

The Rural Municipality of Indian Head No. 156

Bylaw No. 226/04

A bylaw to Establish a Public Utility Board Pursuant to Section 228.1 of the Rural Municipality Act, 1989.

The Council of the Rural Municipality of Indian Head No. 156, in the Province of Saskatchewan, enacts as follows:

1. A public utility board to be known as "North East Indian Head Rural Water Utility Board" is hereby established.
2. The terms of the agreement are defined in the corporate bylaw of the North East Indian Head Rural Water Utility, which is identified as Exhibit "A" attached to and forming a part of this bylaw.
3. This bylaw shall take effect on the day it is adopted by Council.



Loane Scott  
Reeve

Loane Theolan  
Administrator

Certified a true copy of Bylaw No. 226/2004  
passed by resolution of Council on  
September 21, 2004

Loane Theolan  
Administrator

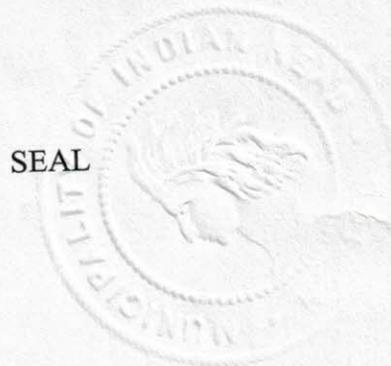


Exhibit "A" to BYLAW NO. 226/04  
CORPORATE BYLAW  
NORTH EAST INDIAN HEAD RURAL WATER UTILITY

1. DEFINITIONS

In this bylaw:

(a) "Act" means the Rural Municipality Act, 1989, as amended from time to time, and in the case of such amendment, any references to the bylaws of the Public utility Board shall be read as referring to the amended provisions.

(b) "Public Utility Board" means the North East Indian Head Rural Water Utility Board, a body corporate created pursuant to Section 228.1 of the Act by The Rural Municipality of Indian Head No. 156.

(c) "Board" means the board of the public utility board.

(d) Except where the context clearly requires otherwise, definitions set in THE RURAL MUNICIPALITY ACT, 1989, shall apply to this agreement; and the enforcement and penalties for a breach of this agreement shall be according to the said Act.

2. DELEGATION OF POWERS

Council hereby delegates to the Board the powers conferred on Council or the municipality by Sections 227 to 240 of the Act, with the exception of the following:

(a) Section 227 (1) (b) and (c) of the Act, the power to levy a tax on the benefitted area for the cost of the work, or the power to implement "The Local Improvement Act" for the cost of the work; and

(b) Subsection 233(5) and Section 233.1 of the Act, the power to add arrears of rates, charges or rents to the taxes on the lands or improvements with respect to which the public utility service was provided, and

(c) Subsection 235(2) of the Act, the powers conferred in relation to drains, sewers and sewer systems; and

(d) Section 236 of the Act, the power to require owners to connect their property with the public utility service;

(e) Section 237(3) of the Act, the power to apply the installation charges and interest to the taxes on the land or building to which the improvements have been made.

3. TERMS AND CONDITIONS

The Board shall carry out its duties and exercise its powers on the following terms and conditions:

(a) Annual Meeting of Subscribers

The annual meeting of the subscribers of the Public Utility Board shall be held not later than 90 days following January 1 of each year. The subscribers shall be notified of this meeting by regular mail at least 15 days prior to the meeting date or by an advertisement in a local newspaper at least 15 clear days before the meeting date. At the first meeting of the Subscribers, 3 members shall be elected to the Board for a 2 year term and 2 members shall be elected to the Board for a 1 year term. Following the first annual meeting of the subscribers, all Board members shall be elected for 2 year terms.

(b) Officers

(1) The Board shall at its first meeting following the annual meeting of Subscribers, appoint (i) a Chairperson and (ii) a Vice-Chairperson, both of whom must be members of the Board, and (iii) a Secretary-Treasurer, who need not be a member of the Board.

(2) Board members shall be elected or appointed for two year terms.

(3) To be eligible as a member of the Board, one must be a Subscriber and at least 18 years of age and must not (i) be a paid employee of the Board, (ii) be the auditor (either at the time or within the two years immediately preceding the election or appointment) or (iii) have a contract with the Board, other than as a Subscriber

(4) In the event of a vacancy on the Board, the remaining members may appoint any eligible person to the position.

(5) If the subscribers neglect or refuse to elect sufficient Board members, Council may appoint any eligible person to the position.

The Chairman shall preside at the annual meeting of Subscribers and all meetings of the Board and shall preserve order and enforce the rules of procedure.

The Vice-Chairperson shall perform the duties of the Chairman in his absence.

The Secretary-Treasurer shall:

attend and keep minutes of all meetings of the Board;

have charge of the seal of the Board;

conduct the correspondence and have charge of all financial corporate records, books, papers and documents of the Board;

make weekly deposits or when funds on hand exceed \$10,000.00;

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;

forward an audited financial annual statement of the Board to the Municipality within 90 days of preparation;

#### Signing Officers

Contracts, documents or other instructions requiring execution by the Board shall be signed on behalf of the Board by (1) the Secretary-Treasurer and (ii) one of the Chairperson or Vice Chairperson, and shall be sealed

#### c) Fiscal Year

The fiscal year of the public utility board shall be the calendar year.

#### (d) Borrowing Powers

The Board may borrow money only as permitted by 228.1(3), (4), (6) and (7) of the Act.

#### (e) Board Meetings

All Board members present during a Board meeting shall vote upon all questions, unless the Board member has a pecuniary interest in any matter in which the Board is concerned. Should a Board member have a pecuniary interest in any Board concern, Section 45 of the Act applies.

All questions at a meeting of the Board shall be decided by a majority of votes but, in the case of an equality of votes, the question is deemed to be decided in the negative

No act or proceeding of the Board that is not adopted at a regular or special meeting has any effect.

#### (f) Collection of Charges for Services

Should a Subscriber elect to pay to the Board the cost of installation (construction costs) to the public utility over a period of years, rather than one lump sum, the Board shall collect \$1,000.00 from the Subscriber in advance. The Board shall pass a bylaw setting out the procedure for the collection of the balance owing, together with moneys owing for (i) water usage and monthly levy and (ii) water meter rental

(g) Insurance

The Board shall provide for security or fidelity bonding of its employees and acquire other insurance coverage as deemed necessary.

(h) Bylaws

The Board may make bylaws, not inconsistent with this bylaw, governing the management of the public utility and for the carrying out of the provisions of this bylaw.

Lorne Scott  
Reeve

Paul Theaker  
Administrator

Seal

