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CAPITAL REGION NORTHEAST WATER SERVICES COMMISSION

ADMINISTRATIVE BYLAW

BYLAW NO. 2016-02

NOW THEREFORE, the Capital Region Northeast Water Services Commission, in the Province of Alberta, in an open meeting of the Commission duly assembled enacts as follows:

CITATION

1. This Bylaw is cited as the Capital Region Northeast Water Services Commission Administrative Bylaw.

DEFINITIONS

2. In this Bylaw,
 - (1) "Act" means Alberta *Municipal Government Act*;
 - (2) "Alternate Director" means a designated Director of the Member Municipality's Council to act as an alternative Director at meetings of the Board of Directors in the absence of an original Director;
 - (3) "Annual Board of Directors Meetings" means the Spring and Fall meeting of the Board of Directors;
 - (4) "Application" means a written application as provided for by this Bylaw;
 - (5) "Board" means the Board of Directors of the Commission;
 - (6) "Board of Directors" means the board of directors of the Commission which is comprised of two (2) members of Council of each of the member municipalities appointed by the Council of the respective member municipality in accordance with the regulations made pursuant to the Act;
 - (7) "Commission" means the Capital Region Northeast Water Services Commission;
 - (8) "Commission Manager" means that manager of the Commission as designated by the Board of Directors, in accordance with Section 3 of this Bylaw;
 - (9) "Co-op" means a group of acreage home owners have formed a Cooperative to jointly own and operate a water service as approved by the Commission;
 - (10) "Council" means the Council of the member municipality;

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- (11) "crossing" means any above ground, on ground, or below ground installation across the Commission's right-of-way.
- (12) "crossing agreement" means the agreement between the Commission and the applicant for the underground and surface crossings of the Commission's water supply lines and the right-of-way;
- (13) "customers" means the Member Municipalities and/or another Water Commission;
- (14) "delivery point" means the location of the physical connection to the Commission's water supply line for the purposes of providing water to the customer, as determined by the Commission Engineer;
- (15) "disestablishment" means the termination of the Commission and disposal of assets, pursuant to the Act;
- (16) "engineering standards" means the standards for water supply and connection, as approved by the Board of Directors, and revised from time to time;
- (17) "emergency" means an unexpected situation or sudden occurrence of a serious or urgent nature that demands immediate action;
- (18) "Fees and Charges Bylaw" means the fees, rates and charges established by the Commission that are applicable to services provided by the Commission;
- (19) "fill station" means the facility where the Commission delivers water to Member Municipalities or customers and shall meet the requirements of the Commission engineering standards;
- (20) "lands" any lands owned or occupied by the Commission;
- (21) "Member Municipality" means a municipal authority that is a member of the Commission and includes:
 - (a) The City of Fort Saskatchewan,
 - (b) Strathcona County,
 - (c) Sturgeon County,
 - (d) The Town of Bon Accord,
 - (e) The Town of Gibbons, and
 - (f) The Town of Redwater;
- (22) "meter" means the device utilized to measure the volume and flow rate provided to the customer and shall meet the requirements of the Commission's engineering standards;
- (23) "other water commissions" means another Regional Water Commission and includes:
 - (a) The John S. Batiuk Regional Water Commission; and

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(b) The Hwy 28/63 Water Services Commission.

- (24) "owner" means in the case of land, any person who is registered under the Land Titles Act as the owner of the land;
- (25) "person" means an individual, sole proprietorship, corporations, partnership, joint venture, co-operative or society;
- (26) "right-of-way" means those lands owned, leased, rented, or otherwise designated to the Commission for the construction and maintenance of the Commission's water supply lines and facilities;
- (27) "Robert's Rules of Order" means the most current edition of the Robert's Rules of Order;
- (28) "SCADA" means the electronic and instrumentation requirements outlined in the Commission's engineering standards;
- (29) "service envelope" means all parcels of land through which the Commission's transmission pipeline crosses;
- (30) "signing authorities" means the Chairman or in his absence the Vice-Chairman, together with the Treasurer or in his absence, the Commission Manager;
- (31) "special meeting" means a meeting other than the annual Spring or Fall meeting that is called by the Chairman to discuss or approve Commission operations;
- (32) "supply line" means the conduit owned and operated by the Commission for the transportation of water from the Commission's supply point to its' customers; .
- (33) "time" means either Mountain Standard Time, or Mountain Daylight Saving Time, whichever is proclaimed to be in effect by the Province of Alberta;
- (34) "type of service" means the classification of water service provided by the Commission and as outlined in the Commission's engineering standards;
- (35) "vault" means the facility where the Commission may require water pressure reduction and/or water volume metering and shall meet the requirements of the Commission's engineering standards;
- (36) "water reservoir" means the facility that provides water storage to meet the fluctuating demands of its' customers and shall meet the requirements of the Commission's engineering standards;
- (37) "water service application" means the application forms and drawings that are required to be filled out by the land owner; submitted to the member municipality who then submits to the Commission for consideration and approval as outlined in the Commission's engineering standards;
- (38) "water service connection" means the physical components required to form a link between the delivery point and the customer's facility for the purposes of delivery of

water to the customer and shall meet the requirements of the Commission's engineering standards;

