

**Board Procedures Bylaw**  
**Rural 44 Water Pipeline Utility (R44WPU)**

**BYLAW NO 01-2018**

**A BYLAW TO REGULATE THE PROCEEDINGS OF A UTILITY BOARD AND A  
UTILITY BOARD'S COMMITTEES**

The Board of the R44WPU in the Province of Saskatchewan enacts as follows:

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## **PART I – INTERPRETATION**

### **1. Short Title**

1.1 This bylaw may be cited as “The Utility Board Procedures Bylaw”.

### **2. Purpose**

2.1 The purpose of this bylaw is to establish clear, transparent, consistent and accessible rules for conducting business at meetings, for board members, administrations and the public to follow and participate in governing the subscribers and for the board in establishing board committees.

### **3. Definitions**

3.1 In this bylaw:

- (a) “Act” means The Municipalities Act.
- (b) “Adjourn” means to suspend proceedings to another time or place.
- (c) “Administration” means the secretary/treasurer or an employee accountable to the secretary/treasurer.
- (d) “Amendment” means an alteration to a main motion by substituting, adding or deleting a word or words without materially altering the basic intent of the motion.
- (e) “Business day” means a day other than a Saturday, Sunday or holiday.
- (f) “Chair” means a person who has the authority to preside over a meeting.
- (g) “Committee” means a committee, board, authority or other body duly appointed by the utility board.

- (h) "Communications" include, but are not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, or newspaper/magazine article.
- (i) "Consent agenda" means a portion of a meeting that lists items of business which are routine in nature and do not require substantial discussion and/or debate.
- (j) "Consent motion" means a motion to adopt, without debate, the recommendations of several reports within a consent agenda.
- (k) "Board" and "Board Member" means the 10 officials appointed by the 5 founding municipalities.
- (l) "1<sup>st</sup> and 2<sup>nd</sup> vice-chairman" means the board members who are annually appointed by the board, pursuant to section 25 of this bylaw, to act as chairman in the absence or incapacity of the chairman
- (m) "Chairman" means the board member annually appointed by the board.
- (n) "Member" means an appointed individual to a committee, authority or other body of the utility.
- (o) "Motion" means a formal proposal placed before a meeting in order that it may be debated to a conclusion.
- (p) "Mover" means a person who presents or proposes a motion or amendment.
- (q) "Utility" means the Rural 44 Water Pipeline Utility.
- (r) "Order of business" means the list of items comprising the agenda and the order in which those items appear on the agenda.
- (s) "Point of order" means the raising of a question by a member in a meeting claiming that the procedures of the meeting or of an individual board member are contrary to the procedural rules or practices.
- (t) "Point of privilege" is the raising of a matter by a member which occurs while the board is in session, where:
  - i. the rights, privileges, decorum or dignity of the board collectively or the rights and privileges of a member individually have been affected,
  - ii. when a member believes that another member has spoken disrespectfully toward them or the board, or
  - iii. when a member believes their comments have been misunderstood or misinterpreted by another member or members; or,
  - iv. when a member believes that comments made by the member outside the council Chamber have been misinterpreted or misunderstood by the Community, the public or the news media in order to clarify his or her position.
- (u) "Point of procedure" means a question directed to the person presiding at a meeting to obtain information on the rules or procedures bearing on the business at hand.
- (v) "Public hearing" means a meeting of the board or that portion of a meeting of the board which is convened to hear matters pursuant to:
  - a. *The Municipalities Act*
  - b. *The Planning and Development Act, 2007*;
  - c. any other Act; or,
  - d. a resolution or bylaw of the board.
- (w) "Quorum" is:
  - i. in the case of the board, a majority of the whole board,

- ii. in the case of a committee, a majority of the members appointed to the committee.
  - (x) "Recess" means an intermission or break within a meeting that does not end the meeting, and after which proceedings are immediately resumed at the point where they were interrupted.
  - (y) "Resolution" means a formal determination made by council or a committee on the basis of a motion, duly placed before a regularly constituted meeting or a special meeting of the board or a committee for debate and decision, and is duly passed.
  - (z) "Secunder" means a person who formally supports a motion or amendment at the time it is proposed.
  - (aa) "Special committee" means a committee appointed by the board at any time to deal with a specific issue(s) and exist for a length of time required to review the issue(s) and make recommendations to the board.
  - (bb) "Special meeting" means a meeting other than a regular scheduled meeting called pursuant to the provisions of this bylaw.
  - (cc) "Subcommittee" means a committee established by a committee, Commission or board to review and report on an aspect of the committee, Commission or board's business.
  - (dd) "Unfinished Business" means business which has been raised at the same, or a previous meeting, and which has not been completed.
  - (ee) "Urgent Business" means a time sensitive matter which requires board's immediate and urgent consideration.
- 3.2 A reference in this bylaw to an enactment of the Legislative Assembly of Saskatchewan is a reference to the enactment as amended from time to time.

#### **4. Application**

- 4.1 This bylaw applies to all meetings of the board and committees.
- 4.2 Notwithstanding subsection 4.1, the board may by resolution or bylaw allow a board and committee to establish its own procedures.
- 4.3 When any matter relating to proceedings arise which is not covered by a provision of this bylaw, the matter shall be decided by reference to Roberts Rules of Order.
- 4.4 In the event of any conflict between the provisions of this bylaw and those contained in any of the other authorities set out above, the provision of this bylaw shall apply.
- 4.5 Subject to subsection 4.3, any ruling of the chairman shall prevail, subject, however, to the jurisdiction of the board or the committee to consider any appeals of those rulings.

### **PART II – MEETINGS**

#### **5. Regular Meetings**

- 5.1 Regular meetings of the board shall be held on the first Friday of each month commencing at 9:00 a.m. local time.
- 5.2 In the event of any meeting date falling on a statutory or civic holiday or any day appointed as a holiday by proclamation of the Governor-General of Canada, the Lieutenant Governor of Saskatchewan, the meeting shall be held on a date approved by the board.
- 5.3 Notwithstanding the foregoing provisions, the board may disperse with or alter the time of a regular meeting of the board.

- 5.4 Regular meetings of the board may be held in the council chambers of any of the member municipalities.

**6. Special Meetings**

- 6.1 The Secretary/Treasurer shall call a special meeting of the board, whenever requested to do so, in writing, by the chairman or a majority of the members.
- 6.2 The written request referred to in subsection 6.1 shall include all items of business to be transacted.
- 6.3 Form 1, appended hereto and forming a part of this bylaw, shall be the form used to direct the secretary/treasurer to call a special meeting of the board.

**7. Meeting through Electronic Means**

- 7.1 One or more members of the board may participate in a board meeting by means of a telephonic, electronic or other communication facility if:
- (a) the members of the board provide the secretary/treasurer with at least two (2) business days' notice of their intent to participate in this manner, and
  - (b) the facilities permit all participants to communicate adequately with each other during the board meeting.
- 7.2 Members participating in a board meeting held by means of a communication facility are deemed to be present at the board meeting.

**8. Notice of Meetings**

- 8.1 Notice of regularly scheduled board meetings is not required to be given.
- 8.2 If the board changes the date, time or place of a regularly scheduled meeting, at least twenty-four (24) hours' notice of the change will be given to:
- (a) any members not present at the meeting at which the change was made.

**9. Method of Giving Notice**

- 9.1 Notice of a board meeting is deemed to have been given to a member if the notice is:
- (a) delivered personally;
  - (b) left at the usual place of business or residence of the member; or
  - (c) at the request of the member, sent by ordinary mail, telephone or voice mail, facsimile or electronic mail or similar method at the number or to the address specified by the member.
- 9.2 Form 2, appended hereto and forming a part of this bylaw, shall be the form used to request the secretary/treasurer to use an alternate method of providing notice of meetings.

**PART III – BOARD MEETING PROCEDURES**

**10. Agendas**

- 10.1 The secretary/treasurer shall prepare the agenda for all regular and special meetings of the board.
- 10.2 The agenda shall include the order of business and all items of business and associated reports, bylaws or documents and shall be set out in accordance with the order of business.
- 10.3 The Board may permit additional material on the agenda.

