

RURAL MUNICIPALITY OF ROSEDALE NO. 283

BYLAW NO. 01/2023

A BYLAW TO PROVIDE FOR ENTERING INTO AN AGREEMENT WITH OTHER MUNICIPALITIES FOR THE PURPOSE OF ESTABLISHING A PUBLIC UTILITY BOARD PURSUANT TO THE MUNICIPALITIES ACT

The Council of the Rural Municipality of Rosedale No. 283 in the Province of Saskatchewan enacts as follows:

Short title

1. This Bylaw may be referenced as the “Dundurn Rural Water Utility Board Bylaw”

Purpose and scope

2. The purpose of this Bylaw is to enable the Council to enter into an agreement with other municipalities to establish a Public Utility Board.

Membership

3. The R.M. of Rosedale No. 283 is hereby authorized to create a Public Utility Board in conjunction with the following municipalities:

Resort Village of Thode
Resort Village of Shields
Rural Municipality of Dundurn No. 314
Rural Municipality of Blucher No. 343
Town of Dundurn
Town of Hanley

4. The Public Utility Board created pursuant to Section 3 shall be known as the Dundurn Rural Water Utility Board.

Terms of Agreement

5. The terms of agreement are defined in the Corporate Bylaw of the Dundurn Rural Water Utility Board, which is identified as Schedule “A” and is attached hereto and forms part of this bylaw.
6. Bylaw 14/2019 is hereby repealed.

Read a third time and adopted
this 10 day of January, 2023


Administrator




Reeve

Administrator

Certified a true copy of Bylaw No. 01 / 2023
adopted by resolution of council of the Rural
Municipality of Rosedale No. 283 on
the 10 day of January, 2023


Administrator



SCHEDULE 'A' TO BYLAW DL/2023
CORPORATE BYLAW
DUNDURN RURAL WATER 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 Dundurn Rural Water Utility shall be read as referring to the amended provisions.

(b) "public utility or "Utility" means the Dundurn Rural Water Utility, a body corporate established pursuant to Section 33 of the Act by joint agreement of the following municipalities:

Resort Village of Shields
Resort Village of Thode
Rural Municipality of Dundurn, No. 314
Rural Municipality of Rosedale No. 283
Rural Municipality of Blucher No. 343
Town of Dundurn
Town of Hanley

(c) "Board" means the Board of Directors of the Dundurn Rural Water Utility.

(d) "Member" or "member municipality" means an Urban or Rural Municipality involved in this agreement establishing the public utility.

(e) "Municipal Designate" means a member of Council or water user in the Municipality that is appointing that person.

(f) "Water Users" means persons or consumers who receive the benefit of the public utility.

(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 water user.

(i) "Water District" means the area that serves water users as per Schedule "B".

(j) "Minister" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

2. Business of the Public Utility:

2. (a) Fiscal Year

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

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An annual meeting of the water users of the public utility shall be held not more than 120 days following January 1 of each year or such later date that the Board may determine by resolution. Notice shall be given to all water users at least 15 days prior to the meeting or published by way of at least two notices in two local newspapers at least two weeks prior to the date set for the meeting. Failure by any water user to receive notice of a meeting shall not invalidate that meeting.

2. (b) Signing Officers

Contracts, documents or other instruments requiring execution by the public utility shall be signed on behalf of the public utility by the Administrator and the Chairman or, in the Chairman's absence, the Vice-Chairman with the authority of the Board.

2. (c) 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.

2. (d) Delegation of Powers

The Board shall have all the powers conferred on a council or a municipality by Sections 23 to 32 of the 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 where they qualify as per Schedule "B":

- i) who is of the full age of 18 years on the day of the election;
- ii) who has resided in the Water District or on land now in the Water District, for at least three consecutive months immediately preceding the day of the election or;
- iii) who is the registered owner of taxable land in the Water District or the purchaser of land in the Water District or under a bona fide agreement for sale or;
- iv) who is the designate of a duly incorporated co-operative, corporation or religious association;
- v) An elector may vote only once during an election.

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5. Board Membership:

Every Board member must be a water user or a 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:

- a) an auditor or solicitor of the public utility
- b) an employee of the Utility

A water user who is nominated as a candidate must file a nomination paper in the prescribed form as per the Local Government Elections Act (Saskatchewan) Part VIII Elections in Rural Municipalities. The nomination paper must be submitted to the Dundurn Rural Water Utility administrator during normal office hours at least 14 days prior to the Annual Meeting. No nominations will be accepted at the Annual Meeting.

The Board of the Dundurn Rural Water Utility shall be composed of one appointee from each of the following municipalities who shall be a water user:

Resort Village of Shields and Resort Village of Thode inclusive
Rural Municipality of Dundurn, No. 314
Rural Municipality of Rosedale No. 283
Town of Dundurn
Town of Hanley

And four (4) Directors elected from the water users at the annual meeting as per geographic boundaries that may be changed from time to time (on the recommendation of the Board to the member municipalities for acceptance) and will be known as Water District 1, Water District 2 and Water District 3 (See Schedule "B").