- (39) "water supply agreement" means an agreement between the Commission and another body for the purposes of receiving or supplying water. This shall include, but not be limited to:
- (a) Other water commissions,
 - (b) EPCOR, or
 - (c) Strathcona County.

DELEGATION OF AUTHORITY

3. (1) The Board of Directors shall have the general direction and supervision of the affairs and business of the Commission.
- (2) The Board of Directors has the discretion to either:
- (a) appoint a member municipality to manage the day-to-day business of the Commission on such terms and at such remuneration as the parties agree to. The member municipality appointed shall act as the manager of the Commission and shall have the right to designate a person or persons from its staff as Commission Manager, Assistant to the Commission Manager, Treasurer, and Engineer; or
 - (b) appoint a third party to manage the day-to-day business of the Commission on such terms and at such remuneration as the parties agree to. The third party appointed by the Board of Directors shall act as the manager of the Commission and shall have the right to designate a person or persons from its staff as Commission Manager, Assistant to the Commission Manager, Treasurer, and Engineer; or
- (3) All member municipalities shall advise in writing to the Commission Manager of its recommended appointments to the Commission following their annual organizational meeting of Council.
- (4) The Commission Manager may delegate any duty, or responsibility of the Commission to an employee or agent of the respective member municipality.
- (5) The Commission Manager shall receive and consider applications to connect to the water supply or to cross the water line including the power to consult with, obtain information from, and verify information with other employees or agents, other governments, government agencies, or persons as outlined in this Bylaw.

APPLICATION -CROSSING THE SUPPLY LINE

4. (1) An application to cross the Commission's supply line or right-of-way shall be made in writing on a form to be provided by the Commission and shall be in accordance with the Commission's engineering standards and Commission's Fees and Charges Bylaw.

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- (2) Any person or persons requesting permission to cross the Commission's pipelines shall complete an application for crossing for approval as outlined in the Commission's engineering standards prior to commencing such crossing.
- (3) Every owner, or occupier of land, who, for the purpose of entering the land is required to drive any vehicle across a right-of-way, shall, where required by the Commission Manager, cause to be constructed an access so designed and maintained as in the opinion of the Manager to be suitable for vehicles using the crossing.
- (4) No person may construct a construction access or temporary access until the owner of the land has obtained an executed crossing agreement.
- (5) Subject to Section 4(2) and 4(4) no persons may complete repairs to any crossing until the owner of the land has received written approval by the Manager.
- (6) Failure to return a crossing agreement for execution by the Commission within 60 working days from the time the crossing agreement was mailed to the applicant will result in the application being considered null and void.
- (7) Subject to section 4(6), if the applicant fails to return the crossing agreement for execution within 60 working days and the application becomes null and void, the applicant will need to make a new application with corresponding fees and charges.

APPLICATION -CONSTRUCTION & EXCAVATION

5. (1) An application for construction or excavation within the Commission's supply line right-of-way shall be made in writing on a form to be provided by the Commission and shall be in accordance with the Commission's engineering standards.
- (2) No person may repair, construct, add to, or dismantle any portion of a right-of-way without first obtaining written approval to do so from the Commission Manager.
- (3) No person may, unless he has first obtained written approval from the Commission Manager, perform construction or maintenance work on any portion of the right-of-way if the work involves:
 - (a) Excavation of the right-of-way, or
 - (b) Non-excavation work that interferes with the right-of-way.
- (4) No person shall make, place, or allow an obstruction of any kind in, upon, or above, any of the said lands of the Commission unless authority granted by the Commission Manager pursuant to an approved permit being issued.
- (5) No person may excavate in, or under, any Commission right-of-way or service envelop without first submitting a complete application to excavate, along with the fees as set out in the Commission's current Fees and Charges Bylaw and receiving approval by the Commission Manager prior to excavating.

