

RURAL MUNICIPALITY OF ABERDEEN NO. 373

BYLAW 2007 - 02

**A Bylaw Of The Rural Municipality of Aberdeen No. 373 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 Aberdeen No. 373 in the Province of Saskatchewan enacts as follows:

1. PURPOSE

The Purpose of this Bylaw is to continue a Public Utility Board created by Bylaw 2006-01, pursuant to section 33 of The Municipalities Act, S.S. 2005.

2. PARTICIPATING MUNICIPALITIES

Whereas The Rural Municipality of Corman Park No. 344 has declined to participate in the formation of the Public Utility Board, The Rural Municipality of Aberdeen No. 373, hereby enacts an amended establishment bylaw to continue the Public Utility Board which has been established by the following municipalities:

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

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

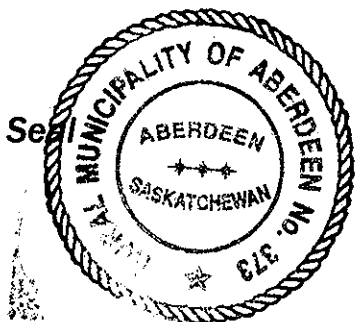
3. TERMS OF AGREEMENT


The Municipalities shall be deemed to have agreed to the amendment of the bylaw constituting the Public Utility Board and to its continuance in the event that both municipalities shall pass a bylaw in this form no later than March 15, 2007. For the purpose of clarify, 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 continue to have all the powers conferred on the council of a municipality by Section 23 to 31.

Enacted this _____ day of _____, 2007.





Reeve



Administrator

Certified a true Copy of Bylaw No. 2007-02
passed by the Council of the Rural Municipality
of Aberdeen No. 373 of Saskatchewan on March 12, 2007.



Gaby Dziadyk (Administrator)

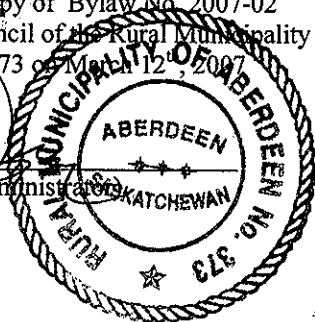


EXHIBIT "A" TO BYLAW NO. 2007-02

**CORPORATE BYLAW
HIGHWAY 41 WATER UTILITY**

ARTICLE 1 - DEFINITIONS

In this Bylaw, the following defined terms shall have the meaning ascribed below

- (a) "Act" means *The Municipalities Act* as amended or replaced 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 or replacement provisions.
- (b) "Member" shall mean a member of the Board appointed or elected to office in accordance with the terms of this Bylaw.
- (c) "Public Utility Board" or "Board" or "Utility" means the Highway 41 Water Utility, as originally created by Bylaw 2006-01 of The Rural Municipality of Aberdeen, and as continued by this Bylaw.
- (d) "Municipality" means one of The Rural Municipality of Aberdeen No. 373 ("Aberdeen") and The Rural Municipality of Grant No. 372 ("Grant").
- (e) "Municipalities" means both of The Rural Municipality of Aberdeen No. 373 ("Aberdeen") and The Rural Municipality of Grant No. 372 ("Grant").
- (f) "Subscriber" or "Subscribers" means a person or persons who subscribes in the form approved by the Board from time to time to receive the benefit of the Utility.

ARTICLE 2 - BUSINESS OF THE PUBLIC UTILITY BOARD

Section 2.01 Fiscal Year

The fiscal year of the Public Utility Board shall be the calendar year.

Section 2.02 Annual Meeting

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 that the board may determine by resolution. Notice shall be:

- (a) mailed to each Subscriber at least 15 days prior to the meeting, or
- (b) (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 Subscriber to receive notice of a meeting shall not invalidate that meeting.

Section 2.03 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 either the chairperson or vice-chairperson of the Board and one of whom shall be either the administrator or a member of the Management Committee.

Section 2.04 Borrowing Powers

The Board may 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.

Section 2.05 Delegation of Powers

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

Section 2.06 Auditors

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

ARTICLE 3 - BOARD MEMBERSHIP

The affairs of the Utility shall be governed by those persons constituted at the Board, as follows:

- (a) The Board shall consist of a maximum of five elected Members, two 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.

