

BYLAW 11-2018

A BYLAW OF THE RURAL MUNICIPALITY OF BLUCHER, NO. 343 TO PROVIDE FOR ENTERING INTO AN AGREEMENT WITH OTHER MUNICIPALITIES FOR THE PURPOSE OF ESTABLISHING A PUBLIC UTILITY BOARD PURSUANT TO SECTION 33 (2) (B) OF *THE MUNICIPALITIES ACT, S.S. 2005*

The Council of the Rural Municipality of Blucher No. 343 in the Province of Saskatchewan enacts as follows:

1. **PURPOSE**

The Purpose of this Bylaw is to permit the joint creation of a Public Utility Board pursuant to section 33 of *The Municipalities Act, S.S. 2005*.

2. **MUNICIPAL MEMBERSHIP OF PUBLIC UTILITY BOARD**

a) The Rural Municipality of Blucher No. 343, is hereby authorized to create a public utility board in conjunction with the following municipalities:

Rural Municipality of Blucher No. 343
Rural Municipality of Grant No. 372
Rural Municipality of Aberdeen No. 373

b) The Public Utility Board created pursuant to Section 33 (2) (b) shall be known as Highway 41 Water Utility.

3. **TERMS OF AGREEMENT**

The Municipalities shall be deemed to have agreed to the creation of the Public Utility Board in the Event that all four municipalities shall pass a bylaw in this form no later than July 31, 2018. For the purpose of clarification, this bylaw includes all provisions of Exhibit "A" which is attached to and forms part of this bylaw.

4. **DELEGATION OF POWERS**

The Public Utility Board shall have all the powers conferred on the council of a municipality by Section 23 to 31.

That Bylaw No. 6-2010 be repealed.

Reeve

SEAL

Administrator

Certified a true copy of the bylaw
adopted by resolution of the Council
on the _____ day of
_____, 2018.

Administrator

EXHIBIT “A” TO BYLAW NO. 11-2018

**CORPORATE BYLAW
HIGHWAY 41 WATER UTILITY**

1. DEFINITIONS

In this bylaw:

- (a) “Act” means The Municipalities Act, S.S. 2005, as amended from time to time, and in the case of such amendment, any references to the bylaw of the Public Utility Board shall be read as referring to the amended provisions.
- (b) “Public Utility Board” or “Board” or “Utility” means the Highway 41 Water Utility, as established by Bylaw of the Member Municipalities.
- (c) “Member” shall mean a member of the Board appointed to office in accordance with the terms of this Bylaw.
- (d) “Municipality” means one of The Rural Municipality of Blucher No. 343 (“Blucher”), The Rural Municipality of Aberdeen No. 373 (“Aberdeen”), The Rural Municipality of Grant No. 372 (“Grant”).
- (e) “Subscriber” or “Subscribers” means person who subscribes in the form approved by the Board from time to time to receive the benefit of the Unity.

2. BUSINESS OF THE PUBLIC UTILITY BOARD

(1) Fiscal Year

- (a) The fiscal year of the Public Utility Board shall be the calendar year.

(2) Annual Meeting

- (a) The annual meeting of the Subscribers of the Public Utility Board shall be held no later than 40 days after the Audited Financial Statement has been received for the previous year or such later date that the board may determine by resolution.

Notice shall be:

- (i) mailed to each Subscriber at least 15 days prior to the meeting, or
 - (ii) published by way of at least two notices in two local newspapers at least two weeks prior to the date set for the meeting.
- (b) Failure by any Subscriber to receive notice of a meeting shall not invalidate that meeting.

(3) Signing Officers

- (a) Contracts, documents or other instruments requiring execution by the Public Utility Board shall be signed on behalf of the Public Utility Board by two persons, one of which shall be the chairperson or vice-chairperson and either the administrator or a member of the Management Committee.

(4) Borrowing Powers

The Board may:

- (a) Borrow money on the credit of the Utility, as the Board shall consider necessary to meet expenditures, provided that such borrowing conforms to the requirements of section 34 of the Act.

(5) Delegation of Powers

The Public Utility Board shall have all the powers conferred on the council of a municipality by Sections 23 to 31.

