

Community of Crapaud Water Utility Corporation Bylaw #2006-01

A bylaw to establish the Community of Crapaud Water Utility Corporation

Preamble

WHEREAS the Council of the Community of Crapaud has determined that it will provide, pursuant to clause 30 (k) of the *Municipalities Act*, R.S.P.E.I. 1988, Cap. M-13, determined that it will provide water distribution and purification;

THEREFORE, PURSUANT TO Section 38.1 of the *Municipalities Act, supra*;

BE IT ENACTED BY Council as follows:

Title

Community of Crapaud Water Utility Corporation Bylaw, Bylaw #2006-01.

Definitions

1. This bylaw may be cited as the Community of Crapaud Water Utility Bylaw, Bylaw #2006-01.

2. In this bylaw:

Council

(a) *Council* means the Council of the Community of Crapaud;

Corporation

(b) *Corporation* means the Crapaud Water Utility Corporation established herein;

Customer

(c) *Customer* means a person, firm or corporation who or which requests or is supplied with water service at a specific location or locations;

Director

(d) *Director* means a director of the corporation and includes its chair;

Municipality

(e) *Municipality* means the Municipality of the Community of Crapaud;

Application of bylaw

3. This bylaw applies to the establishment and operation of a municipal water distribution and purification corporation for the Municipality.

Corporation Established

4. (1) There is hereby established the Crapaud Water Utility Corporation.

Composition

(2) The Corporation shall be composed of a Board of Directors comprised of three or more members appointed by the Chair of the Council.

- Chair (3) One of the Directors shall be appointed by the Council Chair as its *Chair*.
- Term of Office (4) The Directors of the Corporation shall have terms of office during good behaviour the same as their Council term at the time of their appointment, but may be removed at any time by the Council Chair upon address of the Council.
- Remuneration (5) The Directors of the Corporation shall receive such remuneration as may be determined by the Council.
- Meetings, Procedure (6) At meetings of the corporation, two directors constitute a quorum over which the Chair, if present, shall preside, and in the absence of the Chair, one of the other Directors appointed by the Chair shall preside.
- Voting (7) Decisions of the Board of Directors shall be determined by majority vote.
- Breaking Tie Vote (8) In the case of equal division of opinion of the Directors, the matter shall be referred to the Council, whose decision is binding on the Corporation.
- Duties of Chair (9) The Chair is the Chief Executive Office of the Corporation and has supervision over and direction of the work and the staff of the Corporation.
- Functions of Corporation 5. The Corporation shall have the following functions:
- (a) Constructing, altering, extending, managing and controlling a system for providing the service of water distribution and purification to the residents of the Municipality and, with the approval of Council, residents of areas adjacent to the Municipality;
 - (b) Acquiring, alienating, holding and disposing of real or personal property;
 - (c) Engaging and paying personnel;
 - (d) Financing, with the approval of Council, any of its undertakings; and
 - (e) Assessing, charging and collecting rates and charges for services provided to any customer.

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- Rates and Charges 6. The Corporation shall levy such user rates or frontage charges as the Island Regulatory and Appeals Commission may approve.
- Separation of Accounts 7. The Corporation shall maintain its accounts separate from the accounts of the Council or the Municipality.
- Fiscal Year 8. The fiscal year of the Corporation shall be from 1 January to 31 December.
- Liability 9. The Directors of the Corporation and any person acting on their instructions or authority are not personally liable for any loss or damage suffered by any person by reason of any act done by any of them in good faith in the exercise or purported exercise of the powers conferred under this bylaw.
- Commencement 10. This bylaw comes into force on the 4th of April, 2006.

Read the first time this 28th day of November, 2005.

Lyndon Mayher
Vice-Chair

Kathy Nicholson
Administrator

Read the second time this 4th day of April, 2006.

Lyndon Mayher
Vice-Chair

Kathy Nicholson
Administrator



Filed with the Minister of Community and Cultural Affairs this _____ day of _____

Filed on behalf of the Minister of Community and Cultural Affairs according to section 59 and 60 of the Municipalities Act.

John [Signature]
Signed by

April 6, 2006
Date