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- (6) Pursuant to Section 5(2), 5(3), 5(4) and 5(5) the Commission Manager shall revoke the said agreement or approval without prior notice and require the right-of-way to be restored to the satisfaction of the Commission Manager.
- (7) In addition to a penalty being levied for performing work without a permit as outlined in the Commission's Fees and Charges Bylaw, all work is subject to immediate stoppage and all costs incurred in making the right-of-way passable shall be paid for by the person(s) performing the work.
- (8) The applicant for the excavation permit shall remit a security deposit or irrevocable letter of credit as deemed necessary by the Commission Manager, to be held until such time as the terms and conditions of the excavation have been completed to the satisfaction of the Commission Manager or to rectify unsatisfactory restoration of the lands.
 - (a) Subject to Section 5(8), the security deposit or irrevocable letter of credit shall be 100% of the construction value unless otherwise negotiated with the Commission Manager.
- (9) The Commission may rectify unsatisfactory restoration work and the cost of such work shall be deducted from the said security deposit or irrevocable letter of credit as outlined in Section 5(8).
- (10) In every case where an approval for excavation has been granted, the holder of the agreement shall take such care and precautions as may be necessary to ensure the protection and safety of the public, be responsible for any and all accidents or damages that occur to any person or property by reason of the excavation, and shall restore the said lands to its condition prior to the commencement of excavation in such manner as shall be directed or approved by the Commission Manager.
- (11) Failure to return the agreement for execution by the Commission within 60 working days from the time the agreement was mailed to the applicant will result in the application being considered null and void.
 - (a) Subject to Section 5(11), if the application becomes null and void, the applicant will need to make a new application with corresponding fees and charges.
- (12) A utility company may proceed with an excavation prior to obtaining a permit required by this section, if the situation is deemed to be an emergency and necessary to restore service to the public. The Commission Manager shall immediately be notified of any such emergency.

APPLICATION -WATER SERVICE

- 6.
 - (1) An application for water service shall be made in writing on a form to be provided by the Commission and shall be in accordance with the Commission Engineering Standards and Commission's Fees and Charges Bylaw.
 - (2) The application for water service shall be made by the owner of the land to the member municipality.
 - (3) The member municipality shall be the municipality to which the person pays its taxes.

- (4) Once an application is approved by the Commission, the applicant will have two years from the original date of the application to complete the connection.
- (5) Subject to Section 6(4) if the applicant fails to complete the application within two years from the original date of the application, the application will be deemed null and void.
 - (a) Subject Section 6(5) if the original application is deemed null and void, however the applicant still wishes to pursue a connection, a new application and corresponding fees will be required by the Commission.

APPLICATION -WATER SUPPLY

- 7. (1) An application for water supply shall be made in writing and will be in accordance with the Water Supply Agreement.

APPLICATION -GENERAL

- 8. (1) Fee(s) for an application shall be those as set out in the Commission's "Fees & Charges Bylaw".
- (2) The Commission Manager shall consider each complete application.
- (3) The Commission Manager shall grant approval to an applicant if the applicant meets the requirements of this Bylaw, or any other Bylaw of the Commission and the Commission's Engineering Standards.
- (4) The Commission Manager may impose conditions on the applicant as outlined in the Commission's Engineering Standards.
- (5) The Commission Manager has the right to refuse an application if:
 - (a) the information contained within an application is deemed to be false or incomplete,
 - (b) the applicant commences work prior to the approvals being obtained, or
 - (c) the applicants actions threatens to cause damage to the Commission's water supply or the line.
- (6) The Commission Manager has the right to revoke or suspend the application immediately if:
 - (a) the information contained within an application is deemed to be false,
 - (b) the applicant commences work prior to the approvals being obtained, or
 - (c) the applicants actions threatens to cause damage to the Commission's water supply or the line.
- (7) Subject to Subsection (6) the Commission Manager shall refuse to re-instate a revoked or suspended application if the reasons for revoking or suspending the application have not been satisfied.

- (8) The Commission Manager may carry out inspections to ensure the condition(s), operation(s) and work has been completed as outlined in the conditions.
- (9) An approval, if issued, shall be null and void if payment for services was made by means of a non-negotiable document.
- (10) An approval by the Commission does not relieve the owner from the obligation to obtain any other permit, license or other approval that may be required under another Bylaw of the Commission or any other government authority.

ENGINEERING STANDARDS

- 9. (1) The Commission shall follow the Engineering Standards as adopted by the Commission and as revised from time to time.

