (hereinafter referred to as a pecuniary interest) from a Board decision;
 - not participate in a discussion at a Board meeting where he, his agent, partner, spouse, parent or child has a pecuniary interest in the Board's decision;
 - excuse himself from the Board meeting so as not to be involved with or seen to be involved with making or influencing the Board's decision where he, his agent, partner, spouse, parent or child has a pecuniary interest in the decision; and
 - exclude himself from the Board meeting until the Board has completed voting on the matter that may affect his or his agent's, partner's, spouse's, parent's or child's pecuniary interest.
- 12.2. A Board officer or member shall not misuse Commission funds or monies.
- 12.3. Where a Board officer or member has contravened section 12.1 or section 12.2:
 - a) the Board may make a resolution requesting the municipality replace the representative, or
 - b) the Chair, at his own initiative, may call a special Board meeting pursuant to section 14.1 or shall be obliged to call a special Board meeting pursuant to section 14.2 to have a resolution passed that municipality replace its representative.
- 12.4. Where a resolution has been passed pursuant to section 12.3(b) the Board officer or member shall be deemed to have resigned from the Board, to have resigned as a representative to the Commission, or any combination of the two, effective immediately.
- 12.5. A representative shall not be absent from three successive Board meetings without sufficient cause.

- 12.6. Where a Board officer or member has contravened section 12.5 the Board may make a resolution requesting the officer or member to resign from the Board.

13. GENERAL MEETINGS OF THE BOARD

- 13.1. The date for each Board meeting will be set at the preceding Board meeting. Each Board member will be notified of the date by the minutes of the previous meeting no less than seven (7) days prior to the meeting.

14. SPECIAL MEETING OF THE BOARD

- 14.1. The Chair may call a special meeting of the Board at any time and shall always do so upon the written request of two (2) of the representatives.
- 14.2. Where the Chair calls a special meeting of the Board he shall give at least one (1) day notice in writing or by other means, to each Board member and shall indicate the matters for discussion at the special meeting.

15. RULES FOR GENERAL OR SPECIAL MEETINGS OF THE BOARD

- 15.1. No business shall be transacted at any general or special meeting of the Board until a quorum is present. A quorum shall be a majority of the Board members.
- 15.2. Decisions of the Board will be binding where a majority of the Board members present at a properly called meeting approve the decision. An abstention from voting will be considered to be a negative vote.
- 15.3. Minutes shall be kept of each meeting and approved by the Board as to accuracy and completeness at the subsequent meeting. A copy of the minutes of each meeting will be distributed to each representative and the Municipality within fourteen (14) days after their approval.
- 15.4. The Chair and Vice-Chair have the right to vote at special and general Board meetings but they do not have an additional or casting vote.

16. ENTERING INTO AGREEMENTS

- 16.1. The Board may pass a resolution authorizing the Commission to enter into agreements with any individuals, public and private corporations, institutions, organizations, and governments, and otherwise, to provide or

obtain services, goods, grants, real and chattel property to ensure that the Commission operates effectively.

17. BUDGET FOR THE COMMISSION

- 17.1. The Commission shall draft a budget to be presented to the Municipality for approval.
- 17.2. Limits of borrowing by the *Lac des Iles Utility Commission* are regulated by Section 34 of the Municipalities Act M 36.1.

18. EMPLOYEES OF THE COMMISSION

- 18.1. The Board shall appoint the employees of the Commission, as it deems necessary.

19. COMMITTEES OR TASK FORCES

- 19.1. The Board may create Advisory Committees or Task Forces and may assign duties to them.
- 19.2. Where an Advisory Committee or Task Force is created by the Board:
- The Board Chair, subject to confirmation by the Board, shall appoint a Committee Chair from among the Board members.
 - The Board shall appoint other Committee members.
 - The Board shall determine the number of committee members.
 - Committee participants may meet, adjourn, and otherwise regulate their meetings as they may determine.

PART IV: AMENDING THE CONSTITUTION

20. AMENDING PROCEDURE

- 20.1. Amendments to this Constitution must be made in writing and approved through bylaw of the Municipality.

PART V: LIQUIDATION AND DISSOLUTION OF THE AUTHORITY

21. DISTRIBUTION OF PROPERTY

21.1. Upon liquidation and dissolution of the Commission, any remaining Commission property shall be transferred to the Municipality during the calendar year in which the Commission was liquidated and dissolved.

SCHEDULE

A.1

Water Plant and municipal wells	Block U1, Plan 102114728 Title # 143726766
Water Distribution Lines	Legacy Estates Lauman's Landing
Sewer Distribution Lines	Legacy Estates Lauman's Landing
Sewer Wet Well/collection site	Lauman's Landing – when constructed
Sewer Distribution Lines	Parkside Subdivision
Sewer Distribution Lines	Hillcrest Subdivision