Appointments to the Board shall be made by resolution of each respective council. Appointments will be made for two year terms, the timing of which shall coincide with the elected members each year. An appointed Board member may be removed at any time by the Council appointing them.

Directors open to election shall be elected at the annual meeting of water users based on a majority vote with each water user eligible for one vote and shall serve for a two year term.

Any Board member, who misses three (3) consecutive meetings or more than five (5) meetings in a fiscal year, may be dismissed at the discretion of the Board. All members will have a sunset clause of 6 years and will be eligible to run for a Board position after one term of absence.

A Board meeting quorum shall be 50% + 1.

For 2013, the current Board will be made up as follows:

3 elected members to serve 2013 – 2015

Starting in 2015 – 1 each from Water District 1 Water District 2

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2 elected members to serve 2013 – 2014 – 1 each from Water District 1 and Water District 2

Town of Hanley Appointment – from the passing of this bylaw to the AGM, 2015 meeting.

Resort Village of Thode and Shields Appointment – from the passing of this bylaw to the AGM, 2014 meeting.

R.M. of Dundurn Appointment – 2 members from the passing of this bylaw to the AGM, 2014 meeting. After the 2014 AGM, there will be one appointment from the R.M. of Dundurn.

Town of Dundurn Appointment – Appointment to be made for the 2014 AGM.

R.M. of Rosedale Appointment – Appointment to be made for the 2015 AGM.

and for a 2 year appointment, thereafter for elected or appointed members.

At the discretion of the Board:

If a Board position becomes vacant between January and the AGM, that position will remain vacant until the next AGM. If a Board position becomes vacant following the AGM to December 31, the position shall be filled for the remaining term of office within 45 days.

5. a) Board Duties and Powers:

- i) The Board shall pass a bylaw setting out the procedure covering the Agreement between the Board and the subscriber.
- i) Notice of any Utility bylaws and bylaw amendments shall be provided to all member municipalities and water users when passed by the Utility.
- ii) Appoint an Administrator;
- iii) Hire or appoint employees as it deems necessary.

5. b) Board Appointments:

The First Organizational meeting of the Board, following the Annual General Meeting is to be held at a time, date and place determined by the Administrator, within a reasonable time frame, but before the next regular board meeting.

At the First Organizational Meeting, the Board shall:

- iv) Sign the Oath of Office as adopted by the Utility;
- v) Annually appoint a chairman and vice-chairman from among the board members;

5. c) Chairman Duties:

The Chairman shall preside at all meetings of the Board.

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5. d) Vice-Chairman Duties:

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

5. e) Administrator Duties:

The Administrator shall:

- i) attend and keep minutes of all meetings of the public utility;
- ii) have charge of the seal, if any, of the public utility;
- iii) conduct the correspondence and have charge of all financial corporate records, books, papers and documents of the public utility;
- iv) Perform such other duties and exercise such other powers as are incidental to the office or as may be required, from time to time, by the Board.

6. Insurance and Bonding:

The public utility shall provide for security or fidelity bonding and insurance Coverage, including Directors and Officers as deemed necessary.

7. Bylaws and Rules:

The Board may:

- a) enact, amend, repeal or replace bylaws other than the corporate bylaw in accordance with the *Act*, subject to Section 2(d) of this bylaw; and,
- b) 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.
- c) register an easement against all properties where any water line is installed.

8. Addition to / Withdrawal from Board Membership:

A municipality may join the Dundurn Rural Water Utility with the unanimous consent of the current member municipalities, and by amendment of this bylaw.

A member municipality may choose to withdraw from the Dundurn Rural Water Utility at any time by providing two (2) years written notice. In the event that a member municipality chooses to withdraw under this provision, it shall provide written notice to the public utility of its request to withdraw. Upon receipt of a request to withdraw, the withdrawal shall be completed by amendment of this bylaw within 90 days of the request. Notwithstanding that a municipality withdraws from an agreement made pursuant to Section 33 of the Act, the municipality shall continue to pay over to the public utility any moneys collected with respect to sums, rates or costs as set out in Section 31 of the Act and reflected in that agreement.

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9. Dissolution:

In the event that the Dundurn Rural Water 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 the method of enforcing the payment of the charge.

10. Effective Date:

This corporate bylaw becomes effective when all member municipalities have passed it by bylaw of council. This agreement may be signed in counterparts and all shall be deemed one original instrument.

IN WITNESS WHEREOF, the Parties hereby have caused their respective corporate seals to be affixed hereto attested thereto by their proper officers in that behalf by:

The Resort Village of Shields on the 13th day of January, 2014.

The Resort Village of Thode on the 20th day of March, 2014.