FINANCIAL

- 10. (1) The Commission's financial year shall be the calendar year.
- (2) The Commission must adopt an operating and capital budget for each calendar year.
- (3) The Commission Manager is granted authority under this bylaw to amend the Operating and/or Capital budgets to a maximum of \$50,000. The Commission Manager will subsequently advise the Board of Directors of these budget amendments at the next scheduled Board of Directors meeting.
- (4) The Commission must adopt a set per diem and kilometerage rate for the Board of Directors of Directors for each calendar year.
- (5) The Commission must submit its financial information return and audited financial statements to the Minister of Municipal Affairs and each member of the Commission by May 1st of the year following the year for which the return and statements have been prepared.
- (6) In the event of the disestablishment of the Commission and the liquidation of its capital assets the following shall apply:
 - (a) The amount received for the capital assets in excess of any required repayments of provincial grants and the complete discharge of all associated debts and liabilities would be distributed to the members based on the member's contributions of those assets to the Commission.
 - (b) The distribution of any accumulated surplus in operating funds or reserves after the settlement of all operating liabilities would be based on member's proportionate contribution to those balances as determined by the water consumption for the prior ten years.
 - (c) The intent of this clause is to recognize the right of longer-term Commission members to a greater share of assets on dissolution than more recent members. This clause does not extend to the responsibilities of the member municipalities should the disestablishment of the Commission result in an outstanding liability.

- (d) In the event that a disestablishment of the Commission were to be pursued after it were determined that such a disestablishment would result in an outstanding liability, the responsibility for the outstanding liability would need to be determined as part of the disestablishment agreement.

MEETING OF THE BOARD OF DIRECTORS

11. (1) The Board of Directors shall meet at least twice annually, in the Spring, and in the Fall, and such other times as directed by the Chairman of the Board of Directors or as requested by a majority of the Directors of the Board of Directors.
- (2) The annual spring meeting of the Commission shall be held within one hundred and twenty (120) days of the end of the fiscal year.
- (3) The Board of Directors shall conduct its meetings in public unless a matter to be discussed is within one of the exceptions to disclosure in accordance with the Freedom of Information and Protection Privacy Act.
- (4) The quorum required for all meetings of the Board of Directors shall be at least fifty (50%) percent of the directors of the Board of Directors.
- (5) The Board of Directors shall, at its annual fall meeting" appoint a Chairman and a Vice-Chairman of the Board of Directors. In the event that the Chairman or Vice-Chairman cannot fulfill their responsibilities, the Commission Manager may appoint an interim Chairman and Vice-Chairman until such time as the Board of Directors meets to appoint a new Chairman or Vice-Chairman.
- (6) The Commission must provide the Minister of Alberta Municipal Affairs with the name of each director, alternate director and its' Chair.
- (7) The Board of Directors shall, at its annual fall meeting", appoint an auditor.
- (8) The Chairman, a majority of the Board of Directors, or the Commission Manager may invite consultants or other officials to attend meetings of the Board of Directors.
- (9) The order of business at any meeting of the Board of Directors shall include but not be limited to:
- i. Call to Order;
 - ii. Adoption of Agenda;
 - iii. Adoption of Minutes;
 - iv. Delegations/Presentations;
 - v. Business Arising Out of Minutes;
 - vi. Correspondence;
 - vii. Reports;
 - viii. New Business;
 - ix. Questions of Members of Commission and Administration;
 - x. Establishment of the next meeting date;
 - xi. Adjournment.

- (10) At all meetings of the Board of Directors, within fifteen minutes of the scheduled meeting, if there is a quorum present, the Chairman, or in his/her absence, the Vice-Chairman, shall call the meeting to order.
- (11) Unless this Bylaw otherwise provides, if the Chairman or Vice-Chairman are not present within fifteen (15) minutes after the time appointed for the meeting and there is a quorum present, the Commission Manager or the Secretary-Treasurer shall call the meeting to order and a Chairman for that meeting shall be chosen from the directors of the Board of Directors present and such designated Chairman shall preside over the meeting or until the arrival of the Chairman or Vice-Chairman.
- (12) The Chairman shall preserve order and shall decide all questions of order.
- (13) Any question of procedure arising at a meeting shall be determined in accordance with Robert's Rules of Order, unless these bylaws otherwise provide.
- (14) Any motion arising at a meeting of the Board of Directors shall be decided by a majority of the directors of the Board of Directors present at such meeting. Each director of the Board of Directors present at a meeting of the Board of Directors shall have one vote on all questions raised at such meeting. Directors of the Board of Directors shall vote by raising of the hand in a clear manner as to be easily counted by the Chairman. The Chairman shall decide whether the motion has carried, carried unanimously or defeated.
- (15) A motion does not require a seconder.

