

Rural Municipality of Crapaud
Crapaud Water and Sewer Corporation Bylaw
Bylaw # 2022 - 03

BE IT ENACTED by the Council of the Rural Municipality of Crapaud as follows:

1. Title

1.1. This bylaw shall be known and cited as the “Crapaud Water and Sewer Corporation Bylaw”.

2. Authority

2.1. Clause 180(b) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., enables Council to establish a bylaw to provide municipal public utility services.

2.2. Pursuant to subsection 183(1) of the *Municipal Government Act*, this public utility will be established as a controlled corporation.

3. Application

3.1. This Bylaw applies to the Official Trustee, Council, all members of the Board of Directors of the Corporation, and customers of the public utility.

4. Definitions

In these Rules and Regulations, unless the context otherwise requires, the expression:

4.1. “**Act**” means the *Municipal Government Act*.

4.2. “**Chief Administrative Officer**” or “**CAO**” means the administrative head of the Municipality.

4.3. “**Commission**” means the *Island Regulatory and Appeals Commission* established under the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11.

4.4. “**Controlled Corporation**” means a controlled corporation as defined in the *Act*.

4.5. “**Corporation**” means the Crapaud Water and Sewer Corporation established herein.

4.6. “**Council**” means the Official Trustee or the Mayor and other members of the Council of the Municipality.

4.7. “**Customer**” means a property, person, firm or corporation who or which requests, or is supplied with water and sewer service at a specific location or locations.

4.8. “**Municipality**” means the Rural Municipality of Crapaud.

4.9. “**Official Trustee**” refers to the individual appointed by the Minister of Communities and Fisheries pursuant to Section 220(1)(b) of the *Act*

4.10. “**Public Utility**” means a public utility as defined in the *Water and Sewerage Act* R.S.P.E.I. 1988, Cap. W-2.

4.11. “**Quorum**” is a majority of the members of the Board of Directors and must include either the chair or vice-chair.

5. Corporation Established

- 5.1. Under the authority of subsection 183(1) and pursuant to clause 183(3)(a) of the *Act*, the Council of the Municipality establishes the Crapaud Water and Sewer Corporation.
- 5.2. Pursuant to clause 183(3)(a) of the *Act*, Council shall specify the composition and functions of the controlled corporation.

6. Corporation Administration

- 6.1. Pursuant to subsection 2(1) of the *Water and Sewerage Act*, the Commission has and shall exercise general supervision and control over the Crapaud Water and Sewer Corporation.
- 6.2. The affairs of the Corporation shall be managed, in accordance with this bylaw and other applicable Acts and regulations, by a Board.
- 6.3. During such times as an Official Trustee is in place, the Official Trustee shall constitute the Board. When a Council is in place, the Board shall consist of Directors as per Article 6.4.
- 6.4. The Board of Directors may be composed of:
 - (a) a chair who shall be a member of Council;
 - (b) two (2) individuals who are either residents of the municipality or members of Council, one of whom shall act in the capacity of vice chair;
 - (c) a majority of members shall be members of Council;
- 6.5. The Board of Directors shall be appointed in accordance with the municipality's Procedural Bylaw.
- 6.6. Pursuant to clause 93(1)(d) of the *Act*, the Chief Administrative Officer is responsible for hiring, directing, managing and supervising the employees of the municipality.
- 6.7. Pursuant to clause 93(1)(d1) of the *Act*, the Chief Administrative Officer is responsible for contracting, directing, managing and supervising the activities of all contractors hired or persons or firms retained by the municipality to work on behalf of council.

7. Meeting Procedures

- 7.1. The Board shall meet at least once during the fiscal year of the municipality.
- 7.2. A quorum is required at all time for Board of Directors meetings.
- 7.3. The Chair, or in their absence the vice-chair, shall preside over meetings of the Board of Directors.
- 7.4. The CAO or designate must attend all Board meetings and record minutes.
- 7.5. The Chair of the Board of Directors shall only vote in the event of a tie vote among other Board members.
- 7.6. Decisions of the Board of Directors shall be determined by majority vote.
- 7.7. Meetings notice shall be as outlined in the municipality's Procedural Bylaw.

8. Functions of the Corporation

- 8.1. Constructing, altering, extending, managing and controlling a system for providing the service of water and sewerage.
- 8.2. Acquiring, alienating, holding and disposing of real or personal property with Council approval.
- 8.3. Financing, with the approval of Council, any of its undertakings.
- 8.4. Collecting rates and charges for services provided to any customer.
- 8.5. Recommending rates and charges to Council to cover the costs of providing services.
- 8.6. With the prior approval of Council provide for service outside the municipality boundaries provided the complete cost of providing this service is borne by the party or parties requiring this service.