3. AUDITORS

The Board shall appoint an auditor pursuant to subsection 188(2) of the Act.

4. BOARD MEMBERSHIP

- (1) The Board shall consist of a maximum of six elected members, three members to be elected by the Subscribers, being one person from each participating Municipality, whose primary connection to the Utility is in that Municipality, and three elected members at large whose primary connection to the Utility is in any of the Municipalities. At any time where there are no subscribers with a primary connection in a Municipality, then, in such case, a Member will be elected at large instead for a term to coincide with the specified term for a Member who would be elected by the non-represented Municipality.
- (2) The Municipalities shall jointly appoint Members of the Board upon formation, whose Members shall hold office until the conclusion of the first meeting of the Subscribers held pursuant to this Bylaw.
- (3) At the first meeting of the Subscribers, the Member from Blucher and one of the members at large shall be elected for three-year term. The Member from Aberdeen and a member at large shall be elected for a two-year term. The Member from Grant and the remaining member at large shall be elected for a one-year term.

- (4) From and after the first meeting of the Subscribers, each member shall hold office for a term of three years, such term to conclude at the conclusion of the Subscriber's meeting held during the year in which the Member's term expires.
- (5) The term of a Member shall terminate before three years shall expire, when the Member should cease to be a Subscriber, resign or be deceased.
- (6) Whenever a Member should cease to be a Member of the Board because of the operation of paragraph 4(5), the remaining Members may, but shall not be required to appoint by resolution a new Member from among the subscribers, to hold office until the conclusion of the next meeting of the Subscribers.
- (7) Where the term of a Member has been terminated early due to the operation of paragraph 4(5), then regardless of whether a temporary appointment has been made by the Board pursuant to paragraph 4(6), the Subscribers shall, at the next meeting of the Subscribers, elect a new Member of the Board for the unexpired portion of the departed Member's term.
- (8) Where a member's position is left vacant at the conclusion of any meeting of the Subscribers as a result of the failure of the Subscribers to elect a new Member, then within the next 60 days, the Members of the Board shall appoint from among the Subscribers a Member who shall hold office for the term to which no member was elected.

5. BOARD DUTIES AND POWERS

- (1) Minutes of all meetings of the Board and all resolutions and bylaws passed by the Board shall be provided to the Municipalities.
- (2) Board Appointments

The Board shall annually appoint:

 - (a) A chairperson and vice-chairperson from among their number; and
 - (b) A Management Committee consisting of: the chairperson, the vice-chair person and the immediate past chairperson, and in his/her absence, a designate of the Board.
 - (c) All members of the Management Committee shall be current Members of the Board.
- (3) The Board may employ or contract such other employees and advisors as it deems necessary.

(4) Chairperson Duties

The chairperson shall preside at all meetings of the board that he/she is present.

(5) Vice-Chairperson Duties

The vice-chairperson, in the absence of the chairperson, shall discharge the duties of the chairperson.

(6) Administrator Duties

The Board may appoint an Administrator whose duties shall include:

- (a) Attend and keep minutes of all meetings of the board and of the Management Committee
- (b) Have charge of the seal, if any, of the Public Utility Board;
- (c) Conduct the correspondence and have all charge of all financial corporate records, books, papers and documents of the Public Utility Board;
- (d) Present to the Board regular financial statements in a form acceptable to the Board for review.
- (e) 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.

(7) Bonding

The Public Utility Board shall provide for security or fidelity bonding and property insurance and liability insurance as the Board shall consider appropriate from time to time.

6. BYLAWS AND RULES

The Board may:

- (a) Enact, amend, repeal or replace bylaws, other than the corporate bylaw,
- (b) Make rules, not inconsistent with the corporate bylaw or the Act, governing the management of the Public Utility Board and for the carrying out the provisions of this bylaw.
- (c) The Board shall register an easement against all properties where any water line is installed on land that is owned by a non-subscriber.

7. EFFECTIVE DATE

This bylaw becomes effective June 30, 2018.

Rural Municipality of Blucher No. 343

Reeve

(S E A L)

Administrator

Rural Municipality of Grant No. 372

Reeve

(S E A L)

Administrator

Rural Municipality of Aberdeen No. 373

Reeve

(S E A L)

Administrator