

BYLAW 07-2022

A BYLAW ESTABLISHING A PUBLIC UTILITY BOARD

Pursuant to Section 33 of *THE MUNICIPALITIES ACT*

The Council of the Rural Municipality of Rudy No. 284, in the Province of Saskatchewan, enacts as follows;

1. PURPOSE: The purpose of this bylaw is for the council to establish a Public Utility Board.
2. CREATION OF PUBLIC UTILITY BOARD;
 - a) The Rural Municipality of Rudy No. 284 hereby creates a Public Utility Board
 - b) The Public Utility Board created pursuant to Section 33 (1) and (2) of *The Municipalities Act* shall be known as the EASTSIDE WATER PIPELINE UTILITY.
3. TERMS OF AGREEMENT: The terms of the agreement are defined in the corporate bylaw of Eastside Water Pipeline Utility, which is identified as Exhibit "A" and is attached to and forms a part of this Bylaw.

Bylaw 3-94 is hereby Repealed

Adopted by resolution of Council this 14th day of December, 2022.




Reeve


Administrator

Certified a true copy of Bylaw 7-2022

Adopted by resolution of Council the
14 day of December, 2022


Administrator



Exhibit A to Bylaw

Corporate Bylaw

Eastside Water Pipeline Utility

1. Definitions

In this bylaw:

- a) “Act” means *The Municipalities Act* (2006) as amended from time to time, and in the case of such amendment, any references in the bylaws of the Eastside Water Pipeline Utility shall be read as referring to the amended provisions.
- b) “Council” means the Council of the Rural Municipality of Rudy No. 284.
- c) “Public Utility” or “Utility” means the Eastside Water Pipeline Utility, a body corporate established pursuant to Section 33 of the Act.
- d) “Board” means the Board of Directors of the Eastside Water Pipeline Utility.
- e) “Member” means the rural municipality in the agreement to establish the public utility.
- f) “Municipal Designate” means a member of Council or a water user in the municipality that is appointed to the Board by the Council.
- g) “Subscriber” means a person, organization or corporation who has the authority to sign a Subscriber Application and Agreement with the Utility.
- h) “Voter” means a Municipal Designate, a subscriber, or a water user eligible to vote through an executed Proxy of a subscriber.
- i) “Water District” means the area that serves water users as per “Schedule B”.
- j) “Water User” means persons or consumers who receive the benefit of the public utility.
- k) “Minister” means the member of the Executive Council to whom the administration of this Act is assigned.

2. Business of the Public Utility

a) Fiscal Year

The Fiscal year of the public utility shall be the period commencing on January 1st and ending on December 31st in the same year.

b) Annual Meeting

An annual meeting of the water users of the public utility shall be held within each calendar year the date of which to be determined by resolution of the board.

Notice shall be given to all subscribers at least 15 days prior to the meeting by mail or email, and to water users by way of at least one notice in a local newspaper. Failure by any water user to receive notice of the meeting shall not invalidate this meeting.

c) Signing Officers

Contracts, documents or other instruments requiring execution by the public utility shall be signed on behalf of the public utility by any two of the following: the Administrator, the Chairman or the Vice Chairman through the authority of the Board.

d) Borrowing Powers

The board may:

- i) Borrow money on the credit of the public utility.
- ii) Pledge debt obligations of the public utility.
- iii) Mortgage, hypothecate pledge or otherwise create a security interest in all or any property of the public utility owned or subsequently acquired, to secure any debt obligation of the public utility.

e) Delegation of Powers

The Board shall have all the powers conferred on the council or a municipality by Section 23 to 32 of the Municipalities Act.

3. Auditors

The Board shall provide for an annual audit of its books, records and accounts and shall appoint an auditor who is a member in good standing of an accounting profession.

4. Voter Eligibility

Every water user is qualified to be registered as a Voter in the Water District, provided they are the full age of 18 years on the day of the vote, and there is no more than one Voter per subscription. Similarly, each Municipal Designate is entitled to one vote.

5. Board Membership

- a) Every Board Member must be a water user/subscriber or a municipal designate. A water user is qualified to be nominated as a candidate and to hold office as a Board member.