## **11. Order of Business at Meetings**

- 11.1 The general order of business of every regular board meeting shall be as follows:
- (a) Call to order;
  - (b) Adoption of minutes;
  - (c) Adoption of Financial Statement;
  - (d) Unfinished Business;
  - (e) Reports of Administration, water operations and committees;
  - (f) Chairman and board members forum;
  - (g) New business;
  - (h) Delegates;
  - (i) Payment of accounts;
  - (j) Communications;

## **12. Commencement of Board Meeting**

- 12.1 At the hour set for the meeting, or as soon as all members of the board present, the chairman, or in his or her absence the 1<sup>st</sup> or 2<sup>nd</sup> vice-chairman, shall take the chair and call the members to order.
- 12.2 If a quorum is not present 20 minutes after the time appointed for the meeting, the secretary/treasurer shall record the names of the members present at the expiration of such time and announce that the board shall then stand adjourned until the next meeting, unless a special meeting is called in the meantime.
- 12.3 Subject to the Act, if at any meeting the number of members is reduced to less than the number required for a quorum, the board shall stand adjourned.
- 12.4 Any unfinished business remaining at the time of the adjournment, due to the loss of the quorum, shall be considered at the next regular meeting, or it shall be placed on the agenda for a special meeting called for the purpose of dealing with the unfinished items.
- 12.5 Members are encouraged to notify the secretary/treasurer when the member is aware that he or she will be absent from any meeting of the board.

## **13. Quorum**

- 13.1 A quorum of the board is a majority of members.
- 13.2 Any act or proceeding of the board that is adopted at any board meeting at which a quorum is not present is invalid.

## **14. Minutes**

- 14.1 The secretary/treasurer shall record the minutes of each board meeting.
- 14.2 The names of the members present at the meeting are to be recorded in the minutes of every meeting.
- 14.3 Any member may make a motion amending the minutes to correct any mistakes.
- 14.4 The minutes of each meeting are to be approved at the next regular meeting of the board and signed by the presiding member and the secretary/treasurer.

## **15. Public Hearing**

- 15.1 If a public hearing is required by any Act or bylaw, it shall be conducted in accordance with the provisions of this section.
- 15.2 The procedure by which the public hearing will be conducted or by which public input will be obtained shall be as follows:

- (a) the chairman shall declare the hearing on the matter open;
  - (b) the secretary/treasurer shall present a report on the bylaw or resolution under consideration including the administration recommendations;
  - (c) if it is a hearing that involves an applicant (this may be an application under The Planning and Development Act, 2007, an application to close a road, etc.), the applicant shall be given an opportunity to make representations on the matter under consideration;
  - (d) after the applicant, any person or group of persons or spokesperson acting on behalf of another person or group shall be given an opportunity to make representations on the matter under consideration;
  - (e) if it is a hearing that involves an applicant, at the conclusion of the speakers, the applicant shall be given an opportunity to respond to the representations of other people;
  - (f) the board may request further information from administration;
  - (g) the board shall formally receive all communications and written reports submitted to it on the subject matter of the hearing;
  - (h) the chairman shall declare the hearing closed; and
  - (i) the board shall then consider the matter and at the conclusion of the deliberations, the board shall vote on the bylaw or resolution in accordance with the procedures contained in this bylaw.
- 15.3 The time allowed for each person making representations shall be declared by the chairman at the start of the public hearing.
- 15.4 A hearing may be adjourned to a certain date.
- 15.5 A member shall abstain from taking part in the debate or voting on the bylaw or resolution, which is the subject of the hearing if the member was absent from any part of the public hearing.

## **16. Communications - General**

- 16.1 When a person wishes to have a communication considered by the board, it shall be addressed to the board, and:
- (a) clearly set out the matter in issue and the request; and
  - (b) for written communications, must be printed, typewritten or legibly written, contain the mailing address of the writer and be signed with the name of the writer; or
  - (c) for electronic communication, must contain the name of the writer and both the mailing and electronic address of the writer.
- 16.2 A communication received by the secretary/treasurer which contains or relates to personal information shall be dealt with in accordance with the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act*.

## **17. Communications – Matters on or not on Board Agenda**

- 17.1 A written communication received shall be placed by the secretary/treasurer on the board agenda and shall be dealt with when the matter is considered by the board at its meeting.

## **18. Delegations – Matters on or not on Board Agenda**

- 18.1 When a person wishes to speak to the board on a matter already on or not on a board agenda, for which a hearing is not required, that person shall notify the secretary/treasurer.

- 18.2 Where there are numerous delegates taking the same position on a matter, they are encouraged to select a spokesperson to present their views:  
(a) Delegations are encouraged not to repeat information presented by an earlier delegation.
- 18.3 Upon the completion of a presentation to the board by a delegation, any discourse between members and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information only:  
(a) Members shall not enter into debate with the delegation respecting the presentation; and  
(b) Once a motion has been moved and seconded<sup>1</sup>, no further representation or questions of the delegation shall be permitted.

#### **19. Chairman and Board Members Forum**

- 19.1 Statements shall include the sharing of the following information:  
(a) events, activities or community functions attended; and  
(b) general work of members on behalf of council colleagues, constituents and the utility.
- 19.2 All comments will be verbal only and shall not be recorded in the minutes of the meeting.

#### **20. Bylaws**

- 20.1 Every proposed bylaw must have three (3) distinct and separate readings.
- 20.2 A proposed bylaw must not have more than two (2) readings at a board meeting unless the members present unanimously agree to consider third reading.
- 20.3 A proposed bylaw will be considered by the board immediately following consideration of the report or item to which the bylaw relates.
- 20.4 Only the title or identifying number has to be read at each reading of the bylaw.
- 20.5 Each member present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.
- 20.6 Each member present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had the opportunity to review the full text of the proposed bylaw and of any amendments that were passed after first reading.
- 20.7 When a bylaw has been given three (3) readings by the board, it:  
(a) becomes a municipal enactment of the utility; and  
(b) is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.
- 20.8 The secretary/treasurer shall be empowered to correct any typographical error that may not have been corrected at the time of submission to the board and the bylaw shall have the same status as if the board had corrected same.
- 20.9 After passage, every bylaw shall be signed by the chairman and the secretary/treasurer and marked with the corporate seal of the utility.



## **21. Public Forum**

- 21.1 Any member of the public wishing to speak to the board on a utility matter, may appear at a board meeting. The public must leave the board meeting immediately after their utility matter has been discussed with the board.

## **22. Recess**

- 22.1 The council may recess at any time during the meeting.

## **23. Adjournment**

- 23.1 All regularly scheduled board meetings shall stand adjourned when the board has completed all business.

# **PART IV – CONDUCT AT COUNCIL MEETINGS**

## **24. Chairman**

- 24.1 The chairman shall:
- (a) preside at all board meetings;
  - (b) preserve order at board meetings;
  - (c) enforce the rules of the board;
  - (d) decide points of privilege and points of order; and
  - (e) advise on points of procedure.
- 24.2 The chairman shall have the same rights and be subject to the same restrictions, when participating in debate, as all other members.
- 24.3 The chairman shall have the same rights and be subject to the same restrictions as all other members to make a motion.

## **25. 1<sup>st</sup> and 2<sup>nd</sup> Vice-Chairman**

- 25.1 The board shall, at its first meeting, or annually, or as soon thereafter as conveniently possible and whenever the office becomes vacant, appoint from the board members a 1<sup>st</sup> and 2<sup>nd</sup> vice-chairman who shall hold office for a term of one year or for such longer period as the board may decide, and in any event until a successor is appointed.
- 25.2 If the chairman, for any reason, is unable to perform the duties of his or her office, the 1<sup>st</sup> or 2<sup>nd</sup> vice-chairman shall have all of the powers of the chairman during the inability.

## **26. Acting Chairman**

- 26.1 The board shall appoint a member to act as chairman if: the chairman and 1<sup>st</sup> and 2<sup>nd</sup> vice-chairman are unable to perform the duties of his or her office.
- 26.2 The member to be appointed, pursuant to subsection 26.1, shall be elected by a majority of the members present.
- 26.3 Where two (2) members have an equal number of votes, the secretary/treasurer shall:
- (a) write the names of those members separately on blank sheets of paper of equal size, color and texture;
  - (b) fold the sheets in a uniform manner so the names are concealed;
  - (c) deposit them in a receptacle; and
  - (d) direct a person to withdraw one (1) of the sheets.
- 26.4 The member whose name is on the withdrawn sheet pursuant to subsection 26.3(d) shall be declared elected.

## **27. Persons Allowed at the Table**

- 27.1 No person, except members, the secretary/treasurer, the water system operations supervisor and such persons as are permitted by the chairman shall be allowed to be seated at the board table during the sittings of the board, without permission of the chairman or other presiding member.