WATER SERVICE AND SUPPLY

- 12. (1) The Commission supplies water to its member municipalities and other water commissions.
 - (a) Water service off the Commission's supply line shall be the responsibility of the Commission.
 - (b) Water service beyond the supply line will be according to the policy of the local municipality where the development is located.
- (2) Water service shall be in accordance with the Commission engineering standards.
- (3) All water leaving the supply line shall be metered.
- (4) The Commission's system is a "supply line". Its primary function is to deliver water from the approved sources to the member municipalities. It is available as a "source of water" to the rural municipalities to serve their rate payers enroute that are providing Right-of-Way for the supply line and satisfy the criteria and development guidelines of the rural municipalities and subject to the Commission's engineering standards.
- (5) Water service will be available to an existing farmstead or an existing acreage residence within the service envelope providing they satisfy the criteria and development guidelines of the local rural municipalities and subject to the Commission's engineering standards.

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- (a) Subject to Section 12(5), approvals for such applications shall be made by the Commission Manager.
- (6) Water will be available to all other developments including but not limited to multiple residential, commercial, industrial, processing facilities, and agriculture facilities within the service envelope providing they satisfy the criteria and development guidelines of the local rural municipalities and subject to the Commission's engineering standards.
 - (a) Subject to Section 12(6) the approval for such application shall be made by the Board of Directors.
- (7) Subject to Section 12(4), 12(5) and 12(6), the Commission shall not be responsible to provide water for fire protection.
- (8) The Commission shall be responsible for the overall Administration of the system including:
 - (a) Providing water supply directly off the Commission's line.
 - (b) All service connections or supply mains leading off the line.
 - (c) Processing applications from the local municipality in accordance with the water supply application.
 - (d) Conducting a meter audit on an as required basis.
 - (e) Invoicing and collection of accounts from local municipalities and other water commissions for all water metered for the time period covered by the invoice, and such invoice shall be paid within 10 days of receipt of same. Overdue accounts are subject to a surcharge as outlined in the Commission's current Fees & Charges Bylaw.
 - (f) The Commission will remit to the supplier, payments for water delivered to the Commission, and its customers, on the basis of the Water Supply Agreement.
- (9) Water supply beyond the Commission supply line will be the responsibility of the local municipality and/or other Water Commission and shall include:
 - (a) Retailing water within its municipal boundary.
 - (b) Completing applications in accordance with Water Supply Agreement and submitting to the Commission Manager for approval.
 - (c) Approving plans for the portion of the service lines between the Commission Right-of-Way and the customer.
 - (d) Inspecting and approving the service connection installation between the Commission right-of-way and the customer.
 - (e) Recording the service connection installation.
 - (f) Invoicing and collection of accounts.

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- (10) All meters directly off the supply line shall be supplied, owned, installed and maintained by the member municipality. Meters used by a "co-operative" beyond the master meter at the main service line for the benefit of its own operations will not be officially recognized by the Commission.
- (11) Authorized employees of the Commission may, without notice, shut off the water supply from the line or from any portion thereof when an emergency in any form whatsoever renders such action necessary and/or expedient.
- (12) When it is intended to shut off water supply for any reason of a routine or non-emergent nature, reasonable notice of such intention shall be given to the member municipality who in turn will advise their consumers affected by such shut off.
- (13) Whenever leakage on private service pipes constitutes a waste of water, whether same is metered or unmetered, the Commission shall, after reasonable notice has been given, shut off the supply.
- (14) No cause for claims shall be deemed to have been created by reason of any stoppage or interruption of flow.
- (15) The Commission shall not be liable for losses or claims arising from the shutting off of water, whether the shut off was due to an emergent or a non-emergent reason.
- (16) Water supply may be shut off from any premises if any water rates or charges remain unpaid for fifteen days after such became due and payable, and the supply will remain shut off until all outstanding sums have been paid in full or until satisfactory arrangements have been made for the payment thereof.

GENERAL

- 13. (1) Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this bylaw be found to have been improperly enacted for any reason, then such section or part shall be regarded as severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.
- (2) Wherever the singular, plural, masculine, feminine or neuter is used throughout this Bylaw the same shall be construed as meaning the singular, plural, masculine, feminine, neuter, body politic or body corporate where the fact or context so requires the provisions hereof.
- (3) The insertion of headings is for convenience of reference only and shall not be construed so as to affect the interpretation or construction of this Bylaw.

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ENACTMENT

14. (1) The existing Commission Administrative Bylaw 2015-02 signed and dated November 26, 2015 is hereby repealed.
- (2) Bylaw 2016-02 shall become effective upon approval of the Board of Directors.

**ADOPTED BY THE CAPITAL REGION NORTHEAST WATER SERVICES COMMISSION
THIS 7th DAY OF SEPTEMBER, 2016.**


COMMISSION CHAIRMAN


COMMISSION MANAGER