

Town of Shellbrook
Bylaw No. 2021-07

**A BYLAW TO ESTABLISH A PUBLIC UTILITY PURSUANT TO
SECTION 33(2) OF THE MUNICIPALITIES ACT**

The Council of the Town of Shellbrook in the Province of Saskatchewan, pursuant to The Municipalities Act, enacts as follows:

1. PURPOSE

The purpose of this Bylaw is to enact the attached Exhibit “A”.

2. TERMS OF AMENDMENT

The Corporate Bylaw of the Prince Albert Regional Water Utility shall be as stated in Exhibit “A”, which is attached to and forms a part of this Bylaw.

3. COMPLEMENTARY BYLAW

This Bylaw shall be complementary to a similar Bylaw to be passed by the Councils of the Rural Municipality of Prince Albert No. 461, the Rural Municipality of Duck Lake. No 463, the Rural Municipality of Buckland No. 491, The RM of Shellbrook No. 493 and the Town of Shellbrook.

4. REPEAL BYLAW

Not applicable

5. EFFECTIVE DATE

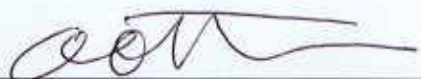
The amendment becomes effective immediately upon being passed by the five member municipalities.

IN WITNESS WHEREOF the Town of Shellbrook has herunto affixed its corporate seal attested to by the hands of its proper officers in that behalf of the 3rd day of August 2021.

Given three readings and adopted this 3rd day of August 2021.



Town of Shellbrook



Mayor



CAO

EXHIBIT "A" TO BYLAW NO. 2021-07

CORPORATE BYLAW

PRINCE ALBERT REGIONAL WATER UTILITY

1. DEFINITIONS

In this Bylaw:

- (a) "Act" means *The Municipalities Act, 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 Prince Albert Regional Water Utility, a body of corporate established pursuant to Section 33(2)(a) of the Act by the Rural Municipality of Prince Albert No. 461, the Rural Municipality of Buckland No. 491, the Rural Municipality of Duck Lake No. 463, the Rural Municipality of Shellbrook No. 493 and the Town of Shellbrook.
- (c) "Member" and "Member Municipality" means the Rural Municipality of Prince Albert No. 461, the Rural Municipality of Buckland No. 491, the Rural Municipality of Duck Lake No. 463, the Rural Municipality of Shellbrook No. 493 and the Town of Shellbrook.
- (d) "Subscriber" or "Subscribers" means any person or corporation who subscribes to the services offered by the Utility.

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 90 days following January 1, of each year or such later date as 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, cheques, 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 a vice-chairperson, and one of which shall be the general manager.

(4) Borrowing Powers

The Board may borrow money on the credit of the Utility on such terms and conditions as the Board may determine with the approval of three Member Municipalities.

(5) Delegation of Powers

The Public Utility Board shall have all the powers conferred on the council of a municipality by Sections 23 to 32 of the Act.

3. AUDITORS

The Board shall appoint an auditor pursuant to subsection 188(4)(b) of the Act.

4. BOARD MEMBERSHIP

(1) The Board shall consist of fifteen (15) persons to be appointed as follows:

(a) Each Member Municipality being:

Town of Shellbrook
Rural Municipality of Prince Albert No. 461
Rural Municipality of Buckland No. 491
Rural Municipality of Duck Lake No. 463
Rural Municipality of Shellbrook No. 493

The aforementioned Member Municipalities shall each appoint three representatives to serve as board members, one of which must be a utility subscriber. The utility subscriber may

be an elected member of the municipal council or a member of the public who is a utility subscriber. Should a member municipality be unable or unwilling to appoint a utility subscriber to the board, that member municipality will hold one vacant seat on the utility board until such time that the seat may be filled by a utility subscriber. Appointed board members shall hold their seat on the utility board at the pleasure of the appointing member municipality.