## **28. Conduct of Delegations**

- 28.1 When addressing members at a board meeting, a delegation shall refrain from:
- (a) speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
  - (b) using offensive words in referring to a member, an employee of the utility or a member of the public;
  - (c) reflecting on a vote of the board except when moving to rescind or reconsider it;
  - (d) reflecting on the motives of the members who voted on the motion or the mover of the motion; or
  - (e) shouting or using an immoderate tone, profane, vulgar or offensive language.

## **29. Conduct of Members**

- 29.1 Members of the board wishing to speak at a meeting shall ensure they do not interrupt another member.
- 29.2 If more than one member wishes to speak at a meeting at the same time, the chairman shall indicate which member shall speak first.
- 29.3 When addressing a board meeting, a member shall refrain from:
- (a) speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
  - (b) using offensive words in referring to a member, an employee of the utility or a member of the public;
  - (c) reflecting on a vote of the board except when moving to rescind or reconsider it,
  - (d) reflecting on the motives of the members who voted on the motion or the mover of the motion; or
  - (e) shouting or using an immoderate tone, profane, vulgar or offensive language.
- 29.4 When a member is addressing the board, all other members shall:
- (a) remain quiet and seated;
  - (b) refrain from interrupting the speaker, except on a point of order or point of procedure; and
  - (c) refrain from carrying on a private conversation in such a manner that disturbs the speaker.
- 29.5 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

## **30. Improper Conduct**

- 30.1 The chairman may request that any delegation who addresses the board improperly as set out in section 28, leave or be expelled from the meeting.

- 30.2 No person shall refuse to leave a board meeting when requested to do so by the chairman.
- 30.3 Any person who refuses to leave when requested to do so may be removed.
- 30.4 If a person disturbs the proceedings of the board or refuses to leave when requested to do so, the chairman may recess the meeting until the person leaves or adjourn the meeting to another day.

### **31. Leaving the Meeting**

- 31.1 Every member who leaves the board meeting before the meeting is over, whether intending to return to the meeting or not, shall notify the secretary/treasurer.

### **32. Point of Order**

- 32.1 A member may rise and ask the chairman to rule on a point of order.
- 32.2 When a point of order is raised, the member speaking shall immediately cease speaking until the chairman decides the point of order raised.
- 32.3 A point of order must be raised immediately at the time the rules of the board are breached.
- 32.4 The member against whom a point of order is raised may be granted permission by the chairman to explain.
- 32.5 The chairman may consult the secretary/treasurer before ruling on a point of order.
- 32.6 A point of order is not subject to amendment or debate.

### **33. Point of Privilege**

- 33.1 A member may rise and ask the chairman to rule on a point of privilege.
- 33.2 After the member has stated the point of privilege, the chairman shall rule whether or not the matter raised is a point of privilege.
- 33.3 If the matter is determined to be a point of privilege, the member who raised the point of privilege shall be permitted to speak to the matter.
- 33.4 If the point of privilege concerns a situation, circumstance or event which arose between board meetings, the member shall raise the point of privilege immediately after adoption of the minutes of the previous board meeting.
- 33.5 The chairman may consult the secretary/treasurer before ruling on a point of privilege.
- 33.6 A point of privilege is not subject to amendment or debate unless a motion regarding the point of privilege is put to the board.

### **34. Point of Procedure**

- 34.1 Any member may ask the chairman for an opinion on a point of procedure.
- 34.2 When a point of procedure is raised, the member speaking shall immediately cease speaking until the chairman responds to the inquiry.
- 34.3 After the member has asked the point of procedure, the chairman shall provide an opinion on the rules of procedure bearing on the matter before the board.
- 34.4 The chairman may consult the secretary/treasurer before providing an opinion on the point of procedure.
- 34.5 A point of procedure is not subject to amendment or debate.
- 34.6 The chairman's answer to a point of procedure is not a ruling, and cannot be appealed to the whole of the board.

### **35. Appeal**

- 35.1 Whenever a member wishes to appeal any ruling of the chairman or a point of order or point of privilege to the whole of the board:
  - (a) the motion of appeal, “that the decision of the chair be overruled” shall be made;
  - (b) the member may offer a brief reason for the challenge;
  - (c) the chairman may state the reason for the decision; and
  - (d) following which the question shall be put immediately without debate.
- 35.2 The chairman shall be governed by the vote of the majority of the members present.
- 35.3 A ruling of the chairman must be appealed immediately after ruling is made or the ruling will be final.

### **36. Calling a Member to Order**

- 36.1 When the chairman calls a member to order, the member shall resume his or her seat, but may afterwards explain his or her position in making the remark for which he or she was called to order.
- 36.2 In the event that a member refuses to resume his or her seat when called to order, the chairman shall request the 1<sup>st</sup> or 2<sup>nd</sup> vice-chairman, or if the 1<sup>st</sup> or 2<sup>nd</sup> vice-chairman are absent or is the unruly member, any other member of the board to move a resolution to remove the unruly member either:
  - (a) for the balance of the meeting,
  - (b) until a time which shall be stated in the motion, or
  - (c) until the member makes an apology acceptable to the board for his or her unruly behavior, whichever shall be the shortest time.
- 36.3 When the majority of the board votes in favour of the resolution, the chairman shall direct the unruly member to leave the board chamber, and if the member refuses to leave, the chairman may:
  - (a) recess the meeting until the person leaves or adjourn the meeting to another day; or
  - (b) direct that law enforcement officials be engaged to assist in the removal of the unruly member.
- 36.4 When the board has directed an unruly member to leave the board chambers, and the member so directed makes an explanation and apology adequate and satisfactory to the board, it may, by a majority vote of the remaining members present, allow the offending member to remain in his or her place if he or she has not left or been removed, or to retake his or her place.

## **PART V – MOTIONS**

### **37. Motions and Debate**

- 37.1 A motion shall express fully and clearly the intent of the mover and shall not be preceded by any preamble or whereas clauses.
- 37.2 A motion shall not be considered unless it has been seconded.
- 37.3 Any member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a member while speaking.
- 37.4 When a motion is under debate no other motion may be made, except a motion to:
  - (a) amend a motion;

- (b) refer motion to a board committee or administration for a report back to the board;
  - (c) postpone a motion to a fixed date;
  - (d) request that a motion be put to a vote;
  - (e) extend the time for a board meeting; or
  - (f) adjourn the meeting.
- 37.5 Notwithstanding any other provisions of this bylaw, the member, who moved a motion after a motion is under debate, may, with the consent of the board:
- (a) on his or her own initiative while he or she is speaking on the same; or
  - (b) when requested by another member speaking on the motion; change the wording of the motion, or agree to a change proposed by another member, if the alteration does not change the intention of the motion.
- 37.6 Any motions allowed under subsection 37.4 shall be considered in the order in which they were moved.

### **38. Motion Arising**

- 38.1 When a particular matter is before the board, a motion arising on the same matter is permitted provided:
- (a) the proposed motion is related to and rises from the item which has just been considered;
  - (b) the proposed motion does not alter in a significant way the principle embodied in the original motion; and
  - (c) the proposed motion is made before the consideration of any other item of business at the meeting.

### **39. Request that Motion be put to Vote**

- 39.1 A motion requesting that a motion be put to a vote shall not be moved or seconded by a member who has spoken to the original motion.
- 39.2 A motion requesting that a motion be put to a vote shall not be amended or debated.
- 39.3 If a motion requesting that a motion be put to a vote is passed by board, the original motion shall immediately be put to a vote of the board without any amendment or debate.
- 39.4 If a motion requesting that a motion be put to a vote is not passed by the board, the original question may be amended or debated.

### **40. Motion to Adjourn**

- 40.1 A member may move a motion to adjourn a meeting at any time, except when:
- (a) another member is in possession of the floor;
  - (b) a call for a recorded vote has been made;
  - (c) the members are voting;
  - (d) when the board is considering a motion requesting that a motion be put to a vote; or
  - (e) a previous motion to adjourn has been defeated and no other intermediate proceeding has taken place.
- 40.2 A motion to adjourn shall be decided without debate.

#### **41. Motion Contrary to Rules**

- 41.1 The chairman may refuse to put to the board a motion which is, in the opinion of the chairman, contrary to the rules and privileges of the board.

#### **42. Withdrawal of Motions**

- 42.1 The mover and seconder of a motion may withdraw it at any time prior to a vote being taken or prior to the motion being amended.