The Rural Municipality of Dundurn, No. 314 on the 11 day of February, 2014.

The Rural Municipality of Rosedale No. 283 on the 11 day of February, 2014.

The Rural Municipality of Blucher No. 343 on the 19th day of March, 2014.

The Town of Dundurn on the 24 day of MARCH, 2014.

The Town of Hanley on the 13th day of January, 2014.


N.P

Resort Village of Shields

William Williams



Resort Village of Thode

William Williams



SEAL

Rural Municipality of Dundurn, No. 314

Richard Wilson
John



Rural Municipality of Rosedale No. 283

Gary Pulyk
P. W. W. W.



Rural Municipality of Blucher No. 343

[Signature]
[Signature]



Town of Dundurn

William Williams
Chasser



Town of Hanley

William Williams
William Williams



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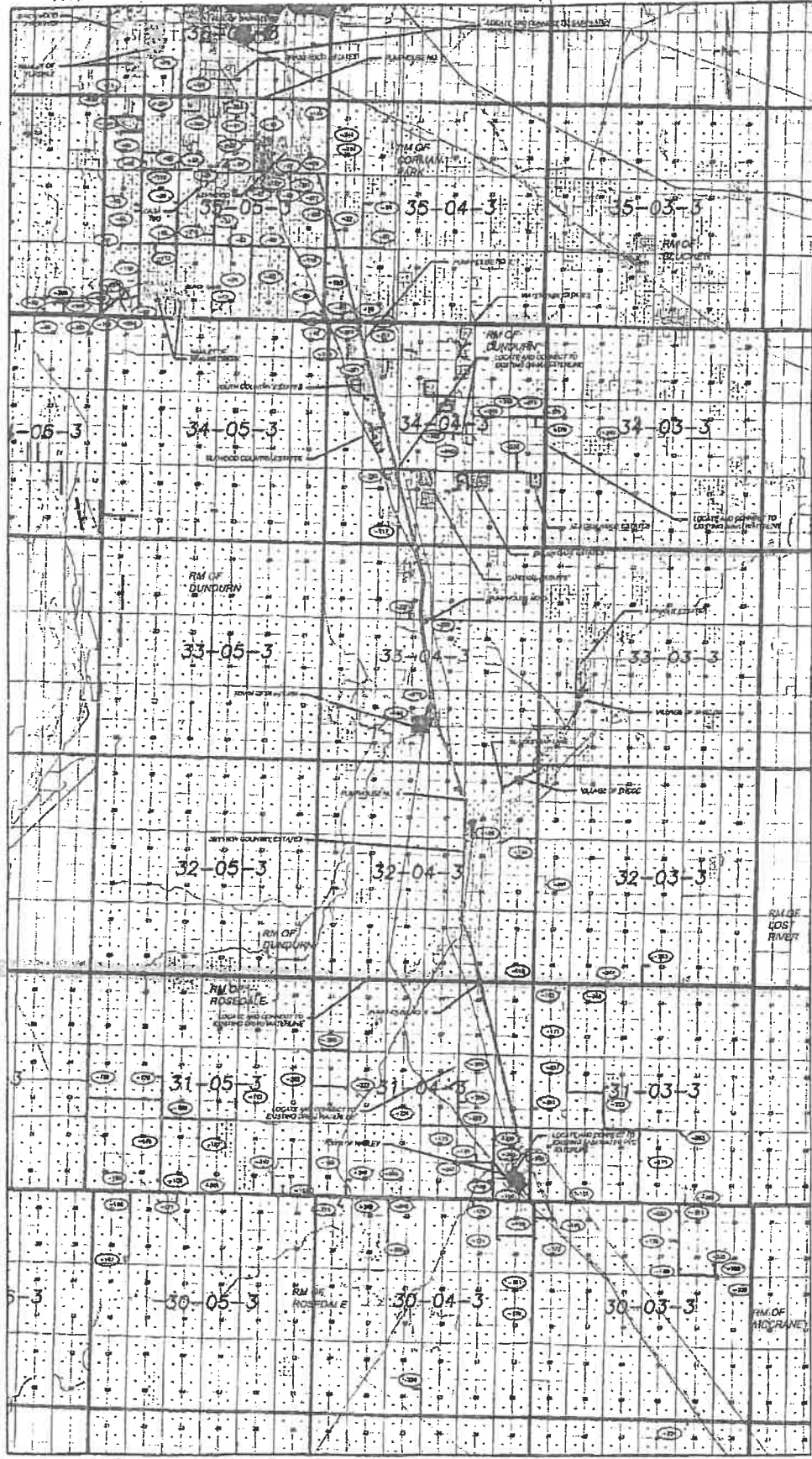
DUNDURN RURAL WATER UTILITY
WATERLINE PROJECT - 2009

Schedule "B"

Water District #1

Water District #2

Water District #3



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