None of the following persons are qualified to be nominated or elected to hold office as a Board member:

- i) An auditor or solicitor of the public utility
- ii) An employee of the utility

A water user who is nominated as a candidate must file a nomination paper. The nomination paper may be submitted to the Eastside Water Pipeline Utility administrator during normal office hours up to and including the designated call for elections at each Annual Meeting.

b) Composition of the Board

The Board of the Eastside Water Pipeline Utility shall be composed of the following:

i) Two appointees from the Rural Municipality of Rudy No. 284.

Appointments to the Board shall be made by resolution of the Council of the RM of Rudy No. 284 and shall be made for two-year terms. An appointed Board member may be removed at any time by the Council appointing them. These two positions will be staggered. The first year, one appointment will be for one year and one appointment will be for two years.

ii) Five Directors elected from the water users annual meeting.

Directors open to election shall be elected at the annual meeting of water users based on a majority vote by secret ballot, with each voter eligible for one vote.

iii) Directors shall serve a two year term. The Director's terms will be staggered. The first year, three positions will be for one year, and two positions will be for two years.

6. Attendance

Any Board member, who misses three consecutive meetings or more than five meetings in a fiscal year may be dismissed at the discretion of the Board.

7. Sunset Clause

All members will have a sunset clause of six years and will be eligible to run for a Board position after one term of absence. In the event that an election does not fill all positions of the board; the Minister may appoint a representative.

8. Quorum

A Board meeting quorum shall be 50% plus 1.

9. Board Appointments

The first organizational meeting of the Board following the Annual General Meeting is to be held at the RM of Rudy Office in Broderick, SK at a time and place determined by the Administrator, within a reasonable time frame.

At the first organizational meeting the board shall:

a) Sign the Oath of Office

b) Annually appoint a chairman and vice chairman from among the board members.

10. Board Duties and Powers

The Board shall:

a) Pass a bylaw setting out the procedure covering the Agreement between the Board and the Subscriber,

b) Provide notice of any Utility bylaws and bylaw amendments to the RM of Rudy No. 284 and all water users when passed by the Utility,

- c) Appoint an Administrator,
- d) Hire or appoint employees as it deems necessary,
- e) Enact, amend, repeal or replace bylaws other than the corporate bylaw in accordance with the Municipalities Act, subject to Section 2 (e) of this bylaw,
- f) Make rules, not inconsistent with the corporate bylaw or the Act, governing the management of the public utility and for the carrying out of the provisions of this bylaw, and;
- g) Register an easement against all properties where any water line is installed.

11. Chairman Duties

Chairman shall preside at all meetings of the Board.

12. Vice Chairman Duties

The Vice Chairman in the absence of the Chairman, shall discharge the duties of the Chairman.

13. Administrator Duties

The Administrator shall:

- a) Attend and keep minutes of all meetings of the public utility,
- b) Have charge of the seal of the public utility,
- c) Conduct the correspondence and have charge of all financial corporate records, books, papers and documents of the public utility,
- d) Perform such other duties and exercise such other powers as are incidental to the office or as many be required, from time to time, by the Board.

14. Insurance and Bonding

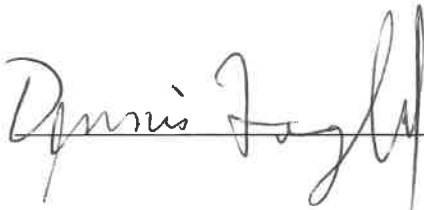
The public utility shall provide for security or fidelity bonding and insurance coverage, including directors and officers as deemed necessary.

15. Dissolution


In the event Eastside Water Pipeline Utility is dissolved, the Minister may establish, in the regulations made by the Minister, the manner in which any surplus is to be distributed to persons to whom the public utility service is supplied; and any liabilities of the public utility are to be adjusted and settled. If, on the dissolution of a public utility, there are insufficient realizable assets to satisfy its liabilities, the Minister may establish in the regulations made by the Minister a charge to be imposed on persons to whom the public utility service is supplied to satisfy the utility's indebtedness and associated expenses and methods of enforcing the payment of the charge.

This Schedule A to Bylaw 7-2022 Adopted by resolution of Council this 14th day of December, 2022.





Reeve



Administrator

Certified a true copy of Schedule A to Bylaw 7-2022
Adopted by resolution of council the
14 day of December, 2022



Administrator