#### **43. Motion to Reconsider**

- 43.1 A motion to reconsider shall apply to resolutions only, and shall not apply to bylaws passed by the board.
- 43.2 A motion to reconsider is in order whether the original motion passed or failed.
- 43.3 A motion to reconsider may only be made at the same board meeting as the original motion was voted on.
- 43.4 A motion to reconsider must be moved by a member who voted with the prevailing side of the original motion.
- 43.5 When a motion loses on a tied vote, the prevailing side is those who voted against the motion.
- 43.6 A motion to reconsider may be seconded by any member regardless how the member voted on the original motion.
- 43.7 A motion to reconsider is debatable only if the motion being reconsidered is debatable.
- 43.8 A motion to reconsider cannot be amended.
- 43.9 A motion to reconsider shall require a majority vote of the members present at the meeting.
- 43.10 If a motion to reconsider is adopted, the original motion is immediately placed before the board to be reconsidered.
- 43.11 Once a vote on a motion to reconsider has taken place, there shall be no further motion to reconsider that resolution.

#### **44. Motion to Rescind**

- 44.1 A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by the board.
- 44.2 A motion to rescind is in order only when the original motion passed. No motion to rescind shall be necessary when the original motion failed.
- 44.3 A motion to rescind may be made at any time following the council meeting at which the original motion was voted on regardless of the time that has elapsed since the original vote was taken.
- 44.4 A motion to rescind may be moved and seconded by any council member regardless how they voted on the original motion.
- 44.5 A motion to rescind is debatable.
- 44.6 A motion to rescind may be amended.
- 44.7 A motion to rescind shall, in all cases, require a majority vote of all board members to pass.
- 44.8 A motion cannot be rescinded:
  - (a) when the making or calling up of a motion to reconsider is in order;
  - (b) when action on the motion has been carried out in a way that cannot be undone; or
  - (c) when a resignation has been accepted or actions electing or expelling a person from membership or office have been taken.

#### **45. Motion to Postpone**

- 45.1 Where a majority of all members decide to postpone a motion to a fixed date, the motion cannot be considered by the board until the fixed date.
- 45.2 Notwithstanding subsection 45.1, the board may consider a postponed motion before the fixed date if a majority of members agree that the motion may be considered before that date.
- 45.3 The only amendment allowed to a motion to postpone to a fixed date is to change the date.

#### **46. Motion to Refer**

- 46.1 A motion to refer a matter shall not be amended or debated except with respect to the conditions of the referral or the time required to carry out the review.
- 46.2 A member making a referral motion generally should include in the motion:
  - (a) the terms on which the motion is being referred; and
  - (b) the time when the matter is to be returned.

#### **47. Debate on Motion**

- 47.1 No member shall speak more than once to a motion, until each member has been provided an opportunity to speak on the motion, except to explain a material part of their speech which may have been misquoted or misunderstood.
- 47.2 The mover of the motion shall be given the first opportunity to speak.
- 47.3 The mover of the motion shall be allowed a reply at the conclusion of the debate.

#### **48. Legal Advice**

- 48.1 Where a majority of the members present at a board meeting wish to receive legal advice in private, council may recess for a period of time sufficient to receive legal advice.

#### **49. Voting of Board**

- 49.1 A member attending a board meeting shall vote at the meeting on a matter before the board unless the member is required to abstain from voting pursuant to the "Board Membership" section of Schedule "A" to the Bylaw For Entering Into An Agreement With Other Municipalities For the Purpose of Establishing a Public Utility, the Act or any other Act.
- 49.2 If a member is not required to abstain from voting on a matter before the board and abstains from voting, the board member is deemed to have voted in the negative.
- 49.3 The secretary/treasurer shall ensure that each abstention is recorded in the minutes of the meeting.

#### **50. Voting of Chairman**

- 50.1 The chairman shall vote with the other members on all questions.

#### **51. Majority Decision**

- 51.1 Unless a greater percentage of votes is required by any provision of this bylaw, at every board meeting, all questions are to be decided by a majority vote of the members present.

## **52. Recorded Vote**

- 52.1 Before a vote is taken by the board, a member may request that the vote be recorded.
- 52.2 If a vote is recorded, the minutes must show the names of the members present and whether each voted for or against the proposal or abstained.

## **53. Tied Vote**

- 53.1 If there are an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

## **PART VI – COMMITTEES**

### **54. Appointments and Term**

- 54.1 Appointments to committees shall be reviewed and updated annually.
- 54.2 The board may, in its discretion, revoke the membership of any individual whom has been appointed to a committee.

### **55. Committee Procedures**

- 55.1 The board may from time to time establish a committee in response to specific issues requiring immediate or long term attention.
- 55.2 The membership and jurisdiction of a committee shall be as provided for in the enabling legislation or as directed by the board.
- 55.3 The chairman is an ex-officio voting member of all committees established by the board pursuant to the Act, unless the board provides otherwise, and when in attendance, possesses all of the rights, privileges, powers and duties of other members, whether elected or appointed.
- 55.4 The chairman's attendance shall not, however, be included for the purpose of determining a quorum.
- 55.5 Utility officials shall act only in an advisory capacity to committees of the board and shall not be considered voting members or have any voting privileges in respect to participation on any committee appointment.
- 55.6 The chair of all committees established by the board shall be designated by the board, unless the board directs otherwise.
- 55.7 All board members may attend the meetings of committees established pursuant to the Act, and may take part in the proceedings of the same, except that non-committee members shall not have a vote.
- 55.8 Each committee shall meet as soon as possible after it has been appointed and where a chair has not been appointed by the board, members of that committee shall select a chair and vice-chair, and if required, decide the day and time for holding its regular meetings.
- 55.9 The chair shall preside at every meeting, participate in the debate and shall vote on all motions.
- 55.10 In the absence of the chair, the 1<sup>st</sup> or 2<sup>nd</sup> vice-chair shall preside, and in the absence of both the chair and the 1<sup>st</sup> and 2<sup>nd</sup> vice-chair, one (1) of the other members of the committee shall be elected to preside, and shall discharge the duties of the chair during the meeting or until the arrival of the chair or 1<sup>st</sup> or 2<sup>nd</sup> vice-chair.
- 55.11 An act or proceeding of a committee is not effective unless it is authorized or adopted by a resolution at a duly constituted meeting.



- 55.12 Committees may close all or part of the meeting if the matter to be discussed is within one (1) of the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- 55.13 Notice of regularly scheduled committee meetings is not required to be given.
- 55.14 If a committee changes the date, time or place of a regularly scheduled meeting, the Secretary shall give at least twenty-four (24) hours' notice of the change to:
- (a) any members of the committee not present at the meeting at which the change was made; and
- 55.15 Notwithstanding subsection 55.14, a committee meeting may be held with less than twenty-four (24) hours' notice to all members if all committee members agree to do so, in writing, immediately before the beginning of the meeting.
- 55.16 The consent to waive notice of a change in date, time or place of a meeting pursuant to subsection 55.15 may be given in person or by facsimile, electronic mail and other similar means.
- 55.17 If a committee cancels its regularly scheduled meeting, the secretary of the committee shall give at least twenty-four (24) hours' notice of the change to:
- (a) all members not present at the meeting at which the decision to cancel was made.
- 55.18 The Secretary shall call a special meeting of a committee whenever requested to do so, in writing, by the chair or by a majority of the committee members in the same manner as set out in subsection 55.15.
- 55.19 For committees operating without regularly scheduled meeting, it shall be the duty of the chair, or in the chair's absence, the Secretary to call a meeting of the committee whenever requested in writing to do so by a majority of the committee.
- 55.20 The business of committees shall be conducted in accordance with the rules governing the procedure of the board or as otherwise established by the board for the committee or established by the committee.
- 55.21 Each committee, whom the secretary/treasurer does not provide secretarial services to, will recommend to the secretary/treasurer the appointment of a Secretary, who will be responsible for:
- (a) tracking the attendance;
  - (b) preparing meeting agendas and minutes; and
  - (c) reporting the committee's decisions to the board.
- 55.22 When a person, or a group of persons, wishes to bring any matter to the attention of a committee or appear as a delegation, a communication shall be addressed to the secretary/treasurer and will be subject to the requirements set out in sections 16 to 18 of this bylaw.
- 55.23 Upon receipt of such communication, the secretary/treasurer shall place the communication on the agenda of the next meeting of the committee for its consideration;
- 55.24 All submissions to committees must be received by the secretary/treasurer within the established deadlines, usually four (4) business days prior to the meeting.
- 55.25 Reporting to committees shall be provided through the secretary/treasurer.
- 55.26 Any notice respecting a committee meeting is deemed to have been given to a member if the notice is:
- (a) delivered personally;
  - (b) left at the usual place of business or residence of the member; or