- (b) The appointees from each Member Municipality shall be as follows:
 - i) The Reeve or Mayor of the member municipality
 - ii) The Deputy Reeve or Deputy Mayor of the member municipality
 - iii) A councillor of the member municipality; or a member of the public who is a utility subscriber.
 - (c) The Water Utility shall pay an honorarium to all members of the board and reimburse the board members for all expenses incurred in carrying out duties on behalf of the Board.
 - (d) The requirement, that one board member appointed by the member municipalities must be a subscriber, shall be waived as it relates to the Town of Shellbrook and the Rural Municipality of Shellbrook No. 493, until such time as the Water Utility is able to offer a water service in that area.
- (2) The Notice to constitute a duly convened Board meeting may be done in any form and with two days' notice, or eight members personally present or connected via video conference shall constitute a quorum.
- (3) Appointment of Chair and Vice-Chairs
- (a) The Reeve of the Rural Municipality of Prince Albert No. 461 shall act as chair of the Water Utility for a term of three years, and the Reeve of the Rural Municipality of Buckland No. 491, the Reeve of the Rural Municipality of Duck Lake No. 463, the Reeve of the Rural Municipality of Shellbrook No. 493 and the Mayor of the Town of Shellbrook shall each be vice-chairs for a term of three years, and thereafter on a rotating basis the Reeve of the Rural Municipality of Buckland No. 491 shall be the chair and the Reeve of the Rural Municipality of Prince Albert No. 461, the Reeve of the Rural Municipality of Duck Lake No. 463, the Reeve of the Rural Municipality of Shellbrook No. 493 and the Mayor of the Town of Shellbrook, shall each be a vice-chair person and thereafter on a rotating basis the Reeve of the Rural Municipality of Duck Lake No. 463 shall be the chair and the Reeve of the Rural Municipality of

Prince Albert No. 461, the Reeve of the Rural Municipality of Buckland No. 491, the Reeve of the Rural Municipality of Shellbrook No. 493 and the Mayor of the Town of Shellbrook, shall each be a vice-chair person and thereafter the Reeve of the Rural Municipality of Shellbrook No. 493 shall be the chair and the Reeve of the Rural Municipality of Prince Albert No. 461, the Reeve of the Rural Municipality of Duck Lake No. 463, the Reeve of the Rural Municipality of Buckland No. 491 and the Mayor of the Town of Shellbrook, shall each be a vice-chair person and thereafter the Mayor of the Town of Shellbrook shall be the chair and the Reeve of the Rural Municipality of Prince Albert No. 461, the Reeve of the Rural Municipality of Duck Lake No. 463, the Reeve of the Rural Municipality of Shellbrook No. 493 and the Reeve of the Rural Municipality of Buckland No. 491, shall each be a vice-chair person.

- (b) The Management Committee will consist of the chairperson and the vice-chair persons.
- (c) The appointment of the Management Committee is effective on the coming into force of this bylaw.

(4) Chairperson Duties

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

(5) Vice-Chairperson Duties

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

5. BOARD DUTIES AND POWERS

- (1) (a) The Board shall send to all Member Municipalities in a timely way:
 - (i) the Board Bylaws, rules and regulations;
 - (ii) a complete copy of each audited financial statement;
 - (iii) a copy of each budget;
 - (iv) a copy of every set of Minutes; and
 - (v) any other information the Council of a Member Municipality may request.

- (b) The Board shall require the approval of at least three of the Member Municipalities:
 - (i) before entering any contract with any other Municipality, or before providing services to a subscriber in a non-member Municipality.
 - (c) The Board shall provide to each Member Municipality before May in each year, an annual operating plan, and a 5-year business plan, each of which is subject to approval by at least three Member Municipalities.
- (2) The Board may employ or contract such other employees and advisors as it deems necessary.
- (3) General Manager
- (a) The Board may appoint a General Manager whose duties shall include:
 - (i) Attend and keep minutes of all meetings of the Board and of the Management Committee;
 - (ii) Have charge of the seal, if any, of the Public Utility Board;
 - (iii) Conduct the correspondence and have charge of all financial corporate records, books, papers and documents of the Public Utility Board, provided that all paper and electronic records including any computer containing those records shall at all times remain and be the property of the Utility;
 - (iv) Present to the Board regular financial statements in a form acceptable to the Board for review;
 - (v) Deliver to the Member Municipalities all information which is required to be provided by these Bylaws in a timely manner; and
 - (vi) 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.
 - (b) The Board shall determine the reporting requirements for the General Manager.
- (4) Bonding
- The Public Utility Board shall provide for security or fidelity bonding and insurance coverage as it deems appropriate.

(5) Easements

The Board shall obtain and register an easement against all properties where any water line is installed on land that is owned by a non-subscriber.

6. BYLAWS AND RULES

The Board may enact, amend, repeal or replace bylaws, other than this corporate bylaw, and make rules so long as they are consistent with this corporate bylaw or the *Act*, for the purpose of the management of the Public Utility Board.

7. TAX ROLL

Each Member Municipality shall add to the tax roll the outstanding debts as certified by the Utility Manager and received by the participating Member Municipality prior to December 31, annually.

8. EFFECTIVE DATE

This bylaw shall become effective on the day when it is passed and put into effect by the last of the five Member Municipalities.