

BYLAW NO. 3-97

A BYLAW OF THE RURAL MUNICIPALITY OF CANA NO. 214 TO PROVIDE FOR ENTERING INTO AN AGREEMENT WITH OTHER MUNICIPALITIES FOR THE PURPOSE OF ESTABLISHING A PUBLIC UTILITY BOARD.

The Council of the Rural Municipality of Cana No. 214, in the Province of Saskatchewan, enacts as follows:

1. PURPOSE:

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

2. MUNICIPAL MEMBERSHIP ON PUBLIC UTILITY BOARD:

a) The Rural Municipality of Cana No. 214, is hereby authorized to create a public utility board in conjunction with the following municipalities:

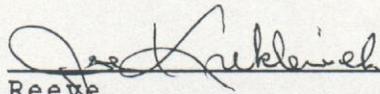
Rural Municipality of Wallace No. 243
Rural Municipality of Orkney No. 244

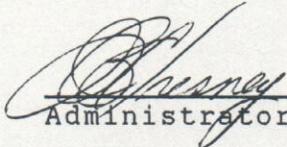
b) The public utility board created pursuant to subsection 2(a) shall be known as Yorkville Utility Board.

3. TERM OF AGREEMENT:

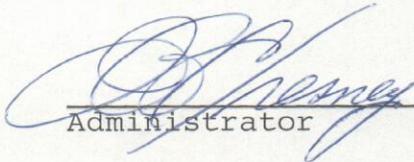
The terms of the agreement are defined in the corporate bylaw of the Yorkville Utility Board, which is identified as Exhibit A and is attached to and forms part of this bylaw.

(S E A L)


Reeve


Administrator

CERTIFIED a true copy of Bylaw No. 3-97, adopted by Resolution of Council on the 08th day of April, 1997.


Administrator

(S E A L)

SCHEDULE 'A' TO BYLAW NO. 3-97
RURAL MUNICIPALITY OF CANA NO. 214

CORPORATE BYLAW
YORKVILLE PUBLIC UTILITY BOARD

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 in the bylaws of the Public Utility Board shall be read as referring to the amended provisions.

(b) "public utility board" means the Yorkville Utility a body corporate created pursuant to Section 228.1 of the Act by joint agreement of the following municipalities:

Rural Municipality of Cana No. 214
Rural Municipality of Wallace No. 243
Rural Municipality of Orkney No. 244

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

(d) "Member" and "member municipality" means a Rural Municipality involved in the agreement establishing the public utility board.

(e) "Subscribers" means persons or consumers who subscribe to receive the benefit of the public utility.

2. Business of the Public Utility Board

(a) Financial Year

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

An annual meeting of the subscribers of the public utility board shall be held not later than March 31st of each year, excepting 1997. Written notice shall be mailed to each subscriber at least 15 days prior to the meeting.

(b) Signing Officers

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 Secretary-Treasurer and one of the Chairman or Vice-Chairman.

(c) Borrowing Powers

The Board may:

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

(d) Delegation of Powers

The public utility board shall have all the powers conferred on a council or a municipality by sections 227 to 240, not including section 236.

3. Auditors

The Board shall provide for an annual audit of its books, records and accounts in accordance with Section 69 of the Act.

4. Board Membership

To establish the Utility Board, the R.M. of Orkney shall appoint 3 members, the R.M. of Wallace shall appoint 2 members, and the R.M. of Cana shall appoint 2 members who may, but need not be, members of council. Two of the R.M. of Orkney's appointments shall be for a term of one year initially, as shall one of each of the R.M. of Wallace's and the R.M. of Cana's appointments. The balance of the appointments shall be for a term of two years. Thereafter, appointments will be made for two year terms, commencing January 1st of the respective year.

5. Board Duties and Powers

a) The Board shall, when a subscriber chooses to pay his/her allocation over a period of years, collect from such subscriber two (2) years payment in advance and shall hold same in trust to be used only to cover defaulted annual payments of said subscriber. Upon the total allocations being paid by the subscriber any balance in said account plus interest earned thereon is to be paid to the subscriber. The Board shall pass a bylaw setting out the procedure covering these advance payments and particulars of same shall appear in the Agreement between the Board and the subscriber covering the allocation.

b) All Utility Board bylaws and amendments are to be sent to all member municipalities when passed by the Utility Board.

c) A Subscriber collection levy notice shall be forwarded to each subscriber municipality prior to June 1, annually.

2) Board Appointments

The Board shall:

- a) Annually appoint a chairman and vice-chairman from among their number; and,
- b) Appoint and hire a Secretary-Treasurer.
- c) Hire or appoint such other employees as it deems necessary.

3) Chairman Duties

The Chairman shall preside at all meetings of the Board.

4) Vice-Chairman Duties

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

5) Secretary-Treasurer Duties

The Secretary-Treasurer shall:

- a) attend and keep minutes of all meetings of the Board;
- b) have charge of the seal, if any, of the public utility board;
- c) conduct the correspondence and have charge of all financial corporate records, books, papers and documents of the public utility board.
- d) 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 board may provide for security or fidelity bonding and insurance coverage 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 Sections 227 through 240 of the Act, excepting Section 236, , and
- b) make rules, not inconsistent with the corporate bylaw or the Act, governing the management of the public utility board an for the carrying out the provisions of this bylaw.

8. Effective Date

This bylaw becomes effective on when all member municipalities have signed and sealed this bylaw.

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 Rural Municipality of Cana No. 214 on the 8th day of APRIL, A.D. 1997, the Rural Municipality of Orkney No. 244 on the 9th day of APRIL, A.D. 1997, and the Rural Municipality of Wallace No. 243 on the 11th day of APRIL, A.D. 1997.

Rural Municipality of Cana No. 214

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Rural Municipality of Orkney No. 244

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Rural Municipality of Wallace No. 243

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