- (c) at the request of the member, provided or sent to the member by ordinary mail, telephone or voice mail, facsimile or electronic mail or similar method at the number or address specified by the member.
- 55.27 Any unfinished business remaining at the time of the adjournment shall be considered at the next regular meeting of the committee or at a special meeting called for that purpose.
- 55.28 The Secretary/Treasurer shall record the minutes, without note or comment.
- 55.29 The minutes of the committee shall be distributed to each member at least twenty-four (24) hours' before the next committee meeting for consideration.
- 55.30 After the minutes have received approval of a majority of the members present, they shall be signed by the presiding member and secretary/treasurer. Once signed, the original minutes shall be forwarded to the secretary/treasurer for presentation to council and for safekeeping.
- 55.31 All minutes, once approved, shall be open for inspection by the public.
- 55.32 No member shall release or otherwise make public any information considered at a closed meeting, including discussion of the content of such a meeting with persons other than with members of the board or with civic staff who are privy to that information:
- (a) unless authorized by the board; or
  - (b) until the matter is included on a public agenda of the board.
- 55.33 Every committee shall report to the board, and no action of any committee shall be binding on the utility unless:
- (a) power to take such action is expressly conferred on the committee by legislation, bylaw or resolution of the board; or,
  - (b) the board has considered the report of the committee and if adopted, shall become the resolve of the board.
- 55.34 The conduct of delegations or the public at committee meetings, which they are entitled to attend, shall be subject to the requirements as set out in section 21 and 28 of this bylaw.
- 55.35 The conduct of members shall be subject to the requirements as set out in section 29 of this bylaw.
- 55.36 The chair may request any individual to be expelled from a meeting, in accordance with the guidelines as set out in section 27 of this bylaw.

## **PART VII – MISCELLANEOUS**

### **56. Coming Into Force**

- 56.1 This bylaw shall come into force and take effect on \_\_\_\_\_.

[SEAL]

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Chairman

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Secretary/Treasurer

Read a third time and adopted  
this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Secretary/Treasurer

**Bylaw #01-2018**  
**Form 1 – Request for a Special Meeting**

Date: \_\_\_\_\_

To: \_\_\_\_\_, Secretary/Treasurer, Rural #44 Water Pipeline Utility

I / we hereby request you to call a special meeting of the Board of the Rural #44 Water Pipeline Utility to discuss the following matter(s):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Meeting Details:

Location: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

SIGNED:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Bylaw # 01-2018**  
**Form 2 – Request for Method of Providing Notice**

Date: \_\_\_\_\_  
To: \_\_\_\_\_, Secretary/Treasurer, Rural #44 Water Pipeline Utility  
From: \_\_\_\_\_ (name of Board member)

I hereby request notice of the board or committee meetings be provided to me by the alternate means:

- ☐ By regular mail \_\_\_\_\_ (address)  
☐ By telephone or voice mail \_\_\_\_\_ (telephone number)  
☐ By facsimile \_\_\_\_\_ (fax number)  
☐ By email \_\_\_\_\_ (email address)

Check one of the above

This request remains in force until the end of my current term of office unless sooner revoked by me in writing.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(signature of member)

Rural 44 Water Pipeline Utility (R44WPU)

Phase 1 of the Project

BYLAW NO. 02-2018

A BYLAW TO INSTALL, OPERATE AND MAINTAIN A RURAL WATERWORKS  
SYSTEM

A Bylaw of the R44WPU to install, operate and maintain a Rural Waterworks System.  
The R44WPU is in the Province of Saskatchewan and enacts as follows:

**1. Definitions**

In this Bylaw, the following definitions are deemed to apply:

- a) "Individual Water Supply Agreement" is the Agreement to be completed by each Subscriber prior to any service connection to the Waterworks System being made including the payment of any subscription deposit, which may apply.
- b) "External Subscribers" are defined as those Subscribers desiring to be connected to the Waterworks System but are not located in one of the member municipalities of the R44WPU.
- c) "Latecomers" are defined as those potential Subscribers who previously had the opportunity to subscribe to an individual waterworks project. They did not pay the \$1,000.00 engineering fee by June 21, 2009.
- d) "Meter" or "Meters" means a meter assembly supplied by the Utility to the Subscriber when the Subscriber is prepared to connect to the waterworks system that is fitted with a flow restrictor to supply the demand of water in the Subscribers' Agreement. Diagram shown in Schedule 'F'.
- e) "Newcomers" are defined as those potential Subscribers who were not in existence at the time an individual waterworks project was completed, but who moved onto the property after the subscription deadline as set by motion of the board.
- f) "Subscriber" means a consumer, being or individuals named as registered owner or owners of the said property, and may also be a group, corporation or a municipality for which the water service connection to the Waterworks System has agreed to have been made.

- g) “Utility” or “Utility Board” means the *Pipeline Organization* and its employees whose employment requires them to undertake certain works under this Bylaw.
- h) “Waterworks System” or “Waterworks Project” means the whole or any part of the Public Utility Systems through which the Utility Board conveys water for its own use or that of a Subscriber.

## **2. Commitment to Project**

A financial commitment, known as the “Subscribers Engineering Fee”, shall be due from potential Subscribers by Dec. 31, 2018 to show there is enough interest in the project to go ahead with it and to pay for the engineering costs in the amount of \$1,000.00. This \$1,000.00 engineering fee shall be due from all future Subscribers and set out in Schedule A.

A financial commitment, known as the “Subscription Deposit”, shall be due from potential Subscribers by July 31, 2019 to show there is enough interest in the project to go ahead with it and to pay for the re-engineering costs and start-up costs in the amount of \$1,000.00. This \$1,000.00 engineering fee shall be due from all future Subscribers and set out in Schedule A.

## **3. Rural Waterworks System**

The rural waterworks system is a rural lateral pipeline that connects to the water supply at the intersection of Main Street North and Avenue B in the Town of Eston. The waterline would then run west for approximately 1 km, where Pumphouse No. 1 would be installed. This Pumphouse would provide pressure to multiple mainlines leaving the Pumphouse. These mainlines would run in different directions out of the Pumphouse to service subscribers in an approximately 22 km radius around the Town of Eston. There would be 2 other pumphouses installed throughout the project to boost pressure as required, store water and re-chlorinate the water if needed to supply safe, secure, treated water to farms, acreage owners and a provincial park. It includes all water works up to the Subscriber’s curb stop including the meter assembly. The rural waterworks system does not include the distribution system or any other part of the waterworks or water treatment plant within the limits of the Town of Eston. The rural waterworks system does not include any of the EK Water Board raw water wells, waste disposal wells, and raw water pipeline from the river to Snipe Lake

and then from Snipe Lake to the Town of Eston. The R44WPU retains ownership, operation and maintenance of their distribution system and meters. The R44WPU must do their own meter readings and billing to their subscriber's as the Town of Eston will bill RM of Snipe Lake No. 259 for the bulk amount of water sold to them from its' water treatment plant.

The Board will contract with subscribers for the installation of a Rural Waterworks System. A subscriber agrees to become a member and remain a member of the Rural Waterworks System and abide by the Bylaws of the Utility Board. The Board hereby reserves the right to accept or reject any application by a subscriber, **which may include a subscriber in arrears of taxes.**

The subscriber shall be responsible for damage, repair or maintenance beyond the curb stop from the impact of construction.

**i) Installation and Costs of Rural Waterworks System**

- a) All subscribers desiring to be connected to the Waterworks System shall make application to the officials of the Utility Board under a Subscriber's Agreement, which must be accompanied with a "Subscription Deposit" on installation cost and engineering fee as set out in Schedule 'A'. Newcomers and Latecomers are subject to a penalty set out in Schedule 'A'. Receipt of the "Subscriber Engineering Fee" and "Subscription Deposit" by the Board shall constitute an acceptance of a contract for the supply of such services between the Utility Board and such Subscriber in accordance with this Bylaw and subsequent amendments, which may be added from time to time. The Utility Board has the absolute discretion of canceling any Water Supply Agreement. Each completed Subscriber's Agreement shall be registered against the title where the hook-up is as an interest.
- b) There will be Phase's to the construction of the project. The Phase's will be identified in the following manner: Phase 1 of the project will be all of the RM of Snipe Lake No. 259 and a portion of the RM of NewCombe No. 260 (East side of the RM only up to a line horizontal through the Hamlet of Madison); Phase 2 of the project will be all of the RM of Chesterfield No. 261 and a portion of the RM of NewCombe No. 260 (from the horizontal line through the Hamlet of Madison to the West side of the RM boundary). The Phase 1 side of the project, having been awarded a BCF – CC Grant , must have their subscriber's sign a Subscriber's Agreement accompanied with a \$1,000.00 deposit by July 31, 2019. Phase 2 of the project must have their subscriber's sign a Subscriber's Agreement accompanied with a \$1,000.00 deposit when that side of the project has been awarded a grant. A Blank Subscriber's Agreement is shown in



Schedule 'B' and a blank External Subscriber's Agreement is shown in Schedule 'C'.