- (b) 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.
- (c) At the first meeting of the Subscribers, the Member from Aberdeen and one of the members at large shall be elected for three-year term. The Member from Grant and a member at large shall be elected for a two-year term. The remaining member at large shall be elected for a one-year term.
- (d) 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.
- (e) 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.
- (f) Whenever a Member should cease to be a Member of the Board because of the operation of subparagraph (e) above, 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.
- (g) Where the term of a Member has been terminated early due to the operation of paragraph subparagraph (e) above. then regardless of whether a temporary appointment has been made by the Board pursuant to paragraph (f), 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.
- (h) 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.

ARTICLE 4 - BOARD DUTIES AND POWERS

Section 4.01 Board Minutes

Minutes of all meetings of the Board and all resolutions and bylaws passed by the Board shall be provided to the Municipalities.

Section 4.02 Board Appointments

The Board shall annually appoint:

- (a) A chairperson and vice-chairperson from among their number;

- (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.

All members of the Management Committee shall be current Members of the Board.

The Board may employ or contract such other employees and advisors as it deems necessary.

Section 4.03 Chairperson Duties

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

Section 4.04 Vice-Chairperson Duties

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

Section 4.05 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.

Section 4.06 Bonding Indemnity and Liability Insurance

It shall be and is a condition of the establishment of the Board and of its continued existence that the Board shall at all times indemnify and save harmless the Municipalities and each of them from and against any and all actions, claims and demands of every nature and kind whatsoever which may be made against one or both of the Municipalities by any third party (including but not limited to the RM of Corman Park No. 344, property owners and subscribers, of the Utility) arising out of or in any way connected with:

- (a) The installation of all works, transmission and distribution lines owned and or operated by the Utility and their repair and upkeep;

- (b) Failure by the Utility to deliver water to subscribers of the Utility;
- (c) Any interruption in service to subscribers; and
- (d) Water escaping from the transmission and distribution lines.

It is a further condition that the Utility shall pay all costs and expenses (including legal fees on a solicitor and own client basis) of the Municipalities incurred with respect to any proceeding taken for the purpose of enforcing the rights and remedies of the R.M. hereunder. Such costs and expenses shall include the establishment or increase of a reserve to cover any possible liability of the R.M.

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

ARTICLE 5 - 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.

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

ARTICLE 6 - RATIFICATION AND CONTINUATION

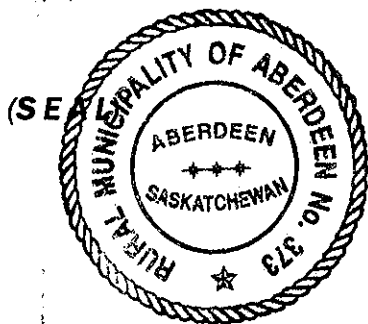
All acts undertaken by those individuals who have been organizing the Utility and by the Utility prior to the passage of and pursuant to Bylaw No. 2006-01 are hereby ratified, and the Utility is hereby continued, to be governed by the provisions of this bylaw.

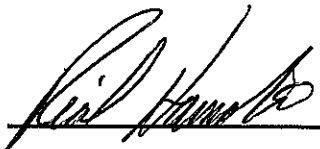
Bylaw 2006-01 shall be inoperative to the extent that its provisions conflict with those of this bylaw.

ARTICLE 7 - EFFECTIVE DATE

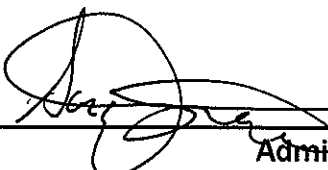
This bylaw becomes effective on March 1, 2007.

Signed and sealed by the: Rural Municipality of Aberdeen No. 373 this 12th day of March, 2007.



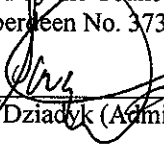


Reeve



Administrator

Certified a true Copy of Bylaw No. 2007-03
passed by the Council of the Rural Municipality
of Aberdeen No. 373 on March 12th, 2007



Gary Dziadyk (Administrator)