9. Additional Responsibilities

- 9.1. The Corporation shall conduct its affairs in accordance with generally accepted public utility practices.
- 9.2. The Corporation shall maintain safe and adequate service and facilities for services as changing conditions require.
- 9.3. The Board is responsible for providing the necessary strategic direction and the required oversight to fulfill the established functions of the Corporation.
- 9.4. For the efficient administration of municipal business, the Corporation and the Municipality shall cooperate in the provision of municipal services.

10. Rates, Charges and Interest

- 10.1. Pursuant to subsection 184(1) of the *Act*, Council shall by bylaw levy rates in respect of real property for the services of the Corporation that are sufficient to cover the costs of providing the services of the Corporation following approval of the Commission in accordance with the *Water and Sewerage Act*.
- 10.2. All overdue and unpaid rates bear interest from the due date at the rate prescribed in the Commission's Regulations.

11. Liens

- 11.1. Pursuant the Commission's regulations, rates that are overdue and unpaid, and any interest accrued, constitute a lien on the real property on which they are levied until payment in full is made.
- 11.2. Pursuant to the Commission's regulations, the lien referred to in 11.1 of this bylaw, has priority over every claim, privilege or encumbrance against the property of every person, except the Crown, and may be enforced on application to the Supreme Court for an order for the sale of the property.

12. Financial

- 12.1. As per clause 183(3)(b) of the *Act*, the Corporation shall maintain its accounts separate from the accounts of the municipality.
- 12.2. Pursuant to clause 183(3)(b) of the *Act*, the Corporation shall prepare an annual financial statement to be submitted to Council.
- 12.3. In accordance with clause 183(3)(c) of the *Act*, the Corporation shall prepare annually a financial plan to be submitted to Council which contains at a minimum:
 - (a) an operating budget that includes estimates of revenues and expenditures,
 - (b) a capital budget; and
 - (c) a five-year capital expenditure program that includes an asset management program.
- 12.4. The fiscal year of the corporation shall be from 1 April to 31 March.
- 12.5. In accordance with section 12 of the *Water and Sewerage Act*, the public utility is required to keep and render its books, accounts, records and papers accurately and faithfully in the manner and form prescribed by the Commission and comply with all direction of the Commission relating to the books, accounts, papers and records.
- 12.6. If the Minister requires an inspection of the Corporation pursuant to subsection 216(1) of the *Act*, the Corporation shall produce all records of the Corporation for examination and inspection.

13. Liability

- 13.1. The Directors of the Corporation and any person acting on their instructions or authority are not personally liable for any loss of 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.

14. Rules and Regulations

- 14.1. The Board may provide Council with suggestions for rules and regulations and/or rules and regulations amendments as need be relating to:
 - (1) the operation of the corporation.
 - (2) the kind of service to be supplied to customers.
 - (3) how the service shall be supplied.And after approval by Council, the rules and regulations shall govern the operation of the corporation and services to be provided.

15. Complaints

- 15.1. In accordance with subsection 184(4) of the *Act*, a complaint in respect of the terms and standards of service, rates, charges or schedules or any combination of them, of the public utility, is subject to appeal to the Commission under the *Water and Sewerage Act* in accordance with that Act.

16. Repeal of Existing Bylaw

16.1. On adoption, this bylaw replaces Bylaw # SU1 – 1988 and ByLaw #2006 - 1 and all amendments theretofore.

17. Effective Date

This Crapaud Water and Sewer Corporation Bylaw, Bylaw # 2022 - 03, shall be effective on the date of approval and adoption below

First Reading:

This Crapaud Water and Sewer Corporation Bylaw, Bylaw # 2022 - 03, was read a first time at the Council meeting held on the 21 day of June 2022.

This Crapaud Water and Sewer Corporation Bylaw, Bylaw # 2022 - 03, was approved by the Official Trustee at the Council meeting held on the 21 day of June 2022.

Second Reading:

This Crapaud Water and Sewer Corporation Bylaw, Bylaw # 2022 - 03, was read a second time at the Council meeting held on the _____ day of _____, 2022.

This Crapaud Water and Sewer Corporation Bylaw, Bylaw # 2022 - 03, was approved by the Official Trustee at the Council meeting held on the _____ day of _____, 2022.

Approval and Adoption by Council:

This Crapaud Water and Sewer Corporation Bylaw, Bylaw # 2022 - 03, was adopted by the Official Trustee at the Council meeting held on the _____ day of _____, 2022.

Signatures

Official Trustee

Chief Administrative Officer

This Crapaud Water and Sewer Corporation Bylaw adopted by the Council of the Rural Municipality of Crapaud on ___(date)_____ is certified to be a true copy.

Chief Administrative Officer Signature

Date