- c) The installation cost shall be 1/3 of the cost of the project divided amongst the subscriber's list minus whatever a municipality pays down against the cost. During project construction using the BCF-CC Grant the Utility provides the meter assembly, the water line construction and connection from curb stop to where the meter assembly is to be placed on the Subscriber's premises. The Subscriber shall be responsible for hooking up the meter assembly on their premises by a qualified plumber and then approved by the Public Health Inspector prior to hooking up to the waterworks system. Shown in Schedule 'F'.
- d) External Subscriber's of the Project must pay 100% of their share of the mainline construction.
- e) Post original project construction, newcomers are to approach the Utility Board on an individual basis for a ruling regarding the costs of their connection to the Waterworks system besides the required "Subscribers Engineering Fee" and the "Subscription Deposit". The BCF-CC grant was used in full during the original project construction.
- f) A second or further meter assembly installed at a Subscriber's delivery location, down from an existing curb stop, shall be charged the monthly flat fees based on flow restrictor size requested and water usage fees that are currently being charged. This second or further meter assembly will not be charged any monthly fees related to shortfall of installation costs (shortfall of construction of the original project costs).
- g) A second or further curb stop installation requested by a current subscriber, at the same location they currently have a curb stop, shall be treated like a new subscriber.

## ii) Terms and Conditions of Installation

- a) On March 31, 2013, any installation amounts remaining after the subscription deposit and other up-front payments have been made are a debt incurred by the Subscriber and are owing to the Utility Board at the time the project is substantially complete. The Utility Board shall invoice the Subscriber annually for annual installation payments, which include interest, and the Subscriber will make payment directly to the Utility Board. The Subscriber may pay their entire

debt owing on or before this date. The rate and terms are 4.4%/annum for 20 years with the first payment due March 31, 2013 for any installation amounts remaining unpaid. \$1,371.81 interest and principal payment per year for 20 years. A Subscriber may pay out their entire debt in the future with all principal and future interest being paid to the end of the Amortization Schedule, 20 years. If a group of Subscribers can get together to pay out their entire debt and they are equal to one debenture to be paid out, then all future interest does not have to be paid because the Utility will not be paying interest on this debenture. Amortization Schedule is shown in Schedule 'D'.

- b) On or before March 31, 2012, non-ratepayers may pay their entire mainline construction debt of \$11,448. If not paid in full, the rate and terms are 4.4%/annum for twenty years with the first payment due March 31, 2012. \$872.47 principal and interest payment per year for 20 years. A Subscriber may pay out their entire debt in the future with all principal and future interest being paid to the end of the Amortization Schedule, 20 years. If a group of Subscribers can get together to pay out their entire debt and they are equal to one debenture to be paid out, then all future interest does not have to be paid because the Utility will not be paying interest on this debenture. Amortization Schedule is shown in Schedule 'E'.
- c) For those Subscribers who have the curb stop installed at or near the property line and no meter has been installed at the subscriber's premises and/or they are not receiving water from the rural waterworks, the monthly flat fee according to the utility's current water rates will be charged.
- d) Any unpaid payments that are in arrears after December 31 of the year in which they became payable may be added to and from part of the taxes on the land or improvements with respect to which the Subscriber's Agreement is registered. The Utility has entered an Agreement with each Rural Municipality that the waterworks project has Subscriber's in. These Agreements authorize the Utility to turn over the unpaid amounts at December 31 to the Rural Municipality where the Subscriber resides, who will put it on their Tax Roll and pay the Utility.
- e) There will be no charges or penalties for late payment of installation costs before activation date.
- f) A Subscriber shall obtain all necessary approvals and comply with the conditions of approval and all regulations that are now applicable to or may become

applicable. This includes, but is not limited to, any systems improvements, such as water storage facilities, cisterns, float valves, which for reasons of operation or maintenance, must be provided at the expense of the Subscriber.

- g) It is mandatory for the Subscriber to install a water storage facility or a cistern complete with air gap. Overflow protection of the cistern must be provided such that the air gap will be maintained at all times. The Subscriber shall hold the Utility Board harmless for inefficiency caused by failure to utilize an appropriate sized cistern.

### **iii) Withdrawal from the Utility's Waterworks System**

- a) Prior to construction, the utility will allow a hookup to be moved to another yard site within the scope of the current Phase. The Subscriber will still pay for the construction and **gallons** requested, but it can be at another site that the engineers say is possible to move to.
- b) Prior to construction, anyone who has signed an "External Subscriber's Agreement" with R44WPU and wants to cancel/void the Agreement and not be constructed into the project, will be charged a **\$10,000.00** cancellation fee on top of anything they have paid to R44WPU to date for the Board to authorize the cancellation of their Agreement.
- c) Prior to construction, we will not authorize the cancellation/voiding of any completed Subscriber's Agreements that have been signed with R44WPU for yard sites within the scope of the Phase 1 project.
- d) **Post original construction, the Board will not authorize the cancellation/voiding of any completed Subscriber's Agreements that have been signed with R44WPU. The Board may consider the cancellation/voiding of a completed Subscriber's Agreement for a fee because of a change in circumstance, demolition of residence or sale of GPM request.**

## **4. Provision of Public Utility Waterworks System Services**

The Board will contract consumers for the provision of Public Utility waterworks system services.

### **i) Terms and Conditions**

- a) During the original installation project, the Utility Board shall install on the premises of every Subscriber the necessary connecting facilities, except for the meter, required to connect the Subscriber to the Waterworks System.

- b) The Subscriber shall not allow any other person on a separate parcel (title) of land any access whatsoever to the water supplied hereunder, and no connections to the service line shall be made without the prior written consent of the Utility Board.
- c) The Utility shall supply every Subscriber with a meter. Every Subscriber shall provide, at their own expense, a suitable place on their premises for the installation of the meter. The Subscriber shall protect the meter from frost and other injury so that the meter shall not in any way be damaged thereby. In cases where the Utility Board considers any meter insufficiently protected from frost, the water may be disconnected until measures have been taken for its protection to the satisfaction of the Utility Board. Where a subscriber permits a water meter or shallow water line for summer use, to freeze up and damage the meter or line results, repairs shall be made by a journeyman plumber and the cost of the materials and labour shall be paid by the Subscriber with the meter assembly parts being supplied by the Board.
- d) The Board may remove any meter placed under the provisions of this Bylaw that is suspected of not correctly measuring the quantity of water delivered through that meter, and have that meter tested. If the meter is found to register less than five percent over or five percent under the actual quantity it shall be deemed to be correct. Any subscriber requesting the testing of their meter shall make a written request and shall pay a charge of an amount set out in Schedule 'A' to cover the cost of said test. The charge shall be refunded to that Subscriber if the meter shows an incorrect measurement of more than five percent, otherwise the charge shall be retained by the Utility Board.
- e) In the event that a tested meter is found to have failed to register correct during any portion of the preceding billing period, the amount of water consumption for said period shall be taken to be either the same as that of the last previous billing period in which the meter was registered correctly or the same of the corresponding period in the next preceding year, which ever may be more advantageous to the Subscriber.
- f) When water has been turned off for non-payment rates or failure to protect the meters or pipes to the satisfaction of the Utility Board or for any other necessary or proper reason, no person, who is not duly authorized by the Utility Board to do so, shall turn it on again.

- g) The Subscriber shall not make any connection between the Utility Board's waterworks system and any other water supply system upstream from the air gap of the Subscriber's cistern.
- h) The Utility Board does not guarantee to a Subscriber the quantity, quality, pressure, or uninterrupted supply of the water supplied and the Subscriber shall hold the Utility Board harmless from all claims, losses and damages there from.
- i) The Utility Board shall not be liable for any losses, injury or damage caused by interruptions or disruptions in delivery of water service howsoever occasioned whether by reason of necessity or repair, maintenance, strikes, acts of God or other circumstances whatsoever.
- j) The Utility Board shall have the right to limit the amount of water furnished to any Subscriber upon reasonable notice to the Subscriber of such intended actions.
- k) If a Subscriber requests an increase or decrease in GPM demand to the Utility Board, an engineer has to be questioned by the Board on water availability. If there are adequate amounts of water, the request must be approved by the Board before undergoing the GPM change. Refer to the cost set out in Schedule 'A' regarding the GPM change for a new flow restrictor and engineering fee.
- l) The Utility Board reserves the right, at any time, to discontinue its service and remove the Utility Board facilities from a Subscriber's premises in any case where the operations of the Subscriber contravene any federal, provincial, or municipal law. In the event the Utility Board should elect to discontinue the supply of water for this reason, then the termination of supply shall occur without further formality effective as of the date indicated by the Utility Board in a notice to the Subscriber to that effect.
- m) Every Subscriber intending to vacate the premises supplied with the water from the waterworks system or who intends to discontinue the use of such water shall give notice of sale to the Utility Board and shall turn off the water valve below the meter or inside of the building before leaving.
- n) Any and all repairs or replacements to the rural water line, meter assembly, etc. that is on the Subscriber's property shall be subject to the Board's notification and inspection and all repairs or replacements shall be done by a journeyman plumber and be done at the Subscriber's expense with the Board supplying all meter assembly parts.

**5. Supply of Water Outside Boundaries**

Subject to the consent of the municipality or urban municipality in which the person resides, the Board may supply any person outside the boundaries of the member municipalities of the Utility Board with a connection to the Utility Board's Waterworks System and exercise all other powers necessary to carry out its agreement for the supply of the service with that person. Such persons shall pay the Capital Cost referred to in **Section ii) b) & d)** of this Bylaw prior to connection to the Waterworks System.

**6. Control, Supervise and Manage the Utility**

The Utility Board will control, supervise and manage the Waterworks Projects.

(S E A L)

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary/Treasurer

Certified a true copy of Bylaw No. **02-2018**  
adopted by resolution of the Board on  
the \_\_\_\_\_, **2018**

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary/Treasurer

(SEAL)

Rural #44 Water Pipeline Utility (R44WPU)

Eston, Saskatchewan

SCHEDULE 'A'

BYLAW NO. 02-2018

**Engineering Fee – 1 and 2. i) a).**

The Subscriber Engineering Fee shall be: \$1,000.00

**Subscription Deposit on Installation Cost – 2. i) a)**

The Subscription Deposit shall be: \$2000.00.

**Newcomer and Latecomers Penalty – 2. i) a)**

The Newcomer and Latecomers penalty shall be: \$1500.00 which is considered an engineering fee.

**Meter Testing – 3. i) d)**

Meter testing charge shall be: \$150.00.

**GPM Increase/Decrease – 3. i) k)**

New flow restrictor cost shall be: \$75.00 + engineering fee for specific request + *the Subscriber shall pay for a journeyman plumber to install the new flow restrictor.*



**CODE OF ETHICS**  
**RURAL 44 WATER PIPELINE UTILITY**  
**BYLAW NO. 03-2018**

**A BYLAW TO ESTABLISH A CODE OF ETHICS FOR BOARD MEMBERS**

**Short Title**

1. This Bylaw may be cited as the “Code of Ethics Bylaw”.

**Legal Requirement**

2. This bylaw has been created to comply with section 93.1 of *The Municipalities Act*.

**PART I**  
**CODE OF ETHICS**

**Code of Ethics for Members of the Utility Board**

**Preamble**

As members of the Utility Board, we recognize that our actions have an impact on the lives of all subscribers in the community. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards.

The quality of the public administration and governance of the Rural 44 Water Pipeline Utility, as well as its reputation and integrity, depends on our conduct as appointed officials.

**Purpose and Interpretation**

The purpose of this code is to outline basic ethical standards and values for members of the Utility Board. It is to be used to guide members of the Utility Board respecting what their obligations are when fulfilling their duties and responsibilities as appointed officials.

This code is to be interpreted in accordance with the legislation applicable to the municipality, the common law and the policies and bylaws of the municipality.

Neither the law nor this code is to be interpreted as exhaustive, and there will be occasions on which a board will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government.

It is the responsibility of each member of the board to uphold the standards and values set out in this code.

## **Standards and Values**

### ***a. Honesty***

Members of the Utility Board shall be truthful and open in their roles as board members and as a member of the community they serve.

### ***b. Objectivity***

Members of the Utility Board shall make decisions carefully, fairly and impartially.

### ***c. Respect***

Members of the Utility Board shall treat every person, including other members of the board, board employees and the public, with dignity, understanding and respect.

Members of the Utility Board shall not engage in discrimination, bullying or harassment in their roles as members of the Utility Board. They shall not use derogatory language towards others, shall respect the rights of other people and groups, shall treat people with courtesy and shall recognize the importance of the different roles others play in local government decision making.

### ***d. Transparency and Accountability***

Members of the Utility Board shall endeavour to conduct and convey board business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.

Members of the Utility Board are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission.

### ***e. Confidentiality***

Members of the Utility Board shall refrain from disclosing or releasing any confidential information acquired by virtue of their office except when required by law or authorized by the board to do so. Members shall not take advantage of or obtain private benefit from information that is obtained in the course of or as a result of their official duties or position and that is not in the public domain. This includes complying with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as members of the Utility Board.

### ***f. Leadership and the Public Interest***

Members of the Utility Board shall serve their constituents in a conscientious and diligent

manner and act in the best interests of the utility. A member shall strive, by focusing on issues important to the community and demonstrating leadership by focusing on issues important to the community.

Members of the Utility Board are expected to perform their duties in a manner that will bear close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing or unethical conduct.

***g. Responsibility***

Members of the Utility Board shall act responsibly and in accordance with the Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Municipalities Act*.

This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as members of the Utility Board, following policies and procedures of the municipality, and exercising all conferred powers strictly for the purpose for which the powers have been conferred. Every member of council is individually responsible for preventing potential and actual conflicts of interest.

## **PART II CONTRAVENTION OF THE CODE OF ETHICS**

### **Complaint Procedure**

3. As required by clause 93.1(5)(c) of *The Municipalities Act*, the following section details the procedure for handling contraventions of the code of ethics.
  - (a) To report an alleged contravention of the code of ethics, an individual or board member may submit the form found in Schedule A, by sending the form directly to the Secretary/Treasurer, by mail, e-mail, fax or courier. The complaint will then be presented to board at the next regular meeting of the Utility Board in an *in camera* session.
  - (b) Upon receipt of a complaint, the Utility Board shall discuss the complaint and take all necessary steps to ensure the complaint is valid.
  - (c) All discussions surrounding alleged and substantiated contraventions of this policy shall be conducted in an *in camera* session at a meeting of the Utility Board.
  - (d) If the claim is found to be substantiated, the Utility Board may, by resolution, impose an appropriate penalty detailed in 6(a) to (h) based on the severity of the contravention of the code of ethics.
    - (i) Any action taken by the Utility Board should include a time frame to complete the expected remedial action.

(e) The Utility Board shall inform the claimant, member of the Board, and any other relevant party of Boards decision, which includes:

- (i) Informing the claimant and member of Board that the complaint is dismissed, or
- (ii) Informing the complainant and member of Board of the corrective action and/or the measures taken to ensure the behavior or activity does not continue.

#### **Contravention during a Board Meeting**

4. If the Utility Board is of the opinion that a member has violated the code of ethics during a Board meeting, the Utility Board may require the member to remove themselves for the remainder of the Board meeting. The Utility Board may apply additional penalties based on the severity of the contravention.

#### **Remedial Action if Contravention Occurs**

5. Should a Member of the Utility Board breach any of the principles outlined in this code, the possible courses of action that are available to the Utility Board include but are not limited to:

- (a) An apology, either written and/or verbal, by the Member of the Utility Board to the impacted individual(s), Board, and/or the general public.
- (b) Educational training on ethical and respectful conduct.
- (c) Repayment of moneys/gifts received.
- (d) Removal of the Member from Utility Board.
- (e) Dismissal of the Member from a position of Chairperson of a Committee.
- (f) Reprimand.

### **PART VII**

#### **COMING INTO FORCE**

6. This bylaw shall come into effect on the day of its final passing.

{Seal}

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Chairman

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Secretary/Treasurer

Read a third time and adopted  
this \_\_\_\_ day of \_\_\_\_\_

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Secretary/Treasurer

**Schedule A  
Formal Complaint Form**

**Please note that knowingly signing a false affidavit may expose you to prosecution under the Criminal Code of Canada.**

I \_\_\_\_\_ of \_\_\_\_\_,  
*(First and Last Name) (Full mailing address)*

do solemnly swear that the following contents of this statement are true and correct and hereby request the board of the Rural 44 Water Pipeline Utility to look into whether or not the following member(s) of the Rural 44 Water Utility Board has (have) contravened the Code of Ethics:

\_\_\_\_\_  
*Member(s) of Utility Board name(s)*

I have reasonable and probable grounds to believe that the above member(s) has (have) contravened the Code of Ethics by reason of the following:

1. insert date(s), time and location of conduct;
2. include the sections of this bylaw that have been contravened;
3. provide the particulars and names of all persons involved, and of all witnesses;
4. provide contact information for all people listed;
5. any exhibits can be attached; and
6. if more space is required, please attach additional pages as needed.

\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*(Signature of Complainant)*

\_\_\_\_\_  
*(Date signed)*

**For Office Use Only**

\_\_\_\_\_  
*(Date filed)*

\_\_\_\_\_  
*(Signature of \_\_\_\_\_ (Secretary/Treasurer, or other applicable position pursuant to subsection 4(a) of the bylaw)*

**ADMINISTRATIVE BYLAW**  
**RURAL 44 WATER PIPELINE UTILITY**

**PHASE 1**

**BYLAW NO. 04-2018**

**A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF THE DUTIES AND  
POWERS OF THE SECRETARY/TREASURER AND DESIGNATED OFFICERS**

The board of the Rural 44 Water Pipeline Utility in the Province of Saskatchewan enacts as follows:

**Short Title**

1. This Bylaw may be cited as the “Administrative Bylaw”.

**PART I**  
**PURPOSE AND DEFINITIONS**

**Purpose and Scope**

2. The purpose of this bylaw is to:
  - (a) Establish the office of the Secretary/Treasurer or any other office that the Utility Board considers necessary; and,
  - (b) Establish who may sign specified documents on behalf of the utility; and
  - (c) Establish the powers, duties and function of board members and/or employees of the Utility.

**Definitions**

3. For the purpose of this policy, the following terms and words shall have the following meanings:
  - (a) “Act” means *The Municipalities Act*
  - (b) “Utility” means the Rural 44 Water Pipeline Utility
  - (c) “Secretary/Treasurer” means the Secretary/Treasurer of the Rural 44 Water Pipeline Utility appointed pursuant to Section 110 of *The Municipalities Act*.

**PART II**  
**SECRETARY/TREASURER**

**Establishment of Position**

4. The position of Secretary/Treasurer is established pursuant to section 110 of the Act.
  - (a) The Board shall by resolution appoint an individual to the position of Secretary/Treasurer

- (b) The Board shall establish the terms and conditions of employment of the Secretary/Treasurer
- (c) The Secretary/Treasurer shall be the Chief Administrative Officer of the Utility.

#### **Duties of the Secretary/Treasurer**

5. The Secretary/Treasurer shall perform the duties and exercise the powers and functions that are assigned by the *Act*, any other acts, this Bylaw, or any other bylaw or resolution of the Utility.

#### **Duties of the Secretary/Treasurer – The Municipalities Act**

6. Without limiting the generality of section 5 the Secretary/Treasurer shall:
  - (a) Take charge of and safely keep all books, documents and records of the Utility that are committed to his/her charge; (*MA 111*)
  - (b) Ensure all minutes of board meetings are recorded; (*MA 111*)
  - (c) Record the names of all board members present at board meetings; (*MA 111*)
  - (d) Ensure the minutes of each board meeting are given to the members of the board for approval at the next Utility board meeting; (*MA 111*)
  - (e) Advise the Utility Board of its legislative responsibilities pursuant to this or any other act; (*MA 111*)
  - (f) Ensure the safe keeping of the corporate seal, bylaws, minutes, funds, securities and any other records or documents of the Utility; (*MA 111*)
  - (g) Provide the minister with any statements, reports or other information that may be required by this Act or any other act; (*MA 111*)
  - (h) Ensure that the official correspondence of the Utility Board is carried out in accordance with the Utility Board's direction; (*MA 111*)
  - (i) Maintain an index register containing certified copies of all bylaws of the Utility; (*MA 111*)
  - (j) Deposit cash collections that have accumulated to (an amount determined by the Board that is equal to or less than the amount of the secretary/treasurer's bond), at least once a month, but not more than once a day, in the bank or credit union designated by the Utility Board; (*MA 111*)
  - (k) Disburse the funds of the Utility in the manner and to those directed by law, bylaw or resolutions of the Utility Board; (*MA 111*)
  - (l) Maintain an accurate account of assets and liabilities and all transactions affecting the financial position of the Utility in accordance with generally accepted accounting principles; (*MA 111*)
  - (m) Ensure that the financial statements and information requested by resolution are submitted to the Utility Board; (*MA 111*)
  - (n) Complete a financial statement for the preceding financial year in accordance with the generally accepted accounting principles for municipal governments recommended from time to time by the Canadian Chartered Accountants by June 1<sup>st</sup> of each year; (*MA 111, 185*)
  - (o) Bring forward any resignation(s) of Board Members; (*MA 96*)
  - (p) At the first meeting in January of each year provide bond(s) to Utility Board; (*MA 113*)

- (q) Sign minutes of Utility Board and Utility Board Committee meetings; (*MA 115*)
- (r) Sign bylaws; (*MA 115*)
- (s) Provide copies of public documents upon request or payment of fee; (*MA 117*)
- (t) Provide notice of first meeting of the Utility Board; (*MA 121*)
- (u) Call a special meeting when lawfully requested to do so; (*MA 123*)
- (v) Determine the sufficiency of a petition requesting a public meeting of subscribers; (*MA 129*)
- (w) Determine the validity of a petition for referendum (30 days to report to the Utility Board); (*MA 135*)
- (x) Record any abstentions or pecuniary interest declarations in the minutes; (*MA 144*)
- (y) Provide information to the Auditor; (*MA 190*)
- (z) Provide for payment of writ of execution against the municipality; (*MA 353*)
- (aa) Produce certain records upon request of inspector appointed by Minister; (*MA 396*)

#### **Additional Duties of the Secretary/Treasurer**

7. The Secretary/Treasurer shall:
  - (a) Ensure that Public Notice is given as provided in the Act, or any other act and/or as required by the board in this bylaw, any other bylaw or resolution.
  - (b) Ensure that the policies and programs of the Utility are implemented
  - (a) Advise, inform and make recommendations to the Board on the
    - i. operations and affairs of the Utility
    - ii. policies and programs of the Utility
    - iii. the financial position of the Utility
  - (b) Supervise all operations of the Utility
  - (c) Be responsible for the preparation and submission of the annual budget for the Board
  - (d) Monitor and control spending within program budgets established by the Utility.
  - (e) Make routine expenditures on a daily basis until the annual budget is adopted by the Utility Board.
  - (f) Call for tenders
  - (g) Purchase goods, services or work
  - (h) Award contracts
  - (i) Conduct negotiations for land purchases, annexations etc.
  - (j) Attend meetings of the Utility and other meetings as the Utility directs
  - (k) The Utility Board may delegate the authority for other matters excepting those listed in Section 127 which must be dealt with by the Utility Board.

### **PART III OTHER POSITIONS**



8. The Utility Board shall by resolution appoint all other employees that they feel the Rural 44 Water Pipeline Utility will need to get the job done.

**PART IV  
DELEGATION OF AUTHORITY**

9. The Utility Board hereby authorizes the secretary/treasurer to delegate any of his/her powers, duties or functions to another employee.

**PART V  
BOARD DOCUMENTS**

**Signing Agreements**

10. The Chairman or Vice-Chairman and the Secretary/Treasurer shall sign all agreements to which the Utility is party.

**Cheques**

11. The Secretary/Treasurer and the Chairman or in the absence of the Chairman, the Vice-Chairman, shall sign all cheques on the behalf of the utility.

**Negotiable Instruments**

12. The Secretary/Treasurer is required and the Chairman or in his absence the Vice-Chairman shall sign all other negotiable instruments on behalf of the utility.

**PART VI  
DESIGNATED OFFICERS**

**Right of Entry for Public Utility Service**

13. The Utility Board shall appoint the Secretary/Treasurer or any of its employees to enter a building or private property for the purpose of a public utility service. (MA 26(5)).

**PART VII  
COMING INTO FORCE**

14. This bylaw shall come into effect on the day of its final passing.

{Seal}

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary/Treasurer

Read a third time and adopted  
this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Secretary/Treasurer

( S E A L )

